

**I TE KOOTI WHENUA MĀORI O AOTEAROA  
I TE ROHE O TE WAIARIKI***In the Māori Land Court of New Zealand  
Waiariki District***AP-20260000003407****WEHENGĀ**  
*Under*

Section 79, Te Ture Whenua Māori Act 1993

**MŌ TE TAKE**  
*In the matter of*

Part Ngatimanawa B4 block

**I WAENGĀ I A**  
*Between***PROPRIETORS OF NGATIMANAWA  
INCORPORATED**  
Ngā kaitono  
*Applicants***ME**  
*And***DANIEL CLIFFORD ROBERTS**  
Te kaiurupare  
*Respondent***Kōtitanga:**  
*Hearing*15 Hūrae 2026, 380 Waiariki MB 106-121  
(Heard at Rotorua)**Kanohi kitea:**  
*Appearances*

C Bidois and P Wilson for Applicant

**Whakataunga:**  
*Judgment date*

28 August 2026

---

**TE WHAKATAUNGA A Ā TE KOOTI HĀNGAI KI TE UTU RŌIA***Judgment of the Court as to Costs*

---

Copies to:

C Bidois and P Wilson, JB Morrison Lawyers, PO Box 1742, Rotorua 3040, [Curtis.bidois@jb Morrison.com](mailto:Curtis.bidois@jb Morrison.com);  
[Paula.wilson@jb Morrison.com](mailto:Paula.wilson@jb Morrison.com)

**Hei tīmatanga kōrero***Introduction*

[1] On 15 July 2026 I granted an injunction and an order for the recovery of land in favour of the Proprietors of Ngatimanawa Incorporated (the Proprietors), against Daniel Clifford Roberts.

[2] While Mr Roberts did not attend the hearing, he was properly served, notified, and therefore remains liable for costs.

[3] At the hearing, I invited counsel for the Proprietors to file submissions as to costs. These were provided to Mr Roberts who informed the court that he was opposed.

**Ngā kōrero a te Kaitono***Applicant's submissions*

[4] The Proprietors submit that they were entirely successful in obtaining the injunction and that there are no factors to displace the ordinary presumption of costs following the event.

[5] The Proprietors submit that the proceedings were not premature, in that a trespass notice was served on Mr Roberts, who chose to ignore that notice. Further, in spite of the trespass notice, Mr Roberts moved further dwellings onto the land in breach of the notice. The Proprietors say that they were required to invoke the Court's jurisdiction to protect their interests and obtained enforceable relief.

[6] The costs sought are 80% of costs that were actually or reasonably incurred. The actual costs amounted to \$14,533.16, as detailed in three invoices submitted to the court. Therefore, costs in the amount of \$11,626.53, being 80% of actual costs, are sought by the Proprietors.

**Ngā kōrero a te Kaiurupare***Respondent's submissions*

[7] The submissions filed on behalf of the Proprietors were sent to Mr Roberts by way of email by the Pae Tukutuku on 28 July 2026.

[8] A response was provided by Christine Hawea, ostensibly on behalf of Mr Roberts, stating that he does not intend on paying any fees incurred by the Proprietors, and that it is their responsibility to pay their own legal costs.

**Te Ture***The Law*

[9] Section 79(1) of the Te Ture Whenua Māori Act 1993 (the Act) provides a broad jurisdiction to the Court to grant costs in any proceeding. In *Samuels v Matauri X Incorporation*, the Court established a two-stage approach in relation to determining costs.<sup>1</sup> The first question being should costs be awarded. If the answer is yes, then the Court moves to consider the quantum.<sup>2</sup>

[10] As to the award of costs, the established principles are as follows:<sup>3</sup>

- (a) The Court has an absolute and unlimited discretion as to costs;
- (b) Costs normally follow the event;
- (c) A successful party should be awarded a reasonable contribution to the costs that were actually and reasonably incurred;
- (d) The Māori Land Court has a role in facilitating amicable, ongoing relationships between parties involved together in land ownership, and these concerns may sometimes make awards of costs inappropriate. However, where litigation has been conducted similarly to litigation in the ordinary Courts, the same principles as to costs will apply; and
- (e) There is certainly no basis for departure from the ordinary rules where the proceedings were difficult and hard fought, and where the applicants succeeded in the face of serious and concerted opposition.

[11] With regard to the level of costs, the principles have also been summarised in *Samuels v Matauri X Incorporation* as follows:<sup>4</sup>

---

<sup>1</sup> *Samuels v Matauri X Incorporation – Matauri X Incorporation* (2009) 7 Taitokerau Appellate 216 (7 APWH 216).

<sup>2</sup> Above at [9].

<sup>3</sup> Above at [10]; recently upheld in *Tana v Mahanga – Pukekahakaha East 5B* [2026] Māori Appellate Court MB 392 (2026 APPEAL 392).

<sup>4</sup> Above at [13].

- (a) The Court has a broad discretion;
- (b) The Court should look to what is just in the circumstances and in doing so should have regard to the nature and course of the proceedings; the importance of the issues; the conduct of the parties and whether the proceedings were informal or akin to civil litigation;
- (c) If a party has acted unreasonably – for instance by pursuing a wholly unmeritorious and hopeless claim or defence – a more liberal award may well be made in the discretion of the Judge, but there is no invariable practice;
- (d) Where the unsuccessful party has not acted unreasonably. It should not be penalised by having to bear the full party and party costs of his/her adversary as well as their own solicitor and client costs;
- (e) The Court's discretion as to the level of contribution is a broad one but a reasonable contribution will seldom be as little as 10% and a contribution as large as 80% or 90% will seldom be reasonable on an objective analysis;
- (f) Where proceedings involve counsel and are comprehensively pursued and contested within a relatively formal framework in a similar manner to civil litigation then an award of costs should be made.

### **Kōrerorero**

#### *Discussion*

[12] The starting point is that the Court has an absolute and unlimited discretion as to costs, which normally follow the event. A successful party should be awarded a reasonable contribution to the costs, and I see no reason to depart from this principle.

[13] As to the level of costs, the primary submission is that the Proprietors acted reasonably, which is to be viewed in light of Mr Roberts' unreasonable conduct.

[14] As to Mr Roberts' conduct, it has been summarised as follows:

- (a) Mr Roberts was on notice of the Proprietors' position after service of a trespass notice;
- (b) Mr Roberts chose to ignore that notice, and moved further dwellings onto the property in spite of that notice;
- (c) After proceedings commenced, Mr Roberts was properly served on 29 March 2026;
- (d) Mr Roberts failed to appear; failed to seek an adjournment; and failed to provide any explanation for his non-compliance with the trespass notice; and
- (e) Mr Roberts non-appearance did not reduce the work required to obtain relief.

[15] While not set out in any opposition, I suspect that it is likely that Mr Roberts would refute some of the asserted failures. Having reviewed various correspondence on the file, it appears that there was some effort to seek an adjournment. However, there are some issues with the way in which an adjournment was sought:

- (a) On 29 June 2026 Christine Hawea sends an email to the Registry's generic email address;
- (b) the subject heading of the email is "Re: Messina Te Au Roberts Birth certificate and Death certificate";
- (c) neither the subject or the contents of the email refer to the application number, nor to the date of hearing; and
- (d) there was no request for an adjournment.

[16] A further email was sent by Christine Hawea on 16 July 2026, the day after the hearing, seeking an adjournment for the hearing that had taken place on 15 July 2026.

[17] Irrespective of Mr Roberts' limited efforts of engagement with the Court, I am satisfied that his conduct was unreasonable. He ignored a trespass notice, and by doing so

assumed the risk of legal proceedings. But for Mr Roberts' conduct in being on the land without the Proprietors' consent, they would not have incurred the legal costs that followed.

[18] Counsel submits that *Pasma v Daley – Nuhaka 2D2G12A2E2*<sup>5</sup> is relevant as to the quantum of costs where an injunction is granted. In this case the Court determined that 80% of actual costs was appropriate, and I see no reason to depart from this precedent.

### **Kupu Whakatau**

#### *Decision*

[19] Per s 79 of Te Ture Whenua Māori Act 1993, I grant an order that the Respondent, being Daniel Clifford Roberts, pay costs to the Proprietors of Ngāti Manawa Incorporated in the amount of \$11,626.53.

I whakapuakina i te 2:30pm i Rotorua, i te tekau mā waru o ngā rā o Ākuhata i te tau 2026.  
*Pronounced at 2:30pm in Rotorua, this 28<sup>th</sup> day of August 2026.*

T M Wara

**KAIWHAKAWĀ**

---

<sup>5</sup> *Pasma v Daley – Nuhaka 2D2G12A2E2 Block* (2009) 191 Gisborne MB 117 (191 GIS) 117.