

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

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

CIV 2011-485-789

IN THE MATTER OF An application by CATHERINE
CLARKSON AND OTHERS for a
customary marine title pursuant to section 58
of the Marine and Coastal Area (Takutai
Moana) Act 2011

On the papers

Minute: 23 October 2020

MINUTE OF MALLON J

[1] I thank counsel for the helpful joint memorandum dated 23 October 2020.

[2] I direct a variation to the timetable as proposed at [6] of that memorandum except that the dates will need to be adjusted slightly because the first proposed date has now passed. This means that the revised timetable will be:

- (a) the applicant is to file and serve the complete index for the common bundle by **28 October 2020**;
- (b) the Attorney-General is to file and serve the electronic common bundle by **30 October 2020**;
- (c) Interested Parties are to file and serve any response to the Applicant's chronology by **30 October 2020**; and
- (d) all parties are to file and serve a synopsis of opening submissions by **3 November 2020**.

[3] Ms Clarkson is to contact the Court and counsel if she cannot prepare the index for the bundle and to advise why that is.

[4] The draft timetable for the hearing is helpful. It will require some adjustment if the site visit is to proceed and if it is to take place prior to closing submissions, which might be most useful. Counsel are to discuss when the site visit could be accommodated. They are also to prepare a plan for the day and the locations/points of interest to be visited. I can then make a decision about whether it should proceed. I can indicate, however, that in principle I am agreeable to it.

[5] I refer to the proposal at [4] of the memorandum of counsel for Manawatū-Whanganui Regional Council and Central Hawke's Bay District Council. I note that this was the process that took place following Mr Tipene's successful application in *Re Tipene* [2016] NZHC 3199. See *Re Tipene* [2017] NZHC 2990. At this stage, I do not know whether that may be the sensible course in this case if the application is successful. The parties may make submissions about the form of order (if the application is successful) as part of the upcoming hearing, but that does not exclude the prospect that further submissions may be necessary subsequently.

Mallon J