

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

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

**CIV-2017-404-481
CIV-2017-485-193
CIV-2017-485-220
CIV-2017-485-221
CIV-2017-485-224
CIV-2017-485-226
CIV-2017-485-232
GROUP M, STAGE 1(B)**

UNDER the Marine and Coastal Area (Takutai
Moana) Act 2011

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

Minute: 10 April 2024

**MINUTE OF GWYN J
(Re wāhi tapu evidence)**

[1] I thank counsel for their joint memorandum dated 4 April 2024 regarding the filing and examination of wāhi tapu evidence in the Group M, Stage 1(b) hearing. The memorandum was filed on behalf of the following parties:

- (a) Ngāi Tūmāpuhia-a-Rangi Hapū;
- (b) Te Hika o Pāpāuma Mandated Iwi Authority;
- (c) Pirere whānau;
- (d) Rangitāne Tū Mai Rā Trust;

- (e) Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua Settlement Trust;
- (f) Trustees of Pāpāuma Marae;
- (g) Ngāti Kere Hapū;
- (h) Ngāi Tumapuhia-a-Rangi ki Motuwaikeka and Ngāi Tumapuhia-a-Rangi ki Okautete;
- (i) Seafood Industry Representatives;
- (j) Attorney-General;
- (k) Manawatū-Whanganui Regional Council;
- (l) Greater Wellington Regional Council;
- (m) Central Hawke's Bay District Council; and
- (n) Hawke's Bay Regional Council.

[2] Counsel suggest, and I agree, that the approach taken in the Group M, Stage 1(a) regarding the filing and examination of wāhi tapu evidence would be appropriate for Stage 1(b). The approach taken in Stage 1(a) was as follows:

- (a) Evidence in relation to wāhi tapu was called and examined only to the extent it was relevant to the statutory test for customary marine title (CMT) under s 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Takutai Moana Act).
- (b) Evidence in relation to prospective wāhi tapu protection orders, under ss 78 and 79 of the Takutai Moana Act, was scheduled to be filed and heard after recognition orders for CMT had been granted to avoid unnecessary disclosure of sensitive evidence relating to wāhi tapu if CMT was not granted in that area.

[3] The Group M, Stage 1(b) hearing is scheduled to conclude on Thursday 2 May 2024. A hearing for wāhi tapu evidence in relation to the Stage 1(b) area is yet to be set down. At this stage, the earliest hearing time available when the wāhi tapu evidence and submissions could be heard (allowing sufficient time for the delivery and consideration of the substantive judgment) is in the week commencing **Monday 17 February 2025**.

[4] Accordingly, I make the following directions:

(a) Applicants who are granted CMT orders in the Group M, Stage 1(b) hearing area shall file and serve within 20 working days of the date of delivery of the substantive judgment:

(i) wāhi tapu evidence in relation to this area; and

(ii) draft CMT orders, including recognition of wāhi tapu or wāhi tapu areas.

(Applicants' wāhi tapu evidence)

(b) All other parties shall file and serve any wāhi tapu evidence in reply within 20 working days of the date of filing for the applicants' wāhi tapu evidence.

(c) Applicants shall file submissions 15 working days prior to the commencement of the wāhi tapu evidence.

(d) Other parties shall file submissions five working days prior to the commencement of the wāhi tapu evidence.

(e) The parties are to liaise with the Registry regarding the 17 February 2025 hearing date proposed at [3] above.

Gwyn J