

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

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

**CIV-2017-485-283
and Ors**

IN THE MATTER OF Applications under the Marine and Coastal
Area (Tukutai Moana) Act 2011

Applicants listed in the schedule

Hearing: On the papers

Counsel: J Inns and K van Wingen for Ngatiwai
D C F Naden and S M Yogakumar for Te Popoto ki Oturei
C Panoho-Navaja for Ngāti Kuta and Patukeha ki te Rawhiti
T Sinclair and B Cunningham for Ngāti Manu and Ngāti Rangi,
Ngāti Kahu, Te Rarawa and Te Uriohina
E Rongo for Te Hikutu Hapū
K Dixon and L Tohill for Patuharakeke Te Iwi
for Ngunguru Marae Trust
K Dixon, A Castle and A Evans for Te Wahapū o Hokianga nui a
Kupe and Henare Waata Whanau
K Dixon for Ōtakanini Tōpū Māori Incorporation
R Zwaan for Whakarara Māori Committee
C Hockly for Te Whakapiko hapu of Ngāti Namaia
Ngāti Torehina Ki Mataure o Hau in person
Te Whanau o Hone Rapita Raua Ko Rewa Ataria Paama in person
Ngāti Rahiri and Ngāti Kawa in person

Minute: 8 July 2024

MINUTE OF CHURCHMAN J

CIV-2017-485-283 Ngatiwai

Given the recent Pānui issued by Te Arawhiti indicating that there would be no funding for attendance at Case Management Conferences (CMC), this counsel is unable to

attend the Whangārei CMC nor, given the lack of guaranteed funding for a hearing is the matter able to be progressed further. Counsel's request for excusal from attendance at the 2024 Whangārei CMC is granted.

CIV-2017-484-252 Te Popoto ki Oturoi

[1] Tangata whenua evidence gathering is proceeding. The historian's report is anticipated to be finalised by the end of 2024.

[2] This applicant has both Crown engagement and litigation pathways but there has been no progress with its Crown engagement application. It now seeks a High Court fixture. Its claimed area overlaps with a number of other applications and further work is yet to be done in addressing overlapping claims. With the passing of the nominated claimant (James Henare Te Tuhi) the replacement named applicants are Roger (Lucky) Te Tuhi, Kutania Taniere and Ronald Walters.

[3] This matter is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

CIV-2017-485-321 Ngāti Kuta and Patukeha ki te Rawhiti

[4] These applicants also have direct engagement and litigation applicants but have been unable to make progress with the direct engagement application. Should any litigation hearing be pursued they intend participating. Without guaranteed funding they are unable to advance their case.

[5] This application is adjourned to be called again in the 2025 Whangārei CMC. Counsel's attendance at the 2024 Whangārei CMC is excused.

CIV-2017-404-525 Ngāti Manu and Ngāti Rangi

CIV-2017-404-535 Ngāti Rāhiri Tangata Whenua ki te Tii Waitangi ki te Pēwhirangi

CIV-2017-404-559 Ngāti Kahu, Te Rarawa and Te Uriohina

[6] A joint memorandum was filed in relation to these three applications. They are all unable to proceed in the absence of guaranteed funding. All are adjourned until the 2025 Whangārei CMC and counsel's attendance at the Whangārei CMC is excused.

CIV-2017-404-570 Te Hikutu Hapū

[7] This applicant is also unable to proceed without guaranteed funding. The application is adjourned until the 2025 Whangārei CMC and counsel's attendance at the 2024 CMC is excused.

CIV-2017-485-281 Patuharakeke Te Iwi Trust Board

CIV-2017-485-279 Ngunguru Marae Trust

CIV-2017-485-307 Te Wahapū o Hokianga nui a Kupe

CIV-2017-485-438 Henare Waata Whānau

[8] Some of these applications are to be called at the Whangārei CMC and some at the Auckland CMC. A joint memorandum has been filed. The Ngunguru Marae Trust has recently engaged an historical researcher and research is well advanced. Tangata whenua research is also underway. This applicant is interested party status in the Whangārei Coast 1B hearing, and subject to funding being available is ready to proceed with that hearing.

CIV-2017-485-307 Ngāti Korikori Trust

[9] This trust has commenced research but that has been placed on hold due to uncertainty as to funding.

CIV-2017-485-438 Henare Waata Whanau

[10] Historical research has been completed but tangata whenua research is incomplete.

CIV-2017-404-581 Ōtakanini Tōpū Māori Incorporation

[11] Research is underway and this applicant is ready to proceed for any planned hearing for Tamaki Makaurau.

[12] The matters to be called in the Whangārei CMC are adjourned for 12 months to 2025 Whangārei CMC. The matter is to be called at the Auckland CMC is adjourned for 12 months to be called at the 2025 Auckland CMC. Counsel's attendance at the 2024 Whangārei and Auckland CMCs is excused.

CIV-2017-485-298 Whakarara Māori Committee

[13] This applicant has been cooperating with cross applicants to an attempt to agree overlaps. This matter is scheduled to proceed to hearing not before February 2026, but no hearing date has yet been allocated. Without guaranteed funding the applicant is unable to proceed further. The application is adjourned until the Whangārei 2025 CMC and counsel's attendance at the 2024 Whangārei CMC is excused.

CIV-2017-485-228 Te Whakapiko hapu of Ngāti Manaia

[14] This applicant's ability to participate in any hearing is solely dependent upon the availability of guaranteed funding. The application is adjourned to be called again at the 2025 Whangārei CMC. Counsel's attendance at the 2024 Whangārei CMC is excused.

CIV-2017-404-540 Ngāti Torehina Ki Mataure o Hau

CIV-2017-404-555 Te Whanau o Hone Rapita Raua Ko Rewa Ataria Paama

CIV-2017-404-577 Ngāti Rahiri and Ngāti Kawa

[15] No memoranda have been received from these applicants. They are required either to attend at the Whangārei CMC at 10 am on 9 July 2024 or file a memorandum outlining progress towards hearing. They also have the option of attending at the Whangārei CMC by VMR and if they intend to do that should contact the Registrar and make arrangements.

Churchman J

Schedule

Applicants and Court numbers

Court Number	Applicant
CIV-2017-485-283	Ngatiwai
CIV-2017-485-252	Te Popoto ki Oturei
CIV-2017-485-321	Ngāti Kuta and Patukeha ki te Rawhiti
CIV-2017-404-525	Ngāti Manu and Ngāti Rangī
CIV-2017-404-535	Ngāti Rāhiri Tangata Whenua ki te Tii Waitangi ki te Pēwhirangi
CIV-2017-404-559	Ngāti Kahu, Te Rarawa and Te Uriohina
CIV-2017-404-570	Te Hikutu Hapū
CIV-2017-485-281	Patuharakeke Te Iwi Trust Ward
CIV-2017-485-279	Ngunguru Marae Trust
CIV-2017-485-307	Te Wahapū o Hokianga nui a Kupe
CIV-2017-485-438	Henare Waata Whānau
CIV-2017-404-581	Ōtakanini Tōpu Maori Incorporation
CIV-2017-485-298	Whakarara Māori Committee
CIV-2017-485-228	Te Whakapiko hapU of Ngāti Manaia
CIV-2017-404-540	Ngāti Torehina Ki Mataure o Hau
CIV-2017-404-555	Te Whanau o Hone Rapita Raua Ko Rewa Ataria Paama
CIV-2017-404-577	Ngāti Rahiri and Ngāti Kawa
CIV-2017-485-378	Ngāti Maraeariki and Ngāti Rongo