

**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: 6 November 2020

MINUTE OF MALLON J

[1] I refer to the recent memoranda and communications.

Karakia/mihi

[2] I refer to the helpful proposal for a karakia and mihi as set out in paragraphs 3 to 5 of the joint memorandum of counsel for the interested parties dated 30 October 2020. I refer to Ms Clarkson's memorandum in response dated 11 November 2020. The proposal is acceptable to the court with a slight adjustment.

[3] The adjustment is that, as the parties are coming to the Court, a Court representative, Raimona Tapiata, will open proceedings with a karakia and mihi, supported by a short waiata. A representative for the parties will then have the opportunity to respond with a mihi (and short waiata).

[4] The karakia/mihi will commence at 10 am. It is anticipated that this will all take a relatively short period of time. I will then commence the formal court hearing.

Site visit

[5] Thank you for the memoranda regarding the proposed site visit. I note and confirm that the site visit, and the visit to Rongomaraeroa marae, will not be taking place.

Gowns

[6] I note the suggestion that counsel be excused wearing robes for the hearing. I direct that counsel **are** to wear gowns. This remains appropriate for a High Court hearing, even though there will be parties who are self-representing.

AVL

[7] The application by Landowners Coalition Incorporated for Ms Karamaena to give her evidence remotely via audio-visual link is granted.

Hawke's Bay Regional Council

[8] I refer to the memorandum of counsel for Hawke's Bay Regional Council dated 5 November 2020. The position of the Regional Council is noted, and Nichola Nicholson is excused from the hearing

Seafood Industry parties

[9] I refer to the memorandum of counsel for Seafood Industry parties dated 6 November 2020. Counsel for the Seafood Industry parties is correct that its memorandum dated 20 October 2020 was not forwarded to me before I issued my minute dated 23 October 2020. I had, however, seen the memoranda of Manawatū-Whanganui Regional Council and Central Hawke's Bay District Council, and Seafood Industries memorandum on the same topic filed in the *Edwards/Whakatōhea* matter.

[10] The position remains as set out at [5] of my minute. Therefore, the Seafood Industry parties should be in a position to at least identify the issues from its perspective as to the form of any order at the end of the hearing if need be. It is likely, however, that there will be an opportunity for further submissions subsequently if the applicant is successful.

[11] I confirm Seafood Industry parties is otherwise excused from appearing at the hearing.

Mallon J