

**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: 18 July 2024 (via AVL)

Appearances: E Rongo for Kanihi-Umutahi, Ōkahu-Inuawai and Ngāti Manuhiakai
L Black for Ngāti Tū and Araukuuku Hapū
D Edmunds for Korowai o Ngāruahine Trust
D Bullock for Ngāti Hāua Hapū, Ngāruahinerangi
T Bennion for Ngāti Tamaahuroa and Titahi Hapū and Oeo Pa Trustees
J Inns for Te Rūnanga o Ngāti Ruanui Trust
M Wikaira for Te Kaahui o Rauru Trust
A Irwin for Te Kāhui o Taranaki Iwi and Ngāti Mutunga
G Melvin and Hussein for the Attorney-General

Minute: 23 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 ATIAWA TRUST
Thirteenth Named Applicant

TE RŪNANGA O NGĀTI TAMA
Fourteenth Named Applicant

NGĀ HAPŪ O MOKAU KI RUNGA
Fifteenth Named Applicant

THE ATTORNEY-GENERAL

[1] A case management conference was convened with counsel on 18 July 2024 where several issues were discussed including:

- (a) While truncated hearings were proposed, maintaining the full five week allocation commencing on 17 February 2025 to incorporate a site visit and changes to the timetable was preferred;
- (b) Whether waahi tapu hearings could be incorporated into the allocated five weeks for this proceeding;
- (c) Whether the Court should issue directions regarding the role of interested parties and their intentions regarding participation in the hearings;
- (d) That the boundaries of the hearing area the subject of applications should be finalised with precision;
- (e) That the Court should consider issuing an urgent if only interim decision soon after the hearings;
- (f) That the hearing could convene in Whanganui for the week starting 24 February 2025 due to pressures on New Plymouth accommodation due to Te Matatini 2025; and
- (g) That a pūkenga will be unnecessary for the purposes of the proceedings.

[2] Counsel for the Attorney-General also confirmed that urgent instructions were being sought regarding the proposed changes to s 58 but that no further update was

available at this time. Mr Scott for the Fishing Industry confirmed that his clients had participated in most of the MACA proceedings and intended to do so in this case.

[3] Having considered counsels' submissions, the directions are now issued that:

- (a) The following timetable changes as proposed are confirmed:
 - (i) Applicants file their evidence by 14 October 2024 (19 weeks before hearing);
 - (ii) Joint mapping project filed by 14 October 2024 (19 weeks before hearing);
 - (iii) Interested parties, other than the Attorney-General, file their evidence by 2 December 2024 (12 weeks before hearing);
 - (iv) Attorney-General files evidence by 16 December 2024 (10 weeks before hearing);
 - (v) Close of pleadings date 20 December 2024 (8 weeks before hearing);
 - (vi) Applicants' evidence in reply to be filed by 20 January 2024 (4 weeks before hearing);
 - (vii) Applicants' file opening submissions, statement of agreed facts, and bundles of authorities by 3 February 2024 (2 weeks before hearing);
 - (viii) Attorney-General files submissions and bundles of authorities by 3 February 2025 (2 weeks before hearing);
 - (ix) Interested parties' file submissions and bundles of authorities by 3 February 2025 (2 weeks before hearing);
 - (x) Draft joint hearing timetable to be filed by 3 February 2025 (2 weeks before hearing) (filed by counsel to assist Court, noting that the Court will regulate its own timetable);
 - (xi) Hearing begins 17 February 2025.

- (b) Unless covered by the mapping project mentioned above, counsel should liaise and file a map with an agreed definition of the hearing area including which banks of the relevant streams are included as soon as possible.
- (c) Counsel should confirm as soon as possible their clients' requirements for te reo Māori translation so that the necessary logistical arrangements can be resolved.
- (d) Parties who have registered an interest in the proceedings should confirm the extent of their proposed participation in the February – March 2025 hearings if they have not already done so by 4 pm 1 September 2024;

[4] I also confirm that the Aotea District Māori Land Court in Whanganui is available and booked for 24-28 February 2025. I suggest counsel make urgent enquiries to secure accommodation there.

[5] Finally, by way of advance notice, I intend to convene a case management conference in the near future to discuss mandate and overlapping interests issues and how they can be managed to best effect to ensure the efficiency of the proceedings. The first week of November 2024 may be an appropriate time for this to be scheduled.

Harvey J