

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

**I TE KŌTI MATUA O AOTEAROA
WHANGANUI ROHE**

**CIV-2017-485-797
Continued ...**

UNDER the Marine and Coastal Area (Takutai
Moana) Act 2011-

IN THE MATTER OF an application for orders recognising
Customary Marine Title and Protected
Customary Rights

BY NGĀTI MANUHIKAI HAPŪ
First Named Applicant

ŌKAHU-INUAWAI ME ETEHI ATU
HAPŪ
Second Named Applicant

Continued .../

Hearing: On the papers

Appearances: L Black for Ngāti Tu
E Rongo for Kanihi-Umutahi, Ōkahu-Inuawai and
Ngāti Manuhiakai
D Bullock for Ngāti Hāua, Ngāruahinerangi
T Bennion for Ngāti Tamaahuroa and Titahi Hapū and Oeo Pa
Trustees
D Edmunds for Te Korowai o Ngāruahine Trust
J Inns for Te Rūnanga o Ngāti Ruanui Trust
M Piripi for Te Kaahui o Rauru Trust
A Irwin for Te Kāhui o Taranaki Iwi and Ngāti Mutunga N Milner
for Te Atiawa Trust
K Katipo and C Ratapu for Ngā Hapū o Mokau ki Runga

Minute: 15 July 2024

MINUTE OF HARVEY J

Continued ...

CIV-2011 485-803
CIV-2011-485-814
CIV-2011-485-210
CIV-2011-485-213
CIV-2011-485-243
CIV-2011-485-293
CIV-2011-485-300
CIV-2011-485-282
CIV-2011-485-183
CIV-2011-485-212
CIV-2011-485-215
CIV-2011-485-310
CIV-2011-485-534

AND

KANIHI-UMUTAHI ME ETAHI HAPŪ
Third Named Applicant

ARAUKUUKU HAPŪ
Fourth Named Applicant

NGĀTI TŪ HAPŪ
Fifth Named Applicant

TE KOROWAI O NGĀRUAHINE TRUST
Sixth Named Defendant

NGĀTI HĀUA HAPŪ, NGĀRUAHINERANGI
Seventh Named Applicant

NGĀTI TAMAAHUROA AND TITAHU HAPŪ AND
OEO PA TRUSTEES
Eighth Named Applicant

NGĀTI RUANUI TRUST
Ninth Named Applicant

NGAA RAURU KIITAHU
Tenth Named Applicant

TE KĀHUI O TARANAKI IWI
Eleventh Named Applicant

TE RŪNANGA O NGĀTI MUTUNGA
Twelfth Named Applicant

KOTAHITANGA O TE ATIWA TRUST
Thirteenth Named Applicant

TE RŪNANGA O NGĀTI TAMA
Fourteenth Named Applicant

NGĀ HAPŪ O MOKAU KI RUNGA
Fifteenth Named Applicant

Kai te mihi ake ki a koutou, ngā karangaranga maha o Taranaki, ngā iwi, me ngā hapū o tēnā rohe o te Kāhui maunga, Ngāruahine, Ngāti Ruanui, Ngā Rauru, Taranaki, Ngāti Mutunga, Te Atiawa, Ngāti Tama me Ngāti Maru hoki. Ngā mihi mahana, ngā mihi maioha ki a koutou. Ko Layne Harvey tōku ingoa, no Ngāti Awa, Rongowhakaata, Te Aitanga a Māhaki, Te Whānau ā Apanui me Ngāti Kahungunu ki Te Wairoa ahau.

Kei mua i te aroaro o te Kooti ngā tono i tonoa e ngā iwi me ngā hapū mō te takutai moana. E ai kia ngā kaitono, he waahi tupuna, he waahi tikanga, he waahi whakahirahira rawa atu. Ko rātou ngā kaitiaki o tēnei taonga mai ra no. Ko 17 o Pēpuere 2025 ka tīmata to tātou kēhi ki te Whare Kooti o Ngāmotu. Heoi ano ra, ko te pūtake o te hui kōrerorero nei, he whakarongo ki ngā whakawhitinga kōrero, ngā tautohenga a ngā kaitono me te kōrero a te Karauna kia kite mehemea he take whai mana tēnei kia rangona ai, kāore ranei. No reira, tēnā ra koutou katoa.

[1] I thank counsel for Ngāti Manuhiakai, Ōkahu-Inuawai, Kanihi-Umutahi, Araukuuku, Ngāti Tu, Te Korowai o Ngāruahine Trust, Ngāti Haua, Ngāti Tamaahuroa, Titahi and Oeo Pā Trust, Te Rūnanga o Ngāti Ruanui Trust and Te Kaahui o Rauru Trust for their joint memorandum of 14 June 2024.

[2] As requested, a case management conference will be convened on **Thursday 18 July 2024** at 10 am via VMR to discuss the contents of that memorandum and related matters including proposals to truncate the hearing and the impacts of recently notified funding decisions. For completeness, I note that the timetable adjustments as sought are also confirmed.

[3] That said, in another MACA proceeding, counsel for the Attorney General filed a memorandum today outlining that the government had recently made decisions concerning s 58, as follows:

Cabinet has made initial decisions regarding the Government's intention to clarify s 58 of the Marine and Coastal Area (Takutai Moana) Act 2011 that will have material impacts on live MACA proceedings. Those decisions are subject to confidentiality. Counsel are seeking instructions on when those decisions (and further supporting Cabinet decisions yet to be made) will be announced and are unable to provide further information at present. Counsel will advise once instructions are received.

[4] This development may also have an impact on preparation for the South Taranaki hearings scheduled to commence on 17 February 2025 in Ngāmotu (New Plymouth). This issue may also be discussed at the conference next week.

Previous proceedings 2004

[5] On 25 March 2004, the Māori Land Court issued a minute setting down several applications for a judicial conference under s 67 of Te Ture Whenua Māori Act 1993 in response to applications that had been filed on behalf of the individuals set out below, several of whom are now deceased:

Number	Received	Applicant	Subject	Status
A20000055546	11.08.00	John Hanita Paki	Hokio Beach Foreshore	No fixture requested
E20030005055	01.07.03	Edward Penetito, Wayne Kereama for Te Komiti Marae o Kauwhata Trust	Hīmatangi Foreshore	No application filed as yet.
E20030005215	14.07.03	Rata Pue, Aroha Houston, Purangi Waikere Puru, Amiria Rangi, Te Miringa Hohaia	Taranaki Coast (North & South)	No filing fee paid or request for waiver of fee
A20030005031	22.08.03	Archie Tairoa on behalf of Whanganui River Maori Trust Board	Land between Kai iwi & Whangaehu Rivers	Fixture requested
A2000006291	30.10.03	M Tolich on behalf of Te Runanga o Ngati Ruanui	Estuarine waters of Whenuakura and Waingongoro	Fixture requested

[6] A copy of that direction is attached to this minute.

[7] Subsequently, a conference was convened and Crown counsel applied to have all of the applications adjourned. I understand that the adjournment was granted and that the Foreshore and Seabed Act 2004 was in any event enacted later that year. A copy of the transcript of that judicial conference is also attached to this minute. I have requested from the Māori Land Court the details of any other minutes, orders or related documentation that may be relevant to the present proceedings.

[8] I raise this matter for two reasons. First, in the context of priority proceedings under the 2011 legislation and whether submissions are required from Ngāti Ruanui and any other party who may be affected. Secondly, in the interests of transparency, to highlight that while I presided over those conferences, they progressed no further than for the purposes of adjournment. Counsel may wish to make submissions at the upcoming conference on these issues.

CIV-2017-485-212 – Te Kāhui o Taranaki Iwi

CIV-2017-485-215 – Te Rūnanga o Ngāti Mutunga

CIV-2017-485-310 – Te Kotahitanga o Te Atiawa Trust

[9] The minute of Churchman J dated 9 June 2023 records that these three applicant iwi are pursuing the direct engagement process and, apart from Te Kāhui o Taranaki, do not have any issues of overlap with the claimants listed in paragraph [1] above. In a memorandum dated 2 July 2024, their counsel confirmed that decisions on how to progress those applications will depend on information then awaited from the Crown concerning funding. In the meantime, counsel seek to be excused from attending the conference. Those applications are adjourned to the next case management conference in July 2025. Counsel are accordingly excused as requested.

CIV-2017-485-301 - Te Awa Tupua (Whanganui)

[10] This application will be called in the Wellington case management conference.

Harvey J