

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 63/2019
[2019] NZSC 89

BETWEEN FREDRICK HILL
 Applicant

AND MĀORI TRUSTEE
 Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: Applicant in person
 C M Reuhman for Respondent

Judgment: 19 August 2019

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

Introduction

[1] Mr Hill seeks leave to appeal from a decision of the Court of Appeal striking out his appeal for non-payment of security for costs.¹

Background

[2] The appeal struck out by the Court of Appeal relates to a judgment declining Mr Hill's application to set aside a bankruptcy notice.² This matter arises in the context of a long-running dispute between Mr Hill and the Māori Trustee. The

¹ *Hill v Māori Trustee* [2019] NZCA 243 (French, Miller and Wild JJ) [CA judgment].

² *Māori Trustee v Hill* [2017] NZHC 2377.

background to this dispute is set out in this Court’s earlier judgment declining leave to appeal from an earlier judgment of the Court of Appeal concerning the payment of security for costs.³

[3] In determining the appeal should be struck out, the Court of Appeal noted the “extensive procedural history” relating to security for costs.⁴ The Court recorded the submission for the Māori Trustee that the “lengthy delays” in the proceeding “have caused significant prejudice to the Māori Trustee and the beneficial owners” affected by the underlying dispute.⁵ The Court also observed that Mr Hill’s position before the Court was that he was “unable to say when” security would be paid.⁶

[4] Against this background the Court said:

[6] The Court has already held that there is no reason why the Māori Trustee should not have the benefit of security for costs. We are not prepared to reopen the questions whether they ought to be paid, or whether they ought to be reduced.

[5] The application to strike out the appeal was accordingly granted.

The proposed appeal

[6] No question of general or public importance arises out of the approach taken.⁷ Nor does anything raised give rise to the appearance of a miscarriage of justice.⁸ Mr Hill’s submissions are primarily directed to other matters such as the approach taken by the legal aid authorities and the Māori Trustee. The proposed appeal would not challenge any matter of principle arising from the decision to strike out the appeal.

[7] The application for leave to appeal is dismissed. In the circumstances we make no order as to costs.

Solicitors:
Te Tumu Paeroa, Wellington for Respondent

³ *Hill v Māori Trustee* [2019] NZSC 3 at [2]–[4].

⁴ CA judgment, above n 1, at [3].

⁵ At [4].

⁶ At [5].

⁷ Senior Courts Act 2016, s 74(2).

⁸ *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) PRNZ 369 at [4]–[5].