

**THE JUDICIAL COMMITTEE OF THE
ANGLICAN CHURCH IN AOTEAROA,
NEW ZEALAND AND POLYNESIA**

UNDER Title C, Canon IV of the Canons of the Church

BETWEEN THE RIGHT REVEREND TE KITOHI WIREMU
PIKAAHU
Appellant

AND TE RŪNANGA WHĀITI
Respondent

AND BETWEEN THE VENERABLE KATENE ERUERA and THE
VENERABLE DOCTOR LYNDON DRAKE
Appellants

AND TE RŪNANGA WHĀITI
Respondent

Appearances: B Dickey and TeUranga Royal for the Appellants
M K Mahuika and T N Hauraki for the Respondent

In attendance: the Rev'd Canon Michael Hughes as Secretary

Decision: On the papers, 29 November 2024

DECISION OF THE JUDICIAL COMMITTEE
[AS TO COSTS]

[1] In our decision of 12 November 2024 we reserved the questions of cost for written submissions by the parties and a decision on the papers.

[2] We have now received a joint memorandum inviting us to make an order as to costs by consent.

[3] Counsel have agreed to use the “2B scale” of the High Court Rules 2016 as it applies to a judicial review proceeding with the specific scale being category 2 and Band B:-

- a. Proceedings of average complexity requiring counsel of skill and experience considered average in the High Court; and
- b. When a normal amount of time is considered reasonable.

[4] Using that scale the parties have agreed to costs for the appellants of \$28,022.75 with allowance made for two counsel at the hearing.

[5] They seek an order by consent accordingly.

[6] The method used by counsel to calculate an appropriate award of costs seems appropriate to us as does the analogy with a judicial review proceeding.

[7] We accordingly make an order of costs in favour of the appellant and direct the respondent to pay to the appellant costs in the sum of \$28,022.75, by consent.

[8] There having been no notice to the parties of the possibility of an order towards the costs of the calling together and meeting of the Committee we make no order, but we do give notice of that possibility for the future in appropriate cases, given members come from different countries and the costs of travel, accommodation and the hiring of rooms for a hearing with associated expenses is not insignificant.

Members of the Committee

Bishop Richard Ellena

Judge Chris Harding (chair)

Rev Pania Houkamau-Ngaheu

Justice Walton Morgan

Rev Joel Rowse

Mr Alex Twaddle

Signed for and on behalf of the Committee

A handwritten signature in black ink, appearing to be 'CJ Harding', written in a cursive style.

CJ Harding (Chair)