

IN THE SUPREME COURT OF NEW ZEALAND

SC 13/2015
[2015] NZSC 54

BETWEEN

PROPRIETORS OF WAKATŪ
First Applicant

RORE PAT STAFFORD
Second Applicant

RORE PAT STAFFORD, PAUL TE POA
KARORO MORGAN, WAARI
WARD-HOLMES and JAMES
DARGAVILLE WHEELER, as Trustees
of TE KĀHUI NGAHURU TRUST
Third Applicants

AND

ATTORNEY-GENERAL
Respondent

Court: Elias CJ, Glazebrook and Arnold JJ

Counsel: A R Galbraith QC, K S Feint and M S Smith for Applicants
D J Goddard QC, J R Gough and J M Prebble for Respondent

Judgment: 8 May 2015

JUDGMENT OF THE COURT

- A** The application by the first, second and third applicants for leave to appeal the judgment of the Court of Appeal delivered on 19 December 2014 in *Proprietors of Wakatū v Attorney-General* [2014] NZCA 628, [2015] 2 NZLR 298 is granted.
- B** The cross-application by the respondent for leave to appeal against the finding of the Court of Appeal that the second applicant, Rore Pat Stafford, had standing to bring the proceeding is granted.

C The approved grounds are:

- 1 Is the Crown in breach of duties arising out of the terms of the reservations from the land granted to the New Zealand Company in respect of its Nelson settlement and Western Te Tau Ihu?**
- 2 If so, are rights to seek relief for breach of such duties subject to defences available to the Crown through lapse of time?**
- 3 If not, do the three applicants each have standing to bring civil proceedings for breach of such duties against the Crown?**
- 4 If so, what relief is appropriate?**
- 5 Is relief barred by the terms of s 25 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Atiawa o Te Waka-a-Māui Claims Settlement Act 2014?**

D The appeal is set down for hearing in the Supreme Court for the four days beginning 12 October 2015.
