

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

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

CIV-2017-404-518

CIV-2017-404-520

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

IN THE MATTER OF applications listed in the schedule to this
minute

Hearing: On the papers

Counsel: B Lyall and H Swedlund for Ngāti Awa and Ngāpuhi
D C F Naden and M Sreen for Ngāti Taimanawaiti
L Black for Bouchier on behalf of Taumata B Block Whānau and
on behalf of Pakiri G Block and ors
M Sreen and H J Fletcher for Ngāti Rehua-Ngāti Wai ki Aotea
R A Siciliano for Ngāi Tai Ki Tamaki
A Sykes for Ngāti Rongo o Mahurangi
Ngāti Maraeariki and Ngāti Rongo

Minute: 26 June 2024

MINUTE OF CHURCHMAN J

CIV-2017-404-525 Ngāti Awa and Ngāpuhi

[1] Discussions with overlapping applicants is ongoing. The applicant's preparation is hampered by uncertainty of funding. This matter is adjourned to be called again in the 2025 Auckland Case Management Conference (CMC). Counsel's attendance at the 2024 CMC is excused.

CIV-2017-404-518 Ngāti Taimanawaiti

[2] Preparation towards hearing has been altered as a result of Te Arawhiti's change in positioning funding. In the absence of a guarantee of Te Arawhiti funding,

counsel are experiencing reluctance on the part of historians to accept and engagement. Engagement with overlapping parties is yet to begin. This matter is adjourned to be called again at the 2025 Auckland CMC and counsel's attendance at the 2024 CMC is excused.

CIV-2017-404-187 Bouchier on behalf of Taumata B Block Whānau

CIV-2017-485-188 Bouchier on behalf of Pakiri G Block and ors

[3] Historical research has commenced but still has some way to go. Consultation with overlapping applicants is also at early stages. This applicant does not oppose the anticipated application from Ngāti Rehua CIV-2017-404-580 for the setting down of a fixture. Counsel's request to appear by VMR is granted.

CIV-2017-404-580 Ngāti Rehua-Ngaiti Wai ki Aotea

CIV-2017-404-564 Ngāi Tai Ki Tamaki

CIV-2017-485-187 Taumata B Block Whanau

CIV-2017-485-188 Bouchier

CIV-2017-485-276 Ngāti Rongo o Mahurangi

CIV2017-485-378 Ngāti Maraeariki and Ngāti Rongo

[4] A joint memorandum of counsel was filed in respect of these applicants. Their memorandum advised that there are 23 MACA High Court applications that include areas that overlap that of Ngāti Rehua-Ngāti Wi Ki Aotea. Counsel have made strenuous attempts to discuss matters with overlapping applicants but with a mixed response ranging from being supportive to the proposal towards a hearing to ignoring the correspondence completely.

[5] The applicant group has contacted counsel for the Attorney-General requesting that the Attorney-General notify all overlapping Crown Engagement applicants of the proposed hearing area. No response has been received from any Crown Engagement applicants.

[6] While all the applicants are in the state of considerable uncertainty as to their ability to prepare for and conduct a hearing given Te Arawhiti's inability to guarantee funding, the joint memorandum confirms that counsel wish to proceed towards a hearing not before the second half of 2027.

[7] All counsel wish to participate in the Auckland CMC by way of VMR and that request is granted.

[8] Those applicants who are affected by the proposed hearing application, and who have not filed memoranda ahead of the Auckland CMC are requested to do so promptly. If they do not do that counsel will be required to attend the Auckland CMC in person.

Churchman J