

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

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

CIV-2017-404-578

IN THE MATTER OF an application by NGĀTI TARA

And other proceedings listed in the schedule
to this minute

Hearing: On the papers

Counsel: D C F Naden, M Sreen, H J Fletcher and R Wihangi for Te
Whanau o Rataroa, Ngāti Kauwau, Ngāti Awa, Ngaitawake, Ngāti
Tara and Te Iwi ō Te Rarawa ki Ahipara
C Hockly for Te Parawhau
J Mason for Nga Puhi nui Tonu, Ngāti Rahiri, Ngā Tahuhu,
Ngaitawake, Ngāti Kawau, Reti Whanau and Te Waiariki Korora
T J Castle for Ngāti Kahu Hapū
M Chen and C Saunders for Te Runanga o Ngāti Whatua
S Downs, C Terei-Tipene and H Jamieson for Ngāti Hine, Ngā uri
o Tareha Kaiteke Te Kemara I, Ngāti Kawa and Ngāti Rāhiri
R Siciliano and C Ratapu for Parengarenga A Inc and Iwi
T Afeaki and R Arya for Ngā Hapu o Ngāti Kahu
A Sykes and K Delamere-Ririnui for Ngāti Manu and its Hapū Te
Uri Karaka and Te Uri o Raewere
M Piripi for Te Rarawa and Te Rūnanga o Whaingaroa Inc
H Andrews for Te Rūnanga o Ngāi Takoto
S N Northey for Ngāti Mokokohi, Te Tahawai, Te Uri o Te Aho,
Ngāti Ruamahu and Ngāti Torehina
R Enright and M Enright for Te Parawhau Hapū
N R Coates for Mātihetihe Marae Trust
T Bennion and R Haazen for Te Uri o Hau
T Ulrich for Te Whanua Moana me te Rorohuri
P J Wilson for Te Whanau Whero
S M Downs, C Terei and M Cherrington for Te Rūnanga Nui o Te
Aupōuri
C Hirschfeld and B Tupara for Merehora Taurua and Makarita
Tito
B Tupara for Te Ihutai ki Orira
S Tudhope for Te Runanga o Te Rarawa
J P Kahukiwa for Te Hurihanga Rihari and Ngāti Torehina ki
Matakā Hapū/Iwi of Niu Tireni

Interested Parties

G J Mathias for Langs Beach Society Inc, F B and P F Hernon and

The Langs Cove Conservation Trust
J Mason for Ngāpuhi whanau and hapu and Ngāpuhi nui tonu
interests and Waitaha Executive Grandmother Council

Minute: 26 June 2024

MINUTE OF CHURCHMAN J

Te iwi ō te Rarawa ki Ahipira CIV-2017-488-205

Ngāti Tara CIV-2017-404-578

Te Whānau ō Rataroa CIV-2017-404-529

Ngāi Tupango CIV-2017-485-233

Ngāti Kawau, Ngāti Awa CIV-2017-404-539

Ngāi Tawake CIV-2017-404-558

[1] Counsel filed a joint memorandum in respect of the above applications. These applicants are scheduled to appear in the hearings that had been listed to proceed no earlier than 1 February 2026. Timetabling directions have been made in relation to these hearings. Whether the hearings proceed will be dependant on decisions made by Te Arawhiti in relation to funding.

[2] Ngāi Tawake will have part of its application heard in the proposed 2026 Hokianga Harbour hearing with other parts of its application in the Bay of Islands and around Kaipara Harbour yet to be set down for hearing. The applicant is engaging with overlapping applicant groups and is not ready to proceed to hearing. All of these matters are adjourned until the 2025 Case Management Conference (CMC) and counsel are excused from attendance at the 2024 Whangārei CMC.

Ngāti Hine CIV-2017-485-231

Ngāti Kawa and Ngāti Rahiri CIV-2017-485-265

Te Kapotai CIV-2017-488-026

[3] Te Kapotai is underway with preparation of an historical report but not ready for hearing. Ngāti Hine is in a similar position and also engaging with overlapping groups. Ngāti Kawa and Ngāti Rahiri are less advanced but are gathering tangata whenua evidence. All the applicants are adversely affected by the inability of Te Arawhiti to meet research and preparation costs. Counsel's suggestion is that all substantive work on the applications including the work of historians is adjourned until such time as the funding position from Te Arawhiti changes.

[4] I am reluctant to adjourn proceedings sine die as the Court loses control over them however I adjourn these three applications until the Whangārei CMC in 2026 (ie two years time) and excuse counsels attendance at the 2024 and 2025 Whangārei CMCs.

Parengarenga A Incorporation CIV-2017-485-237

[5] Engagement with overlapping applicants is continuing and draft historical evidence has been exchanged. Funding uncertainty remains a significant impediment to progress for this applicant.

[6] Mr Ratapu's request for 12 months adjournment to the 2025 Whangārei CMC is granted as is his request to appear at the 9 July 2024 Whangārei CMC via AVL.

Te Rarawa CIV-2017-485-290

[7] A hearing of this application has been scheduled to commence no earlier than the third quarter of 2026. Work has been put on hold given Te Arawhiti's inability to fund it. The matter is adjourned for 12 months to be called again at the 2025 Whangārei CMC and counsel is excused from attendance at the 2024 Whangārei CMC.

Ngāti Manu and its hapu Te Uri Karaka and Te Uri O Raewere CIV-2017-485-277

[8] Counsel confirms that having investigated the issue of whether there are overlaps with Ngāti Tara, there are no such overlaps. Preparation for hearing has been hampered by the funding issues with Te Arawhiti. Counsel seeks the allocation of a 10 week hearing no earlier than 2026.

[9] Given the impact of present funding the difficulties it would not be appropriate to allocate a further hearing. This matter will be called again at the 2026 Whangārei CMC. Counsel's attendance at the 2024 and 2025 CMCs is excused.

Ngāi Takoto CIV-2017-404-320

[10] Counsel have filed maps which provide further detail beyond that set out in the 2021 map. The detail in these new maps assists overlapping parties in calculating the extent of any overlap.

[11] In respect of Ngāi Takoto's eastern application area, it is engaging with overlapping applicants but is not in a position to seek a fixture.

[12] In respect of Ngāi Takoto's western application area, this has been timetabled along with Te Rarawa ki Ahipara's hearing. The fixture date is yet to be confirmed. Without adequate funding from Te Arawhiti this applicant will not be able to properly prepare for or participate in any hearing.

[13] The application is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 Whangārei CMC is excused.

Ngāti Kura Hapū CIV-2017-404-565

[14] Although tangata whenua evidence is being collected this matter is not yet ready for a hearing. It is adjourned for 12 months to be called again in the Whangārei 2025 CMC. Counsel's attendance at the 2024 Whangārei CMC is excused.

Ngāti Mokokohi and ors CIV-2017-485-510

[15] This application overlaps with 21 others. It is scheduled to proceed in a 12 week hearing to commence no earlier than 1 February 2026. This applicant will be unable to participate in any hearing until Te Arawhiti provides funding. The matter is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

Nga Hapu o Ngāti Kahu CIV-2017-485-268

[16] Historical research is anticipated to be completed by the end of 2024. The applicant is scheduled to participate in the 12 week fixture scheduled to commence no earlier than 1 February 2026. This applicant is adversely affected by Te Arawhiti's inability to continue to provide funding. The applicant seeks that this Court make certain directions to cabinet. That is not the function of the Court in these proceedings.

[17] The applicant seeks a direction that the matter be set down for hearing not before February 2026. In the absence of a guarantee of funding from Te Arawhiti it is unrealistic to set the matter down for hearing. The matter is adjourned for 12 months to be called again at the 2025 Whangārei CMC and counsel's attendance at the 2024 Whangārei CMC is excused.

Te Parawhau Hapū CIV-2017-485-799

[18] This applicant has been involved in the Whangārei Harbour (Stage 1A) hearings and is gathering evidence for the Stage 1B hearing. Because of the uncertainty around the provision of funding by Te Arawhiti, it seeks no direction in relation to hearings. Counsel's request to attend the 2024 Whangārei CMC by AVL is granted.

Te Parawhau CIV-2017-485-305

[19] This applicant's participation in the Whangārei Stage 1B hearing is jeopardised by funding uncertainty. Counsel is granted leave to attending the July Whangārei CMC by AVL.

Te Rūnanga o Whaingaroa incorporated CIV-2017-485-236

[20] This applicant will participate in two 12 week hearings that are scheduled not to commence before 1 February 2026. Preparation for the hearing has been put on hold following advice from Te Arawhiti that no funding is currently available. The matter is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

Ngāti Kawau and Te Waiariki Korora CIV-2017-485-398, Ngā Puhi-nui-tonu, Ngāti Rahiri, Ngāti Awa, Nga Tahuhu and Ngāi Tawake and Ngāi Puhi Whanau and Hapu (interested party) CIV-2017-404-537

[21] These applicants have suspended their preparation for participation in the Whangārei 1B hearings as a result of Te Arawhiti's inability to guarantee funding. The applications are adjourned to the 2025 Whangārei CMC and counsel's attendance at the 2024 Whangārei CMC is excused.

Reti Whanau CIV-2017-485-515

[22] This applicant is well advanced in preparation for the Whangārei 1B hearing but has suspended preparation as a result of the Te Arawhiti's inability to guarantee funding. The application is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

Waitaha executive grandmother council (interested party)

[23] This entity is an interested party in various applications. Counsel is excused from attendance at the 2024 Whangārei CMC.

Te Rūnanga o Ngāti Whātua CIV-2017-404-563

[24] This applicant is due to appear at the Whangārei Stage 1B hearing. Its participation in that hearing is dependent upon funding being available from Te Arawhiti. This matter is adjourned until the 2025 Whangārei CMC and counsel's attendance as the 2024 CMC is excused.

Ngāti Mokokohi CIV-2017-485-510

[25] This application overlaps 21 other applications between the southern end of Doubtless Bay in the north to the Kerikeri inlet in the south. The applicant is scheduled to participate in a 12 week hearing to commence no earlier than 1 February 2026. The applicant's participation is dependent upon funding from Te Arawhiti. The application is adjourned to be called again in the 2025 Whangārei CMC and counsels' appearance at the 2024 CMC is excused.

Ngāti Torehina ki Matakā CIV-2017-404-572

[26] This applicant is unable to make further progress in the absence of a guarantee of funding. It will endeavour to continue to gather tangata whenua evidence and have discussions with neighbouring overlapping applicants. It is adjourned until the 2025 Whangārei CMC and counsel's appearance at the 2024 Whangārei CMC is excused.

Mātihetihe Marae Trust CIV-2017-485-308

[27] This applicant is also unable to continue preparation towards hearing given funding uncertainties. The hearing that this applicant intends participating in is to be heard no earlier than the third quarter of 2026. Counsel asks for confirmation of a hearing date. Until present funding uncertainties are addressed that is not possible. Counsel's attendance at the 2024 Whangārei CMC is excused and this matter will be called again at the 2025 Whangārei CMC.

Te Uri o Hau CIV-2009-488-205

[28] This applicant is advancing its direct engagement application and is also continuing discussions with overlapping applicants. It continues to undertake research. This application is adjourned to be called again in the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

Te Whanau Moana me te Rorohuri CIV-2017-485-271

[29] This applicant's application relates to the area surrounding the Karikari Peninsula and it will participate in the 12 week hearing commencing no earlier than 1

February 2026. Historical research is underway but will not be completed before 2025. The applicant's participation in the scheduled hearing is dependant on availability of Crown funding.

[30] The matter is adjourned to be called again in the 2025 Whangārei CMC. Counsel's appearance at the 2024 CMC is excused.

Te Whanau Whero CIV-2017-485-420

[31] This application relates to the area around Whanānaki, 50 km north-east of Whangārei. Evidence gathering is still underway and the applicant anticipates being ready for hearing in 2026, subject to the availability of funding. The application is adjourned to be called at the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

Te Rūnanganui o Te Aupōuri CIV-2017-485-240

[32] This applicant's historical research has not been able to commence given the uncertainty around funding. Little progress can be made until that uncertainty is resolved. This application is adjourned, to be called at the 2025 Whangārei CMC. Counsel's attendance at the 2024 CMC is excused.

Merehora Taurua CIV-2017-404-535

[33] Counsel advises that neither Ranfurly Chambers nor Te Mata Law are currently representing this applicant, but the memorandum does not explain whether that means this applicant is self-represented or has obtained alternative legal advice. Counsel are excused from attending the Whangārei CMC but are directed to promptly provide a memorandum confirming whether this applicant is now self-represented or, if represented by another lawyer, the name and contact details of that lawyer.

Te Ihutai ki Orira CIV-2017-404-522

[34] Both tangata whenua and historical evidence are nearing final form. Little progress has yet been made by way of consultation with the various overlapping applicants. This application is said to be ready for a hearing in 2025 or 2026 subject

to the availability of funding. Given the relatively confined geographic area of the application, the applicant wishes the matter to proceed to fixture.

[35] Counsel's application to attend the 2024 Whangārei CMC by AVL is granted. The extent of any further adjournment or possible fixture will be discussed then.

Langs Beach Society Incorporated (interested party)

[36] This interested party will appear in the Whangārei 1B hearing as and when it proceeds. Counsel's appearance at the 2024 Whangārei CMC is excused.

Ngā uri o Tohu Kākahi

[37] This applicant is an interested party in the application by Te Rarawa CIV-2017-485-290. A hearing will take place no earlier than the third quarter of 2026, preparation of tangata whenua and historical evidence has commenced and its continuation is entirely dependant upon funding from Te Arawhiti.

[38] Counsel's appearance at the 2024 Whangārei CMC is excused.

Churchman J

Schedule

Applications and Court numbers

Court Number	Applicant
CIV-2009-488-205	Te Uri o Hau Settlement Trust
CIV-2017-485-305	Te Parawhau
CIV-2017-404-522	Te Ihutai ki Ōrirā
CIV-2017-404-529	Te-Whānau-ō-Rataroa
CIV-2017-485-233	Ngāi Tupango
CIV-2017-404-535	Ngāti Rahiri Hapū
CIV-2017-404-537	Ngāpuhi-nui-tonu, Ngāti Rāhiri, Nga Tāhuhu & Ngāitawake
CIV-2017-404-558	Ngāitawake
CIV-2017-404-539	Ngāti Kauwau and Ngāti Awa
CIV-2017-404-563	Te Rūnanga o Ngāti Whātua
CIV-2017-404-565	Ngāti Kura Hapū at Matauri & adjacent coastline
CIV-2017-404-572	Ngāti Torehina Ki Matakā
CIV-2017-404-578	Ngāti Tara
CIV-2017-404-579	Ngā Hapū o Tangaroa ki Te Ihu O Manaia tae atu ki Mangawhai
CIV-2017-485-231	Ngāti Hine
CIV-2017-485-265	Ngāti Kawa & Ngāti Rahiri
CIV 2017-488-26	Te Kapotai
CIV-2017-485-236	Ngāpuhi / Ngāti Kahu ki Whaingaroa
CIV-2017-485-237	Parengarenga A Incorporation and Iwi
CIV-2017-485-240	Te Aupōuri
CIV-2017-485-245	Te Iwi o Te Rarawa ki Ahipara
CIV-2017-485-268	Ngā Hapū o Ngāti Kahu
CIV-2017-485-271	Te Whānau Moana me te Rorohuri
CIV-2017-485-277	Ngāti Manu & its hapū Te Uri Karaka & Te Uri O Raewere
CIV-2017-485-290	Te Rarawa
CIV-2017-485-308	Te Tao Maui & Hoko Keha
CIV-2017-485-320	Ngāi Takoto Iwi

CIV-2017-485-398 Ngāti Kawau and Te Waiariki Korora
CIV-2017-485-420 Te Whānau Whero
CIV-2017-485-510 Ngāti Mokokohi, Te Tahawai, Te Uri-O-Te-Aho, Ngāti
Ruamahu & Ngāti Torehina
CIV-2017-485-515 Reti Whānau
CIV-2017-485-799 Te Parawhau Hapū
Interested Parties Langs Beach Society Incorporated, F B & P J Herson & The
Langs Cove Conservation Trust
Hauraki District Council, Waikato District Council, Thames-
Coromandel District Council
Waitaha Executive Grandmother Council