

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

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

**CIV-2017-485-160; CIV-2017-485-214  
CIV-2017-485-229; CIV-2017-485-273  
CIV-2017-485-511; CIV-2017-485-261  
CIV-2017-485-248; CIV-2017-485-258  
CIV-2017-485-260; CIV-2017-485-211**

**GROUP N, STAGE 1(a) and STAGE 1(b)**

BETWEEN the Marine and Coastal Area (Takutai Moana Act) 2011.

AND applications for orders recognising Customary Marine Title and Protected Customary rights

Continued...

Hearing: 6 May 2024

Counsel: A K Irwin for Ngāti Tamarangi Hapū  
P Walker for Ngāti Raukawa ki te Tonga  
B R Lyall for Te Whānau Tima (Seymour) and Te Ahi Kā o Te Mateawa  
E A Whiley for Muaūpoko Tribal Authority Incorporated  
A M Cameron and A J Samuels for Te Ātiawa Ki Whakarongotai  
E K Rongo for Tiratu Williams and Patricia Grace for the owners of Hongoeke Blocks  
E K Rongo for Ngāti Toa Rangatira  
D A Ward for Attorney General  
F R Wedde for Manawatū-Whanganui Regional Council, Greater Wellington Regional Council and Kāpiti Coast District Council  
L L Black for Te Patutokotoko  
C F Finlayson KC for Rangitāne o Manawatū Settlement Trust

Minute: 6 May 2024

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**MINUTE OF GRICE J  
(Prehearing conference and confirmation of timetable.  
Hearing 13 May 2024 to 27 June 2024)**

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[1] Memoranda have been filed by Mr Irwin as counsel for Ngāti Tamarangi on behalf of tāngatawhenua (CIV-2017-485-160) following consultation with all applicant groups and some of the interested parties (including Ngāti Toa, Rangitāne and the Attorney-General). The Attorney-General also filed a memorandum in advance of today's conference dealing with the filing and service of the common bundle and indicating support of the memorandum filed by Mr Irwin after he gathered the views of other participants. That cooperation and Mr Irwin's initiative saved considerable time in finalising the directions today. I now deal with the issues arising.

### *Timetable*

[2] The parties are ready to commence the hearing on Monday 13 May 2024 at 9.30 am for a short chambers session to deal with any last minute matters. The hearing will begin at 10.00 am with a karakia. Karakia will begin and end the hearing days. The hearings will, as far as possible, meet the requirements of the parties. Counsel will liaise on those arrangements. Ms Walker also noted that there had been discussions with the Registrar concerning arrangements.

[3] Counsel are on track to file a timetable, together with a schedule setting out cross-examination (in lieu of cross-examination notices), by Wednesday 8 May 2024. Counsel for the applicant groups have a draft timetable prepared and will circulate that to all parties. Counsel have discussed approaches to the evidence since the last case management conference. They anticipate differing approaches to the presentation of evidence. However, they agree that ideally no witness should have their evidence taken as read and proceed straight to cross-examination. For lengthier briefs, it is likely that counsel will lead witnesses through more critical aspects of their briefs or provide a summary.

[4] As I indicated to counsel, the hearing will accommodate the parties' preferences in this regard, bearing in mind the more limited time now available and the need to allow all participants a fair hearing, while also ensuring that the important issues are highlighted for the benefit of not only the Court but also the pūkenga and all participants.

[5] The timetable set on 24 April 2024 following the applications for adjournment relating to the withdrawal of funding is **attached** for convenience. Directions are made accordingly.

*Common bundle*

[6] Any further evidence was to be filed by Friday 3 May 2024.

[7] The Attorney-General will file and serve the electronic version of the common bundle on Wednesday 8 May 2024. Arrangements have been made with the Registry for the provision of hard copies to the Court and the pūkenga after 8 May 2024. At this stage, counsel anticipate the bundle will have 80 volumes.

[8] Counsel for the Attorney-General will update the electronic version of the common bundle on a regular basis during the hearing. Notice of updates will be given by way of list filed by the Attorney General each Friday.

*Applicant funding*

[9] Issues regarding funding will be addressed further at the national case management conference scheduled for 10 May 2024.

[10] Counsel understand that the conference convened by Churchman J is to address the Crown's funding of all proceedings set down for the next financial year. Applicant groups from this proceeding intend to submit that this proceeding needs to be afforded some priority to ensure the October and November 2024 hearing can take place. I also note that difficulties with funding for the July 2025 two week hearing will require consideration.

*Excusing appearances and VMR appearances during the hearing*

[11] Counsel seek two general directions:

- (a) that all counsel will have leave to appear and withdraw throughout the course of the May and June hearings without the need to seek leave

from the Court each time counsel need to absent themselves from the hearing; and

- (b) leave to appear either in person or by VMR as counsel participation in the hearing requires.

[12] Those directions are granted subject to the following:

- (a) Counsel who are leading evidence must seek leave at the time.
- (b) Counsel should ensure that there is no disruption to the hearing due to their absence.
- (c) Counsel must give the Court reasonable notice of any request for a VMR connection for their appearance.
- (d) Counsel (where there is no other counsel for the relevant party in the courtroom who leave in the course of a day) must provide a written list of the times that they have been absent for each day to the Registrar by the close of the hearing each day.

*Local authority information*

[13] At the conference on 24 April 2024 Mr Ward for the Crown indicated that he received a bundle of information from the relevant local authorities and would make that available to the parties by the end of that week for consideration. The Crown intend that part of that material would be included in the Crown bundle. This consideration has been completed.

*Te Whānau Tima and Ngā Ahi Kā o Te Mateawa application to amend boundary (no extension to boundary)*

[14] Memoranda were filed for Te Whānua Tima (Seymour) and Ngā Ahi Kā o Te Mateawa (“applicants”) (Mr Lyall as counsel) (CIV-2017-485-273) seeking leave to file an amended application with an enlarged map on 12 March 2024. The

Attorney-General has filed a memorandum noting that the amendment increases the application area.

[15] Mr Lyall indicated he was awaiting instructions to file the amendment and would be doing so in the near future. He indicated that it sought no extension to boundaries. It was indicated that no opposition would be made to that application.

*Ngāti Raukawa Ki Te Tonga – amended maps*

[16] Ms Walker indicated that the amended maps would be filed today. There is no variation to the application and the amended maps will accurately reflect that.



Grice J

*Solicitors*  
Kāhui Legal, Wellington  
Bennion Law, Wellington  
Whāia Legal, Wellington  
Oranganui Legal Limited, Paraparaumu  
Crown Law, Wellington  
Bundle Findlay, Wellington  
Black Law, Wellington

**Amended timetable allowing one-week delay for Group N hearing**

<b>Date Task / Action</b>	<b>Date</b>
All outstanding evidence to be filed	3 May 2024
Further case management conference	6 May 2024
All parties to file submissions and bundles of authorities; Attorney- General to file common bundle	8 May 2024
Parties to file joint memorandum providing hearing timetable	8 May 2024
All parties to file notices of cross-examination.	8 May 2024
Hearing for Group N, Stage 1(a) commences, beginning with all opening submissions	13 May – 27 June 2024 (Court will not sit on 17 May 2024 and 7, 14 and 21 June 2024.)
Pūkenga (Ms Milne and Dr Joseph) to file initial report	17 May 2024
Parties to file joint memorandum proposing specific questions for pūkenga	27 June 2024
Pūkenga to file main report	13 September 2024
Hearing for Group N, Stage 1(a) reconvenes	29 October – 8 November 2024
Stage 2(a) Hearing for wāhi tapu evidence and submissions commences	7 July – 25 July 2025

**Note:**

- a. Mondays at 9.30 am will be set aside for chambers to consider any applications which may disrupt evidence or interrupt proceedings for the weeks following to avoid any last-minute applications.
- b. Counsel should file memoranda by at least 3.00 pm on the Friday preceding if there are any particular matters which require consideration. Any applications (with necessary supporting affidavits) should be on notice filed at least three days before the date for hearing (usually the chambers period is on the Monday) and any opposition at least one day before the hearing.