

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

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

**CIV-2011-485-794
and Ors**

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

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

Hearing: On the papers

Counsel: C Hockly for Rongomaiwahine Iwi
D Naden and M Yogakumar for Ngā Hapū o Tokomaru Ākau
R Siciliano and C Mataira for Te Whānau a Ruataupare
B Lyall for Ngā Whānau o Hauiti and Te Rauhina Marae and
Hapū
C Panoho-Navaja for Rongowhakaata Iwi
B Tūpara for Ngāti Oneone
M K Mahuika for Ngāti Kurupakiaka and Ors
H Irwin-Easthope for Ngāti Tamanuhiri Iwi
M K Mahuika and N R Milner for Potikirua ki Whangaokena
Takutai Moana Trust, Whangaokena ki Onepoto Takutai Kaitiaki
Trust, Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai
Kaitiaki Trust, Whānau Hapū of Te Aitanga a Mate Te Aowera
and Te Whānau a Hinekehu Takutai Kaitiaki Trust, Ngā Hapū o
Waipiro Takutai Kaitiaki Trust and Ngāti Wakarara - Ngāti Hau
Takutai Kaitiaki Trust

Minute: 10 July 2024

MINUTE OF CHURCHMAN J

CIV-2011-485-794 Rongomaiwahine Iwi

[1] This applicant is participating in both the Crown engagement and litigation pathways. There have been some difficulties with the Crown engagement pathway

including the fact that Te Arawhiti requires the applicant to engage with another party which is neither a litigation nor a Crown engagement applicant.

[2] As the Crown engagement pathway has not progressed as had been expected, this applicant wishes to explore likely timetable to a hearing in respect of all or part of its application. Because this application was initially filed under the Foreshore and Seabed Act 2004, it is a priority application under s 125.

[3] This application overlaps four Crown engagement applications and one other High Court application (with which there appears to be minor areas of overlap).

[4] Because there are relatively few overlaps counsel anticipates a hearing might last as little as three weeks.

[5] Counsel indicates a wish to appear at the Gisborne Case Management Conference (CMC) either by VMR or in person. Given the fact that no other applicant seeks to appear at the hearing, it will be conducted by VMR rather than in person. Counsel should liaise with the Registrar in that regard.

CIV-2017-485-247 Ngā Hapū o Tokomaru Akau

CIV-2017-485-302 Te Whanau a Ruataupare

[6] These applicants are involved in the Tokomaru Bay proceedings. The Stage 2 hearing in that matter is due to commence on 15 July 2024. Counsel are excused attendance at the proposed 2024 Gisborne CMC.

CIV-2017-485-255 Ngā Whānau o Hauiti

CIV-2017-485-288 Te Rauhina Marae and Hapū

[7] Mr Lyall is counsel in both these applications. A memorandum advises that although it is the preference of Ngā Whānau o Hauiti to engage directly with the minister, there has been no meaningful progress in that regard to date. The applicant is unable to conclude a contract with a historian or mapper until it has some certainty as to whether the Crown will meet the funding for these costs.

[8] The application by Te Whānau o Hauiti is adjourned for 12 months to be called again at the 2025 Gisborne CMC.

[9] Te Rauhina Marae and Hapū have engaged a researcher and are continuing to engage with overlapping applicants and interested parties but are unable to progress their preparation for hearing in the absence of an indication that the Crown will meet their costs.

[10] These applicants are also frustrated with a lack of progress with direct Crown engagement. They therefore see progressing their litigation application is the only alternative. This application is adjourned for 12 months to be called at the 2025 Gisborne CMC and counsel's appearance at the 2024 CMC is excused.

CIV-2017-485-302 Rongowhakaata Iwi

[11] These applicants have made no progress with Crown engagement, so they are contemplating seeking a fixture. Lack of funding is hampering progress.

[12] The application is adjourned for 12 months to be called again at the 2025 Gisborne CMC. Counsel's attendance at the 2024 CMC is excused.

CIV-2017-404-571 Ngāti Oneone

CIV-2017-485-230 Ngāti Kurupakiaka and Ors

CIV-2017-485-314 Ngāi Tamanuhiri Iwi

[13] No memoranda have been received from these applicants. Counsel are directed to promptly file a brief updating memorandum. If no memorandum is received prior to the 2024 Gisborne CMC, counsel are to attend by VMR to update the Court on progress.

CIV-2021-485-302 Potikirua ki Whangaokena Takutai Moana Trust

CIV-2021-485-303 Whangaokena ki Onepoto Takutai Kaitiaki Trust

CIV-2021-485-304 Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust

CIV-2021-485-305 Whānau Hapū of Te Aitanga A Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust

CIV-2021-485-306 Ngā Hapū o Waipiro Takutai Kaitiaki Trust

CIV-2021-485-307 Ngāti Wakarara – Ngāti Hau Takutai Kaitiaki Trust

[14] These matters are all covered by Ngāti Porou engagement. They do not require directions from the Court and are all adjourned for 12 months to be called again in the 2025 Gisborne CMC.

[15] The 31 July 2024 Gisborne CMC will proceed by VMR hearing from Wellington. Applicants or interested parties wishing to participate can either attend at the Wellington High Court or by VMR and should let the Registrar know their details if wishing to attend by VMR.

Churchman J

Schedule

Applicants

Court Number	Applicant
CIV-2011-485-794	Tangiora & anor (Rongomaiwahine Iwi)
CIV-2017-485-247	Nga Hapu o Tokomaru Akau
CIV-2017-485-255	Ngā Whānau o Hauiti
CIV-2017-485-288	Te Rauhina Marae and Hapu
CIV-2017-485-289	Rongowhakaata Iwi
CIV-2017-485-302	Te Whanau a Ruataupare
CIV-2017-485-302	Rongowhakaata Iwi
CIV-2017-404-571	Ngāti Oneone
CIV-2017-485-230	Ngāti Kurupakiaka and Ors
CIV-2017-485-314	Ngāi Tamanuhiri Iwi
CIV-2021-485-302	Potikirua ki Whangaokena Takutai Moana Trust
CIV-2021-485-303	Whangaokena ki Onepoto Takutai Kaitiaki Trust
CIV-2021-485-304	Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust
CIV-2021-485-305	Whānau Hapū of Te Aitanga a Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust
CIV-2021-485-306	Ngā Hapū o Waipiro Takutai Kaitiaki Trust
CIV-2021-485-307	Ngāti Wakarara - Ngāti Hau Takutai Kaitiaki Trust