

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

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

**CIV2017-485-247, 302**

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

AND

IN THE MATTER OF An application by Roger Tichborne, Danny  
Delamere and Kemara Pewhairangi on  
behalf of Ngā Hapū o Tokomaru Ākau, for  
orders recognising Customary Marine Title  
and Protected Customary Rights

Hearing: On the Papers

Appearances: D C F Naden and H J Fletcher for Ngā Hapū o Tokomaru Ākau  
R Siciliano and C Mataira for Te Whānau a Ruataupare

Minute No.11: 26 July 2024

---

**MINUTE (No.11) of CULL J**

---

[1] During the Stage 2 hearing, certain matters arose from the evidence, which either required further clarification documents from the applicant’s expert or further finalisation of maps, entity confirmation, and other steps to be taken to present final submissions.

[2] Mr Naden advised the Court that from 17 July 2024, Counsel for the Applicants are constrained in the services they are permitted to undertake in light of the recent amendments to Te Arawhiti’s Takutai Moana Financial Assistance Scheme (the “Scheme”). Where however, the Court workstream relates to costs incurred in preparation for and participation in Court hearings, including “Post-hearing work (as

directed by Court)”,<sup>1</sup> such costs would be covered. The applicants therefore sought that any such work directed by the Court be set out in a Minute of the Court to assist with securing reimbursement.

[3] In light of the matters which have arisen during the Stage Two hearing, the following workstreams, which need to be carried out ahead of the presentation of closing legal submissions on 21 August 2024, are as follows:

- (a) drafting of a brief of evidence confirming process and outcome of election of representatives for CMT / PCR order holder entity;
- (b) arrangement of signed acknowledgement from the applicants confirming the CMT / PCR order holder entity represents both hapū in relation to the matters before the Court;
- (c) drafting of completed trust deed establishing and governing the CMT / PCR order holder entity;
- (d) drafting of finalised CMT and PCR orders;
- (e) preparation of finalised CMT map, as agreed between witnesses for the Attorney-General and the applicants;
- (f) preparation of maps of wāhi tapu areas delineating extent of area using latitude and longitude;
- (g) location of certificates of title for private land located below the mean high water springs (and therefore exempt from the CMT area) by Mr Hudson Moody;
- (h) preparation of suggested boundaries for wāhi tapu #1 (Te Rua o Mutu) by Mr Hudson Moody;

---

<sup>1</sup> Te Arawhiti, *Funding Guidance 1 July 2024 – 30 June 2025: Court Workstream* at p.1.

- (i) location of Te Aotāwarirangi's Fisheries Management Plan; and
- (j) drafting of joint written closing legal submissions.

[4] By consent, I make the following timetable directions as follows:

- (a) **27 July 2024:** Applicants to ensure pānui published setting date of elections of trustees for CMT / PCR order holder entity;
- (b) **31 July 2024:** supplementary pūkenga report filed;
- (c) **13 August 2024:** cross-examination of pūkenga regarding supplementary report;
- (d) **17 August 2024:** Applicants to convene elections for trustees for CMT / PCR order holder entity, for both traditional hapū;
- (e) **19 August 2024:** Applicants to file:
  - (i) brief of evidence confirming process and outcome of election of representatives for CMT / PCR order holder entity;
  - (ii) signed acknowledgement from the Applicants confirming the CMT / PCR order holder entity represents both hapū in relation to the matters before the Court;
  - (iii) copy of the Trust Deed for the CMT / PCR order holder entity;
  - (iv) final draft CMT and PCR orders;
  - (v) final CMT map (to be agreed between the Attorney-General and Applicants);
  - (vi) maps of wāhi tapu areas delineating extent of area using latitude and longitude;
  - (vii) Te Aotāwarirangi's Fisheries Management Plan; and

(viii) joint written closing legal submissions.

(f) **21 – 23 August 2024:** presentation of closing legal submissions.

**Cull J**