

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

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

CIV-2011-485-821

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

IN THE MATTER OF an application by the Trustees of the
Ngāti Pāhauwera Development Trust
TORO WAAKA, TUREITI MOXON,
CHAANS TUMATAROA-CLARKE,
REX ADSETT, GERALD ARANUI,
AMIRIA TOMOANA and TOM KEEFE
on behalf of NGĀTI PĀHAUWERA for
Customary Marine Title, Wahi Tapu
Protection and Protected Customary Rights

On the papers:

Counsel: R N Smail, E A James and B Saldanha for Trustees of the
Ngāti Pāhauwera Development Trust
M Mahuika, L Underhill-Sem and T Afoa for Ngāti Pārau
G S G Erskine, D C F Naden, S M Yogakumar and M Sreen for
Ngāi Tahu ō Mōhaka Waikare
K Anderson, A Buchanan and M Dicken for Maungaharuru-Tangitū
Trust
B Lyall and L Thornton for Mana Ahuriri Trust
H Harwood for Hawke's Bay Regional Council
A Williams for Pan Pac Forest Products Limited
R Roff, R Budd and S Gwynn for Attorney-General

Minute: 22 March 2021

MINUTE (NO. 13) OF CHURCHMAN J

[1] In its minute of 28 October 2020,¹ the Court listed five questions for the Pukenga to address.

¹ *Re Ngāti Pāhauwera, Minute No. 11 of Churchman J, 28 October 2020.*

[2] In his report of 19 March 2020, the Pukenga addressed the first four questions set out in the minute of 28 October 2020 but did not specifically address the fifth question.

[3] Given that the fifth question was directed to Protected Customary Rights rather than Customary Marine Title, it is not appropriate for the Court to make assumptions from the other content of the report, as to the conclusions reached by the Pukenga in relation to this question.

[4] Accordingly, the Pukenga is asked to provide a written answer to the following question:

“Having regard to the evidence, what tikanga is relevant to the protected customary rights claimed by the applicants?”

[5] The Pukenga’s response will be provided to counsel. If there are any issues arising that counsel wish to question the Pukenga on this will be dealt with at 10.00 am on 23 March 2021.

A handwritten signature in black ink, reading "P.B. Churchman J". The signature is written in a cursive, flowing style.

Churchman J