

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

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

**CIV-2017-485-295
CIV-2017-485-296
CIV-2017-485-280**

UNDER THE	Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER OF	An application by COLIN TOPI on behalf of TE WHANAU O TOPI for recognition orders
AND	The landowners of the RUAPUKE ISLAND GROUP
AND	TE RŪNANGA O NGĀI TAHU O NGĀI TAHU on behalf of NGĀI TAHU WHĀNUI

Hearing: 18 October 2024

Counsel J Inns for Ruapuke Island Group
R Fife for Te Whānau o Topi
J Riddell for Ngāi Tahu Whānui
G Melvin for Attorney-General
B Walker Interested Party

Minute: 18 October 2024

MINUTE OF CHURCHMAN J

[1] A Case Management Conference (CMC) was held on 18 October 2024 to address issues arising from a joint memorandum of counsel dated 16 October 2024.

[2] The joint memorandum indicated that the Ruapuke Island Group and Topi Whānau applicants intended to amalgamate their applications seeking a single set of recognition orders to be held by an entity to be agreed by the whānau. No other party

involved in these proceedings objected to that course. Within fourteen days the applicants are to file an amended joint application which will replace the current individual applications. At the time of filing the application is to be served on the interested parties who participated in the CMC along with Mr B Scott, counsel for the Seafood Industry group.

[3] In view of the amalgamation of the two whānau applications and the fact that Te Rūnanga o Ngāi Tahu support the whānau application, counsel were of the view that the Court was unlikely to require the assistance of a pūkenga. I therefore do not propose appointing a pūkenga. Should any issues of tikanga arise during the course of the hearing which the Court is unable to resolve, the question of whether assistance from a pūkenga may be required can be revisited.

[4] The joint memorandum of counsel raised the question of the challengers presented to the applicants by the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill which it is understood may be passed by parliament prior to the commencement of the hearing in this matter. Counsel suggested a number of alternative options. One was to adjourn the hearing to a date later in 2025. There is some modest ability to push the hearing date out slightly however counsel advised that any hearing in April is likely to conflict with the tīī (muttonbirding) season which will mean most of the applicants and witness' would be unavailable from mid-April to early June. The reality is that if the time allocated for this hearing is not utilised, it maybe a year or more before a replacement fixture could be allocated.

[5] Another alternative was truncating the timetable for the filing of evidence and submissions.

[6] I have concluded that the most effective way of dealing with the uncertainty created by the proposed legislation is for the current timetable to be complied with and, to the extent that further evidence or submissions may need to be filed as a result of the amending legislation, leave is granted to counsel to make application to file such additional submissions/evidence as may be required.

[7] I note that interested parties other than the Attorney-General are to file and serve their evidence by 9 December 2024 and the Attorney-General is to file her evidence by 9 January 2025.

[8] Leave is reserved to any party to apply for a variation to the timetable.

[9] In terms of the order of the hearing, my anticipation is that the applicants will present their cases first followed by Te Rūnanga o Ngāi Tahu, followed by the interested parties (Seafood Industry Representatives and Mr Walker) and then the Attorney-General. All parties will be expected to present their closings at the end of the hearing.

[10] The applicants have suggested a site visit mid-way through the hearing. I will leave it to the applicants to coordinate that with the Registrar.

Churchman J