

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

CIV-2016-485-000770

IN THE MATTER OF An application by TE RŪNANGA O
NGĀTI WHAKAUE KI MAKETŪ
INCORPORATED, for and on behalf of
Ngāti Whakaue ki Maketū Hapū, for
recognition orders under the Marine and
Coastal Area (Takutai Moana) Act 2011

(AND OTHER PROCEEDINGS LISTED
IN THE SCHEDULE TO THE
MEMORANDUM OF COUNSEL FOR
THE ATTORNEY-GENERAL DATED
11 SEPTEMBER 2018)

CIV-2017-485-000218

IN THE MATTER OF An application by HORI TURI
ELKINGTON as trustee of the Ngāti Koata
Trust for recognition orders under the
Marine and Coastal Area (Takutai Moana)
Act 2011

(AND OTHER PROCEEDINGS LISTED
IN THE SCHEDULE TO THE
MEMORANDUM OF COUNSEL FOR
THE ATTORNEY-GENERAL DATED
30 JUNE 2017)

Minute: 17 September 2018

MINUTE OF COLLINS J
**[Re Clarifying role of Attorney-General as an interested party to all
proceedings]**

[1] Eight counsel have, on behalf of at least 35 applicants, filed notices under
r 10.15 of the High Court Rules seeking determination of a question of law. Although

the questions vary a little, in essence all seek to have the Court determine the status of the Attorney-General in relation to applications that have been commenced under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). For convenience, I will call these applications the “challenge to the status of the Attorney-General” applications.

[2] In addition, the Seafood Industry Representatives have applied under r 10.15 of the High Court Rules to determine questions concerning the role of the Attorney-General in negotiating any resolutions of applications under the Act, and the ability of interested parties, such as the Seafood Industry Representatives to have their views considered in any negotiations.

[3] On 11 September 2018, counsel for the Attorney-General filed a memorandum explaining the role of the Attorney-General in relation to the applications under the Act. Counsel for the Attorney-General has also explained the avenues that counsel for the Seafood Industry Representatives should pursue in relation to questions about negotiations between applicants and the Crown.¹

[4] Counsel for the applicants challenging the status of the Attorney-General should file and serve any memoranda in response to that filed by counsel for the Attorney-General by **8 October 2018**. In their memoranda, counsel for the applicants should specifically state whether or not they wish to pursue their applications challenging the status of the Attorney-General and if so, how much hearing time they require.

[5] Counsel for the Seafood Industry Representatives should also file a memorandum in response to that filed by the Crown by **8 October 2018** advising if his clients wish to continue with their application and if so, how much hearing time they require.

¹ The Gibbs Foundation Ltd, an interested party, has filed a memorandum supporting the role of the Attorney-General.

D B Collins J

Solicitors:

Te Nahu Legal Ltd, Rotorua for CIV-2017-485-000770

RightLaw, Auckland for CIV-2017-404-000537, CIV-2017-404-000538, CIV-2017-404-000573 and CIV-2017-404-000558

Lyall & Thornton, Auckland for CIV-2017-404-000574, CIV-2017-485-000378 and CIV-2017-485-000249

Corban Revell, Auckland for CIV-2017-404-000572 (C), CIV-2017-404-000568 (H), CIV-2017-404-000566 (D) and CIV-2017-404-000569 (E, F, and G)

Hockly Legal, Auckland for CIV-2017-485-000305

Annette Sykes & Co, Rotorua for CIV-2017-485-000299, CIV-2017-419-000083, CIV-2017-485-000277 and CIV-2017-485-000276

Phoenix Law Limited, Wellington for CIV-2017-485-000398, CIV-2017-485-000512, CIV-2017-485-000515, CIV-2017-485-000513 and CIV-2017-485-000514 (Groups A–U)

Tamaki Legal, Auckland for CIV-2017-404-000518 (F)

Chapman Tripp, Wellington for Seafood Industry Representatives