

**IN THE MAORI APPELLATE COURT OF NEW ZEALAND  
WAIKATO-MANIAPOTO DISTRICT**

**A20140008597  
Appeal 2014/7**

UNDER Section 58, Te Ture Whenua Maori Act  
1993

IN THE MATTER OF Part Parish of Whangape Lot 15B and  
Parish of Whangape Lot 15C

BETWEEN JANICE MYRELLE SANDERS  
Appellant

AND ESSIE KING & 23 ORS  
Respondents

Coram: Chief Judge W W Isaac  
Judge P J Savage  
Judge M P Armstrong

Counsel: A Poole & B O'Callahan, counsel for the Appellant  
K Littlejohn, counsel for the Respondents

Date: 1 October 2014

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**DECISION FOR WAIVER OF SECURITY FOR COSTS**

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**Chief Judge Isaac**

[1] On 4 September 2014 I issued a minute at 2014 Chief Judge's MB 422 directing that the Appellant pay security for costs of \$1,000 by 13 October 2014.

[2] On 24 September 2014, Alice Poole, counsel for the Appellant filed an application pursuant to regulation 7(1)(a) of the Māori Land Court Fees Regulations 2013 seeking a waiver for security for costs.

[3] Counsel has advised there has been no grant of legal aid and relies on the grounds advanced below to support waiver for security for costs:

- a) The Estate has no funds available to it. Outstanding debts incurred in the 17 year administration of the Estate total approximately \$200,000. The ability of the Estate to satisfy its debt is dependent on the outcome of this appeal;
- b) The appeal case is an important and exceptional case because it deals with the application of the Te Ture Whenua Māori Act to Estates containing Māori land. The decision in respect of the interpretation of s104 can have a far reaching effect, is an issue of public interest, and has not been previously considered at any level;
- c) The executors of other Estates containing Māori land may not have the resources to test the important interpretation issue, and thus it is in the interests of the wider public that this case proceed; and
- d) The interpretation of s104 will impact on the development and management of Māori land.

[4] Having considered the application, I am not inclined to waive the security for costs. Whilst the appeal does raise important points of law that in itself does not support the waiver of security for costs. Furthermore, there is no evidence that the Appellant is suffering financial hardship or indeed other evidence which might

suggest the Appellant be given leniency. In fact, certain grounds made to support the application for the waiver suggest otherwise.

[5] My prior direction of 4 September 2014 remains and the Appellant is to pay security for costs of \$1,000 by 13 October 2014.

[6] Should payment not take place as directed, the appeal is to be referred to me for dismissal.

A copy of this minute is to be sent to counsel and the parties to the Appeal.

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W W Isaac  
**CHIEF JUDGE**