

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

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

CIV-2011-485-817

IN THE MATTER OF the Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF an application for an order recognising
Customary Marine Title and Protected
Customary Rights

BY the late Claude Augustin Edwards
(deceased), Adriana Edwards and others on
behalf of **Te Whakatōhea**

On the papers:

Counsel: T Sinclair for Applicant

Minute: 5 June 2019

MINUTE (NO. 1) OF CHURCHMAN J

[1] Counsel for the late C A Edwards and A Edwards (on behalf of Te Whakatōhea) filed a memorandum dated 16 May 2019 in this matter.

[2] This case is a priority one and has been set down for an eight-week hearing commencing on 17 August 2020.

[3] The first case management conference for the application was heard in Rotorua on 26 October 2018.

[4] On 21 November 2018, Collins J issued a minute directing all evidence in support of this priority application be filed and served by 5 July 2019. No evidence has yet been filed and

the applicant seeks a variation of the minute of Collins J to extend the time for the filing and service of evidence until October 2019.

[5] The applicant also seeks an adjournment of the case management conference scheduled for 19 June 2019 in Rotorua.

[6] In my minute of 2 May 2019, I directed that up-to-date maps of claims be filed by 16 May 2019. That direction has not been complied with either, and the memorandum of counsel of 16 May 2019 gives no indication of a timeframe within which an updated map might be expected.

[7] The memorandum indicates that the applicant is in discussion with other applicants about preparation of a generic “Takutai Moana Casebook”. The memorandum indicates that other applicants support this method but there is no indication of who the other applicants are and whether their “support” goes as far as a commitment to produce such a casebook. Neither is the Court given any anticipated timeframe within which such a casebook could be filed.

[8] The memorandum indicates that a Crown funders’ agreement to fund a generic casebook would be required but contains no indication as to whether or not such funding has been sought and what the response of the Crown was.

[9] In the circumstances, I am not prepared to simply adjourn the case management conference set for 19 June 2019. This is a priority case which already has had a firm fixture allocated. The Court needs to have confidence that the fixture will be in a position to proceed.

[10] The applicant has requested that these proceedings be adjourned while the Waitangi Tribunal inquiry into the Marine and Coastal Area (Takutai Moana) Act 2011 takes place. This Court has no control over when that inquiry will occur. If this matter was adjourned on that basis, it is entirely possible that the fixture that has already been set for this matter will have to be adjourned.

[11] The memorandum also refers to the role of the Crown in particular, in relation to funding. It is appropriate that the Crown respond to the issues in relation to funding that are contained in the memorandum.

[12] Accordingly, for these reasons, the case management conference in this matter scheduled for 19 June will proceed.

Churchman J