

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

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

**CIV-2017-485-218**

IN THE MATTER OF      An application by HORI TURI ELKINGTON, of  
Wellington, trustee of the Ngāti Koata Trust, for  
Recognition orders under the Marine and Coastal  
Area (Takutai Moana) Act 2011

Hearings:      10-27 June 2019

Counsel:      A K Irwin for H T Elkington on behalf of Ngāti Koata  
B R Lyall for Te Whānau Tima  
C B Hirschfeld for Te Aitanga o Ngā Uri o Wharekauri, and Te Hika  
o Papaūma  
G Erskine and M Hill for Te Hika o Papaūma, Tukōkō, Ngāti Moe,  
and Ngā Uri o Ngāi Tūmapūhia-ā-Rangi Hapū  
T Hullena for Pāpāuma Marae Trustees, Tūpoki Takarangi Trust, and  
Ngāti Raukawa ki te Tonga  
H A Brown for T Williams  
M D McGhie for David Morgan Whānau  
A Anderson for Trustees of Te Rangitāne Tū Mai Rā Trust  
S J Fraser for Te Ātiawa Ki Whakarongotai Charitable Trust  
T H Bennion for Hunau of Tame Horomona Rehe, Te Pautokotoko,  
and Moriori Imi  
J Mason and J Collinson for Cletus Maanu Paul  
G Sharrock for Rihari Dargaville  
J Ferguson for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-ā-Rua  
Settlement Trust, Te Awa Tupua, and Ngā Hapū o Te Iwi o  
Whanganui  
D A Ward and G L Melvin for Attorney-General

Interested Parties:

Ms Barry for Wellington International Airport Ltd  
K Rouch and A Anderson for Seafood Industry Representatives

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

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

Hearing: 13 June 2019

Counsel: S A Wadworth for Rangitāne o Wairau  
L Black for Tahuāroa-Riwaka Houra Whānau, Tahuāroa-Watson  
Whānau, Henare Tahuāroa-Watson Whānau, and Ngāi Tūāhuriri  
M Houra for Te Ātiawa o Te Waka-a-Māui  
G L Melvin for Attorney-General

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

**I TE KŌTI MATUA O AOTEAROA  
TŪRANGANUI-A-KIWA ROHE**

Hearing: 17 June 2019

Counsel: B R Lyall for Ngā Hapū o Kokoronui ki Te Toka a Taiau Takutai  
Kaitiaki Trust, and Te Rauhina Marae and Hapū  
B Tupara (acting on instructions) for Ngāti Oneone, Ngā Hapū o  
Tokomaru Ākau, and Te Whānau a Kahu  
H K Irwin-Easthope for Trustees of the Ngāi Tāmanuhiri Tūtū  
Poroporo Trust  
T B Johnson (acting on instructions) for Ngāti Kurupakiaka,  
Te Aitanga A Puata, Ngāi Tauira, and Ngā Hapū o Ngāti Porou  
R N Smail for Ngāti Rongowhakaata Iwi Trust  
C Beaumont for Te Whānau a Umuariki, Te Whānau a Rākaioa ki  
Waipiro, and Te Whānau a Iritekura  
G L Melvin for Attorney-General

Interested Parties:

H McIlroy for Te Whānau a Rakairua, Te Whānau a Iritekura  
R Tichborne for Te Whānau a Tokomaru Ākau, Te Whānau a Tiakitai  
Waitangi Te Koka and Te Whānau a Ruatoki(?).

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

**I TE KŌTI MATUA O AOTEAROA  
TAURANGA MOANA ROHE**

Hearing: 18 June 2019

Counsel: W McCarthy for Te Whānau ā Te Harāwaka  
K Tahana for Ngā Hapū o Ngāti Ranginui  
S T Webster for Te Rūnanga o Ngāti Whakahemo, Ihakara Tangitū  
Reserve, and Ngāti Hē Hapū Trust  
J N Gear for Ngā Hapū o Ngāi Te Rangī  
K S Feint for Ngā Hāpu o Te Mōutere o Mōtītī  
J Mason for Te Rūnanga o Ngāti Whakaue ki Maketū Inc, and  
Tangihia Hapū  
T H Bennion for Ngāti Pūkenga, and Ngāi Te Hapū Inc  
A Warren for Ngāti Tara Tokanui, and Ngā Pōtiki a Tamapahore  
Trust  
J Pou for Ngāti Mākino, and Ngāti Pīkiao  
B R Lyall for Ngāti Porou ki Hauraki  
J Ferguson for Raurima Island Māori Reservation  
G L Melvin for Attorney-General

Interested Parties:

T Waikato for Bay of Plenty Regional Council  
C J Drought for Great Mercury Island Limited  
R M Jones for Hauraki District Council and Whakatane District  
Council

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

**I TE KŌTI MATUA O AOTEAROA  
TE ROTORUA-NUI-Ā-KAHU ROHE**

Hearing: 19 June 2019

Counsel: T Sinclair for CA & A Edwards on behalf of Te Whakatōhea, Te Uri a  
Tehapū, Whakatōhea Pākowhai, Ngāti Muriwai, and Te Whānau-a-  
Apanui Hapū  
A T Sykes and J J M Bartlett for Ngāti Ira o Waioweka Rohe  
C M T Linstead-Panoho for Ngāi Tamahaua Hapū, Ngāi Tai Iwi, and  
Ririwhenua Hapū  
T A Thompson for Ngāti Huarere ki Whangapoua, Hiwarau,  
Turangapikitoi, and Ōhiwa of Whakatōhea  
S T Webster for Te Rūnanga o Ngāti Awa  
T H Bennion for Ngāti Patumoana  
S Collinson for Manu Paora Whānau  
K Ketu for Te Uri o Whakatōhea Rangatira Mokomoko  
R Zwaan for Kaukore Baker (Te Ūpokorehe)  
J M Pou for Whakatōhea Māori Trust Board  
G L Melvin for Attorney-General

Interested Parties:

K Rouch for Seafood Industry Representatives  
M Stringfellow for Property Owners of Whanarua Bay  
C J Drought for Great Mercury Island Limited  
T Waikato for BOP Regional Council and Opotiki District Council  
M Hata for Ngāti Ruatakena  
R M Jones for Thames/Coromandel District Council

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

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

Hearing: 20 June 2019

Counsel: A T Sykes and J Bartlett for Tainui hapū o Tainui waka  
J Lewis for T Āwhitu on behalf of Ngāti Wehi  
B J Loader for West Coast Iwi and Hapū ki Marokopa Marae  
T A Thompson for Ngā Tini Hapū o Maniapoto  
J Ferguson for Waikato-Tainui  
L Mills for Te Rūnanganui o Ngāti Hikairo  
C Bollen for Ngaati Mahuta ki te Hauaauru  
T H Bennion for Ngāti Apakura  
G P Tootill (in person)  
G L Melvin for Attorney-General

Interested Parties:

R M Jones for Whakatane, Hauraki and Waikato District Councils  
S J Berry and H C Andrews for Te Whānau-a-Haunui

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

**I TE KŌTI MATUA O AOTEAROA  
WHANGĀREI TERENA PARĀOA ROHE**

Hearing: 25 June 2019

Counsel: J Mason for Reti Whānau, Ngāti Kawau, and Te Waiariki Kororā  
J J M Bartlett Kameta for Ngāti Manu and its hapū Te Uri Karaka, and  
Te Uri o Raewere  
L Thornton (on instructions) for Te Rae Ahu Whenua Trust, Ngāti  
Kawau, Ngāti Kawhiti, Ngāti Haitī, Ngāi Tupango, McGee Whānau,  
and Te Tawharau o Ngāti Pukenga  
C M Hockly for Te Whakapiko Hapū of Ngāti Manaia; Reweti and  
Rewha Whānau; and Te Parawhau  
C B Hirshfeld for Te Rōpu o Rangiriri; Te Ihutai ki Orira; and Ngāti  
Torehina ki Mataure ō Hau  
T Sinclair for Ngāti Manu and Ngāti Rangi, Ngāti Rāhiri Hapū, Ngā  
Hapū o Ngātiwai Iwi, Te Whānau o Hōne Pāpita Rāua Ko Rewa Ataria  
Paama, Ngāti Kahu, Te Rawara and Te Uriohina, and O Ngā Hapū o  
Taiamai Ki Te Marangai  
G Erskine for Te Popoto ki Ōturei  
M Hill for Ngāi Tupango; Te Iwi o Te Rarawa ki Ahipara; Te Whānau-  
o-Rataroa; Ngāti Rāhiri and Ngāti Kawa; and Ngāti Tara  
M Tuwhare for Ngā Hapū o Tangaroa ki te Ihu o Manaia tae atu ki  
Mangawhai; and Ngā Hapū o Ngāti Kahu  
G Sharrock for Ngapuhi nui tonu, Ngāti Rāhiri, Ngāti Awa,  
Ngā Tāhuhu, and Ngaitawake; Ngāti Kauwau, Ngāti Awa Whangaro;  
Ngāti Kahu; Te Hiutū Hapū; and Ngaitawake (Dargaville)  
J K Harper-Hinton for Te Waiariki, Ngāti Kororā; and Ngāti Torehina  
ki Matakā  
K H Dixon for Ngāti Takapari; Patuharakeke Te Iwi; Patuharakeke;  
Ngāti Korokoro Trust; and Henare Waata Whānau  
A Tapsell for Ngāpuhi/Ngāti Kahu ki Whāingaroa; and Te Rarawa  
H W Walker for Te Whānau Moana me te Rorohuri  
M W Denton for Ngāti Kuta and Patukeha ki te Rāwhiti  
A Anderson for Pārengarenga A Incorporation and Iwi  
J Waata (self represented) for Te Whānau Whero  
R N Zwaan for Whakarara Māori Committee  
S Downs for Ngāti Hine; Ngāti Kawa and Ngāti Rahiri; Te Kapotai;  
and Te Aupouri  
W McCarthy for Ngātiwai (Whānau of Ohawini); Walker; Ngā Uri o  
Hairama Pita Kino Davies; and Whangaroa Ngaiotonga Trust  
D A Ward and G L Melvin for Attorney-General

Interested Parties:

F Newman for Landowners Coalition Inc

M Chen for Te Rūnanga o Ngāti Whātua

B Simons for Te Whānau-a-Hauni

C Woodward for Te Uri o Hau

K Rouch for Seafood Industry Representatives

D Reeves for Northport Ltd and Refining New Zealand

R M Jones for Kaipara, Waikato and Hauraki District Councils

J Mason for Sailor Morgan on behalf of Ngāti Ruamahue

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

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE**

Hearing: 27 June 2019

Counsel: A T Sykes for Ngāti Rongo o Mahurangi  
M Chen for Te Rūnanga o Ngāti Whātua  
G S G Erskine and M Hill for Ngāti Taimanawaiti, and Ngāti Rehua-  
Ngātiwai ki Aotea  
L Thornton for Ngāti Rehua-Ngātiwai ki Aotea, Ngāti Maraeariki, and  
Ngāti Rongo  
J Bartlett (on instructions) for Bouchier, Taumata B Block Whānau,  
and Ngāti Te Ata  
D Takitimu for Ngāti Porou ki Hauraki  
J Mason (on instructions) for Ngāti Kauwau, Ngāti awa Whangaroa,  
Hon D Samuels of Ngāti Kahu, Ngāi Tāhuhu, Ngāti Tuu, Ngāti  
Kukukea; Ngapuhi-nui-tonu, Ngāti Rahiri, Ngāti Awa, Ngā Tāhuhu,  
Ngatiawake, NZ Māori Council Members, Te Taoū, and Te Waiariki  
Kororā  
D T K Ketu for Ngāi Tai ki Tāmaki Trust  
T Hovell for Ōtakanini Tōpu Māori Incorporation  
M Denton for Ngāti Whātua Ōrakei Trust  
A J Sinclair for Ngāti Mutunga o Wharekauri Iwi Trust, Mahurangi,  
Ngāti Awa, and Ngāpuhi  
J Pou for Ngāti Manuhiri  
S A Atuhiva for Te Whānau-a-Haunui  
G L Melvin and Y Moinfar Young for Attorney-General

Interested Parties:

R M Jones for Hauraki, Kaipara, and Thames/Coromandel District  
Councils  
G Hill (in person)

Minute: 25 July 2019

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**MINUTE (NO. 2) OF CHURCHMAN J  
[Case Management Conferences 2019]**

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## PART I

### Introduction

- [1] This minute will be divided into four parts:
- (a) Part 1 provides a general overview of developments since the last series of national case management conferences (CMCs) in June 2018;
  - (b) Part II details the issues that arose at those CMCs;
  - (c) Part III records the current situation of the Priority applications (other than those that were not scheduled to be called at the CMCs); and
  - (d) Part IV summarises the directions made in respect of all other applications.

### *Overview*

[2] Section 100(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) specified that all applications for Protected Customary Rights and Marine Title Orders (Recognition Orders) had to be filed within six years after the commencement of the Act. This led to a flood of such applications being received prior to 1 April 2017.<sup>1</sup>

[3] In order to ensure that all of the 202 applications progressed in an orderly way towards resolution, the Court held, in mid-2018, a series of 10 CMCs at various locations throughout the country.

[4] Following those CMCs, Collins J issued a comprehensive minute addressing the various issues that had arisen and making directions and observations designed to facilitate the progress of all applications toward hearing.

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<sup>1</sup> In the five years and 11 and a half months following the enactment of the Act, 13 applications were transferred from the Māori Land Court and one new application was filed. In the two weeks preceding 1 April 2017, some 190 applications were filed.

[5] The majority of the applications were adjourned to a further series of CMCs to be held approximately 12 months after June 2018.

[6] In relation to this second round of CMCs, Collins J expressed the expectation that, at those CMCs:<sup>2</sup>

- (1) applicants to have substantially completed the task of gathering evidence; and
- (2) to put in place a timetable for the steps required to progress each application to a substantive hearing.

[7] The Court scheduled a series of 10 CMCs in 2019 between 10 and 27 June. Unfortunately, the expectations of Collins J as to the progress that would be made towards readiness of hearing has not been realised.

[8] In few cases has there significant progress, and in many cases, there has been no progress at all. A number of reasons were put forward by counsel as an explanation for this. The most common was difficulties with funding. Without funding being confirmed and made available, a number of applicants felt unable to commission historical research. Other applicants said that they had not been able to successfully obtain relevant information even when utilising the Official Information Act (OIA).

[9] However, what may well have been the single biggest contributor to the relative lack of progress was the fact that the majority of applicants would prefer to pursue the option of direct engagement with the Crown rather than litigation.

[10] The great majority of those who had sought direct engagement had received a pro forma response acknowledging their request, but no substantive response. It appears that for many parties, the commencement of Court proceedings was done principally to ensure that such an option remained available to them should the Crown not ultimately agree to engage directly with them in negotiations.

[11] It appeared that, in the absence of any substantive response from the Crown to requests for direct engagement, the parties remained hopeful that this could occur and

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<sup>2</sup> *Re Elkington* CIV-2017-485-218, Minute (No. 5) of Collins J, 18 July 2018 at [81].

therefore saw little to be gained from investing heavily in preparation for a hearing of an application in Court.

## PART II

### Issues

[12] In this part of the minute, I will address the following issues that arose during the course of the CMCs:

- Funding;
- Engagement with the Crown;
- “Protective” applications;
- Overlapping applications;
- Mapping;
- Role of the Attorney-General;
- Discovery;
- Pre-hearing applications;
- Judicial settlement conferences; and
- Confidentiality orders.

### *Funding*

[13] Although many of the applicants raised issues about funding, it appears that significant progress has been made over the past 12 months. Separately from the applications being dealt with by the High Court, the Waitangi Tribunal has undertaken an inquiry into the Act.

[14] During Stage 1 of the inquiry, the Crown committed to review funding policy. That review is still underway. The uncertainty about whether participation in CMCs would be funded has been resolved, and an issue about liability for hearing fees clarified.

[15] Court hearing fees of \$1,600 per day would be a significant financial burden for applicants in cases such as the Edwards (Whakatōhea) application which has been set down for an eight-week hearing starting in August 2020. It was estimated at the Rotorua CMC that the hearing fees for that case alone could be in the order of \$64,000. The option of applying for a waiver of such fees exists. However, the Crown confirmed that it has adopted a policy that if such fees are not waived, it will meet them.

[16] At the Wellington CMC, the Crown provided information about the the funding status of many of the cases where the applicants had claimed funding to be an issue. In the majority of the cases, Te Arawhiti<sup>3</sup> had experienced difficulties in obtaining the requested information to support the funding application; in some cases, funding requests were declined because the application had not been made by an “applicant group” for the purposes of the Act; and in other cases, the funding request had been declined in accordance with the Crown’s policy that, where an applicant is being funded to participate in direct engagement, they will not also be funded to simultaneously conduct litigation.

[17] The Court was advised by counsel for the Crown that Te Arawhiti was currently developing the parameters for a funding review and will seek ministerial agreement on the scope of the review within two months of the date of the CMCs.

[18] The Crown’s stated policy<sup>4</sup> is that it is committed to making a contribution to the costs of iwi, hapū or whānau groups who have applied to the High Court for Recognition orders under the Act.

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<sup>3</sup> The Office for Māori Crown Relations which is the body to which funding applications are made.

<sup>4</sup> Ministry of Justice: “Funding information for applicants” >[www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/funding-information-for-applicants](http://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/funding-information-for-applicants)>

[19] In his minute of June 2018, Collins J encouraged applicants to proactively advance their funding applications by following the procedures set out in the Ministry of Justice's website. That remains an apt observation. Applicants are also encouraged to include full supporting information at the time of filing requests for funding.

*Engagement with the Crown*

[20] Many of the applicants appearing at the CMCs had also sought to obtain recognition agreements under s 95 of the Act by direct engagement with the Crown. It was a source of concern to the Court to hear the submission from many applicants that, other than a brief acknowledgement of their request for direct engagement, they had heard nothing further.

[21] Collins J noted in his minute of June 2018,<sup>5</sup> that he had been advised by counsel for the Attorney-General during the course of last year's CMCs, that it may take the Crown up to 18 months to decide which applicants it was willing to negotiate with.

[22] Collins J made the observation that a delay of this length could well force many applicants down the litigation pathway in circumstances where they may otherwise have been amenable to negotiated settlements. That observation has proved prophetic.

[23] In the course of the recent round of CMCs, the Court was advised that since the 2018 CMCs, the Crown's focus has been on engagement with those applicants with whom it had existing engagement as at 3 April 2017.

[24] In the memorandum of 7 June 2019 for the Wellington CMC, counsel for the Attorney-General advised that no new engagement arrangements had been entered into over the preceding 12 months.

[25] During the course of other CMCs, counsel for the Attorney-General expressed the view that the Crown was on track to be able to start directly engaging with other applicants towards the end of the year (that being within the 18-month indication given to Collins J last year).

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<sup>5</sup> Above n 2.

[26] It is not for the Court to direct the Crown when, or how, to go about direct engagement. However, the position remains that, for many of the applicants, it is their preferred process and the costs, stress and damage to relationships that litigation often brings, may well be able to be avoided or minimised if direct engagement is able to take place.

*“Protective” applications*

[27] A number of applications have been filed on what has been described as a “protective” basis. Two have been filed on behalf of “all Māori”.<sup>6</sup> These applications have been filed by members of the New Zealand Māori Council (Rihari Dargaville and Maanu Paul respectively).

[28] It remains unclear to the Court why the Māori Council thought it necessary to authorise two of its members to each file such applications. It would be easier to understand the purpose of such applications if they each applied to discrete areas, or the interests of a different applicant. However, both cover the whole of New Zealand and are purportedly in respect of “all Māori”.

[29] In a memorandum filed for the CMC in Wellington, in support of CIV-2017-485-512, Ms Mason, counsel for Mr Paul, explained the purpose of his application as being:

... the Application was filed as a vehicle for those who had missed the Statutory Deadline due to a lack of resources or knowledge, to protect their interests. Otherwise, Māori who would potentially meet the tests under the MACA Act for CMT, would be prevented from having their rights recognised.

[30] The same memorandum also said (in bold type): **“The Application is not in opposition to other applications.”**

[31] Mr Sharrock, counsel for Mr Dargaville, the other national applicant, explained the purpose of his client’s application in a similar way.

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<sup>6</sup> CIV-2017-404-538 and CIV-2017-485-512.

[32] In addition to the two national applications, other entities have also brought broad “protective” applications.<sup>7</sup>

[33] A number of counsel raised the concern that the “protective” applications, particularly the two national applications, were needlessly complicating their clients’ claims and indicated that strike-out applications were being contemplated.

[34] In respect of regional “protective” applications such as that by Ngā Puhi-nui-tonu and Edwards, a number of the applicants in respect of whose claims the “protective” applications were purportedly made, indicated clearly to the Court that they wished to advance their own claims and that those making the “protective” applications had no mandate to represent them.

[35] At the Auckland CMC on 27 June 2019, Mr Erskine,<sup>8</sup> indicated that his clients would consider a strike-out application in relation to the national applications if they were not amended so as to exclude the areas where his clients were advancing claims. He indicated that his preference was that the national applicants voluntarily amended their applications.

[36] Other counsel,<sup>9</sup> also sought that the status of the national applications be clarified in particular by the applicants indicating which areas they intended to pursue their applications in respect of.

[37] During the course of the Whangarei CMC on 25 June 2019, Ms Mason, counsel for the Paul national application,<sup>10</sup> submitted that the national applicants should have a further 12 months in order to be able to identify the claimants that they were actually representing.

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<sup>7</sup> Examples include CIV-2017-404-537 – Kingi on behalf of Ngāpuhi-nui-tonu; and CIV-2011-485-817 – Edwards (Whakatōhea).

<sup>8</sup> In respect of CIV-2017-404-518 – Ngāti Taimana Waiti; and CIV-2017-404-580 – Ngāti Rehua – Ngātiwai ki Aotea.

<sup>9</sup> See for example the memorandum of Mr Ferguson for the Wellington CMC of 10 June 2019 re CIV-2017-485-301 – Albert and Mair.

<sup>10</sup> CIV-2017-404-538.



[38] Given the time that has passed since the national claims were lodged, and given the fact that matters are now being set down for hearing, a further delay of 12 months is unrealistic.

[39] Mr Sharrock, who acts for the other national claimant,<sup>11</sup> and for some of the regional “protective” claimants, at the Auckland CMC indicated that he hoped to be able to file within a month, at least a general indication as to which particular claims were being advanced, and to provide full specificity “not later than six months, hopefully in three months”.

[40] Also at the Auckland CMC, Mr Erskine, who represented some 14 claimants whose claims were overlapped by the national applications, sought a direction that a memorandum be filed by the national applicants within three months clarifying the position in respect of the 14 applicants he acted for.

[41] There is no doubt that the existence of the two national applications, which do not identify any particular claim or interests, is causing frustration for a number of other claimants.

[42] However, before entertaining a strike-out application, the Court will give the two national claimants the opportunity to file a memorandum specifying precisely what claims they are actually advancing, on whose behalf those claims are made and what geographic areas they relate to. Such memoranda will be filed and served within one month from the date of this minute.

[43] To the extent that there will be geographic areas where no specific claim is being advanced, the Court will expect the national applicants to make that clear and to withdraw from further involvement in relation to hearings in respect of those areas.

[44] Should the national applicants fail to comply with this direction then the Court will entertain applications that the claims should be struck out.

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<sup>11</sup> CIV-2017-485-512.

[45] In respect of the regional “protective” applications, some of the same considerations apply. This seems to be particularly so in relation to the cases that were dealt with at the Rotorua and Whangarei CMCs.

[46] Where a claimant, be it a whānau, hapū or iwi, has lodged a claim and is actively pursuing it, it is difficult to see the basis upon which another entity, whether it is a trust board, a post settlement entity or some other structure, has any role in attempting to advance a claim on behalf of the same whānau, hapū or iwi.

[47] In the first instance, the parties involved in these sorts of applications should be given the opportunity to resolve such issues between themselves in accordance with tikanga. However, if that is unsuccessful, the Court will be obliged to consider applications to strike out.

#### *Overlapping applications*

[48] In his minute of 18 July 2018, Collins J noted a large number of overlapping applications and the significant challenge that they presented to hearing and determining the applications lodged under the Act. He encouraged such applicants to engage in genuine discussions with one another. While he acknowledged that some deep-seated disputes would not be able to be resolved by negotiation, he expressed the hope that the majority of completing claims could be resolved through negotiations conducted in good faith.

[49] In conducting the recent set of CMCs, the Court was disappointed to learn that in a great many instances of overlapping claims, particularly those dealt with in the Whangarei and Auckland CMCs, the claimants had taken no steps at all to engage in any dialogue with other overlapping claimants.

[50] While the Court accepts that for some claimants funding may be an issue, that cannot be a complete justification for having made no attempt at all to communicate with overlapping claimants.

[51] The Court was reminded at many of the CMCs that a number of the tikanga witnesses were elderly and were passing away. One of the principal impediments to resolving these applications in a timely manner, is the difficulty created by multiple overlapping applications for the same area asserting exclusive rights on behalf of different applicants. The parties have it in their power to have a positive impact on those delays by taking responsibility for engaging in dialogue with other cross-applicants to see if overlapping issues can be clarified.

[52] To the extent that Te Arawhiti may be asked to fund hui or wānanga to address such issues, they may consider that this would be a prudent use of scarce funds, given the potential impact for shortening hearing time.

[53] Those parties who come back to the Court in 12 months' time and indicate that they have made little or no effort to communicate with overlapping parties to attempt to resolve questions of overlap, may well find that the Court is minded to issue directions in that regard and may insist on that happening before a hearing date is allocated.

### *Mapping*

[54] By minute of 2 May 2019, the Court requested that all applicants file updated maps by 16 May 2019, identifying the geographic area to which their claims related. Most of the applicants complied with that direction, however, there are still a small number of applicants who have yet to file any maps.

[55] I appreciate that drawing a line on a map may be an overly simplistic way of delineating the nature of a claimed interest or right, and also acknowledge the comments made by Mr Sinclair at a number of the CMCs that “drawing lines on Takutai Moana maps is quite an inflammatory thing to do for Māori”. However, in order for the Court to understand the extent of any application and, ultimately to come to a determination as to whether or not such an application is supported by evidence, the Court must understand the geographic area to which the application relates. It is also important for other applicants who have claims in adjacent areas. They need to

know whether claims being advanced by their neighbours actually overlap their claim area or not.

[56] As a result of dialogue between the parties as to the precise boundaries of claims, some revised maps were able to be filed which confirmed that claims which were at first thought to be overlapping were not in fact so. Those parties who have not filed maps outlining the boundaries of their claims are therefore directed to do so as soon as possible.

[57] It is important for the parties to understand that the filing of a map does not irrevocably commit an applicant to forever being bound by that map. At any time, the parties are free to file a refined or updated map. Ideally, the maps filed by all applicants would follow a consistent format and contain similar information, but, as a start, any map is better than no map.

[58] At last year's CMCs, there had been a proposal for the joint appointment of an agreed upon pool of map makers to prepare maps on behalf of applicants who required assistance. Collin J recorded, "Ideally the cost of that exercise will be borne by the Crown as part of its commitment to contributing to the funding of applications."<sup>12</sup>

[59] In a memorandum dated 25 October 2018, the Attorney-General indicated his support for mapping guidelines to be agreed upon to ensure consistency of mapping across applications and a readiness to work with applicants to draft mapping guidelines.

[60] Counsel for the Attorney-General filed a memorandum for the Wellington CMC on 10 June 2019 which recorded that:

The development of mapping guidelines has not progressed since that memorandum was filed. The Attorney-General has not been approached by applicants in relation to any detailed proposal and does not consider it appropriate to develop mapping guidelines unilaterally.

[61] Each of the applicants' primary interest is in the map that relates to the area of their claim and the maps of any overlapping claimants. The claimants are unlikely to

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<sup>12</sup> Above n 2, at [30].

have an interest in (or in many cases the resources to pursue) a national mapping initiative.

[62] Therefore, rather than the Attorney-General sitting back and waiting to be approached by individual applicants regarding mapping guidelines, a more productive approach would be for the Attorney-General to produce draft mapping guidelines which can be circulated for consultation.

[63] Although the memorandum filed for the Wellington CMC expressed the view that the Attorney-General did not consider it appropriate to develop mapping guidelines unilaterally, it also referred to the fact that the Crown had been working on what was called as a National Dataset. This was described as a Geographic Information System Dataset that contains layers of information derived from publicly available data.

[64] It was said that one of the purposes of this dataset was to assist applicants by providing a consistent and transparent base level of information about third party use and occupation of the New Zealand coast. Another purpose was said to be to assist applicants in producing more accurate mapping.

[65] Some disquiet was expressed by a number of applicants upon learning of the type of information that was to be included in the National Dataset. The view was expressed that the information being gathered could potentially be seen as information that might be utilised in opposition to the applicants' claims.

[66] Following the Wellington CMC, the Crown met with Te Arawhiti officials regarding mapping.

[67] At the Gisborne CMC on 17 June 2019, counsel for the Crown advised the Court that the Crown proposed that a working group should be formed comprising representatives from Crown Law, representatives of applicant counsel, some officials from Te Arawhiti, and possibly officials on behalf of the Surveyor-General.

[68] It was proposed that such a working group would consider what guidelines would be appropriate for mapping, and to produce a draft set of guidelines that would be sent out to all applicants and their counsel for consultation.

[69] Counsel indicated that a more formal proposal would be detailed in the memorandum to be filed shortly. Such a memorandum has not yet been received.

[70] The Crown's proposal put forward at the Gisborne CMC received a generally favourable response at the other CMCs. The principal qualification was the suggestion that parties would rather participate in a regional committee than a national committee.<sup>13</sup>

[71] In the memorandum filed for the Wellington CMC, counsel for the Crown expressed the Attorney-General's view in relation to the funding for mapping, that it was not necessary to provide additional funding or a separate pool of funding at that time. He reiterated the view that the Crown sees accurate mapping of applications to be a standard activity required for all applications which was recognised by the Crown's existing funding processes.

[72] Given that the new initiative for a national committee to produce national mapping guidelines is something that may not have been contemplated at the time of the Crown's policy decision as to funding of mapping, it may well be that the Crown would wish to reconsider the issue of specific funding for those applicant representatives who are involved in the exercise of developing national guidelines.

[73] It is also likely to be important for the Crown to seize the initiative in the establishment of such a committee rather than to wait for individual applicants to approach them about it.

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<sup>13</sup> See for example, the submissions of Ms Sykes and Mr Ferguson at the Hamilton CMC at pages 4 and 18 of the transcript respectively.

### *Role of the Attorney-General*

[74] Prior to the 2018 CMCs, a number of applicants had questioned the role being played by the Attorney-General in relation to these applications. Interlocutory applications had been filed to determine the role and status of the Attorney-General.

[75] In his minute of 18 July 2018, Collins J held that the role and status of the Attorney-General in these proceedings *may* be amenable to a separate hearing pursuant to HCR 10.15. He indicated that if that course of action was to be followed, applicants who took issue with the role of the Attorney-General should promptly file an application under HCR 10.15, together with supporting memoranda.

[76] Eight counsel, representing some 35 applicants filed notices under HCR 10.15 seeking determination of a question of law. An interested party representing the Seafood Industry also applied under HCR 10.15 to determine questions concerning the role of the Attorney-General in negotiating any resolution of applications under the Act, and the ability of interested parties, such as the Seafood Industry Representatives to have their views considered in any negotiations.

[77] These questions appear to relate to the direct engagement process rather than to the applications to the High Court. The High Court does not have any jurisdiction in relation to the direct engagement process.

[78] The Attorney-General filed a memorandum dated 11 September 2018 clarifying that the Attorney-General understood his involvement in each application was under s 100 of the Act, was that of an interested party.

[79] Although some applicants were satisfied with the position set out by the Attorney-General in the memorandum of 11 September 2018, others were not. Several of the counsel sought to withdraw or adjourn their applications. Others filed amended applications. The Court did not set down a date for the hearing of the applications which had not been withdrawn or fix a timetable that might lead to a hearing.

[80] During the 2019 CMCs, it became clear that there were still some applicants who were not satisfied with the clarification of the Attorney-General's role and still wished to have their applications argued. The positions of counsel varied.

[81] At one extreme was the submission of Ms Mason at the Whangarei CMC on 25 June 2019, on behalf of Reti Whānau and Ngāti Kawau and Te Waiariki Kororā,<sup>14</sup> where she submitted:

The applicants' view is that the Crown, the Attorney-General should not be a party to these proceedings at all, and not an interested party or in any other way.

[82] Others,<sup>15</sup> did not go so far as to challenge the right of the Attorney-General to appear as an interested party but wanted clarity around the nature of the public interest that the Attorney-General was representing. The submission was made that the public interest could not just relate to "non-Māori" interests.

[83] Mr Melvin, counsel for the Crown at the Rotorua CMC, submitted that the appropriate course to follow would be the convening of a judicial conference to identify what the parties' issues were, and that participation in that conference be limited to those parties who had filed applications under HCR 10.15, and still wished to pursue such applications.

[84] I accept that there may remain unresolved questions around the role of the Attorney-General, and particular around the nature of the "public interest" that the Attorney-General represents. There is also, at least in so far as the clients that Ms Mason represents, a view that the Attorney-General is not entitled to play any role at all in relation to these applications.

[85] Accordingly, I direct the following:

- (a) A judicial conference to be held by way of a teleconference will be held at 9.00 am on Wednesday 21 August 2019, participation in which is

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<sup>14</sup> CIV-2017-485-515 and CIV-2017-485-398.

<sup>15</sup> For example, Ms Sykes at the Rotorua CMC and Mr Hockly at the Whangarei CMC.



limited to parties who made applications under HCR 10.15, and who still wish to pursue such applications.

- (b) Not less than 10 working days prior to the teleconference, the applicants will file and serve memoranda outlining the specific issue or issues in relation to the role of the Attorney-General that they wish the Court to address.
- (c) Not less than five days prior to the teleconference, the Attorney-General will file a memorandum in response to the memoranda filed by counsel for the applicants setting out his response to the issues raised by the applicants.

[86] At the teleconference, the Court will set a timetable order for the filing of submissions. 7 and 8 October 2019 have been set aside in the High Court at Wellington for this interlocutory issue to be argued.

#### *Discovery*

[87] A number of applicants raised issues about difficulties encountered in obtaining documentation from the local authorities or the Crown.

[88] A number of the requests for information made of local authorities related to issues relevant to mapping but there were also much broader requests relating to records of uses and activities going back to 1840.<sup>16</sup>

[89] At the Rotorua CMC on 19 June 2019, Ms Sykes stated that following the Waitangi Tribunal challenge of the administration of the Act, she perceived that there had been greater co-operation from Te Arawhiti officials in providing information requested.

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<sup>16</sup> See for example, the submissions of Ms Linstead-Panoho at the Rotorua CMC in respect of CIV-2017-485-377 – Te Hapū o Titoko Ngāi Tama; CIV-2017-485-262 – Ngāi Tamahaua; CIV-2017-485-270 – Ngāi Tai; and CIV-2017-485-272 – Riri Whenua Hapū, who had sought disclosure from both Crown and local authorities of all archival material they held regarding the use and occupation of the lands relevant to her clients' applications from 1840 onwards, as well as all information regarding customary interests covering the same period.

[90] A number of applicants had made requests of entities such as district and regional councils under the Official Information Act (OIA) and the Local Government Official Information and Meetings Act (LGOIMA). Some were frustrated that the information sought had not been made available promptly.

[91] Some of the parties indicated that they were contemplating discovery applications against the Crown.

[92] While discovery orders in relation to originating applications are unusual, the Court does have a discretion in appropriate cases to make such an order.<sup>17</sup>

[93] However, such discovery orders are likely to be targeted and focused. It is extremely unlikely that the Court would grant a discovery order as broad as the sorts of requests for information referred to by Ms Linstead-Panoho.

[94] Counsel for a number of the district and regional councils,<sup>18</sup> appeared at various CMCs and addressed the issues relating to requests for information that had been made of them.

[95] The general nature of their response was that they did not object to the disclosure of documentation and were happy to enter into discussions with applicant groups about producing relevant information but needed the requests to be specific.

[96] The time and cost involved in complying with some of the various broad requests that had been received was a matter of concern. One counsel referred to having received a broad request from a historian engaged by an applicant, and when they offered the historian free access to their archives to search for relevant material, she refused on the basis that it would be too time consuming.<sup>19</sup>

[97] Counsel for the various regional and district councils urged applicants to cooperate with each other and combine requests for information so that the Councils did

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<sup>17</sup> See *Commissioner of Inland Revenue v Elementary Solutions Ltd* [2017] NZHC 2411.

<sup>18</sup> Including Bay of Plenty Regional Council, Opotiki District Council, Thames/Coromandel District Council and Whakatane District Council.

<sup>19</sup> See the submissions of Ms Waikato for the Bay of Plenty Regional Council and Opotiki District Council at the Rotorua CMC on 19 June 2019, page 52 of the transcript.

not have to address a series of applications from parties to the same proceedings, each wanting information about the same matters. Applicants are encouraged to adopt this approach.

[98] Applicants seeking information from the Crown are encouraged to make requests directly of Te Arawhiti, and to keep their requests focused.

#### *Pre-hearing applications*

[99] A hearing was held in Whangarei on 25 June 2019, after the completion of the Whangarei CMC, in relation to the application for a test case and the referral of certain questions of tikanga to the Māori Appellate Court. A decision in relation to that application will be issued separately.

[100] As detailed above, the Court will hold an interlocutory hearing on 7 and 8 October 2019 in relation to the challenge to the role of the Attorney-General.

[101] A number of applicants raised the possibility of the Court having preliminary hearings in relation to certain factual matters.

[102] At the Whangarei CMC of 25 June 2019, Mr Hockly,<sup>20</sup> suggested the idea of a preliminary hearing focusing on the period in time immediately after 1840. He justified this in relation to the large number of overlapping claims saying that if such a preliminary hearing were held, those applicants that had not shown a connection during that period would be able to be removed as applicants. He acknowledged that there would be some duplication between the evidence involved in such a preliminary hearing and the substantive hearing. He also acknowledged that it was not a suggestion he had canvassed with the cross-applicants.

[103] Given the number of applications that would be affected by such a preliminary hearing, the Court would require a significant degree of support from the applicants before it would consider such a proposal.

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<sup>20</sup> Appearing for CIV-2017-485-228 – Te Whakapiko Hapū o Ngāti Manaia; CIV-2017-485-352 – Rewiti and Rewha Whānau; and CIV-2017-485-305 – Te Parawhau.

[104] At the Rotorua CMC of 19 June 2019, Mr Sinclair<sup>21</sup> and Ms Sykes,<sup>22</sup> suggested that a preliminary hearing may need to be held as to the effect of the 1865 confiscation (Raupatu), and whether or not the confiscation was lawful. Ms Sykes invited the Crown to indicate whether or not it regarded the confiscation in 1865 as being lawful.

[105] Ultimately, the legal consequences of the confiscation of vast tracts of land by the Crown in 1865 will be one of the matters relevant to establishing the claims of those applicants whose lands were confiscated. But, it is only one such matter.

[106] There is nothing stopping the Crown indicating, in advance of the hearing of the *Edwards* matter, set to commence in August 2020 what its position on the lawfulness or otherwise of the confiscation is. However, whatever the Crown's view, that will not determine the consequences of that confiscation in relation to the statutory tests under the Act.

[107] Neither will the factual situation of the various applicants affected by the confiscation be the same.

[108] Given the potential for duplication and the potentially varying facts as between each applicant, I am not convinced that there is sufficient benefit in holding a preliminary hearing about the 1865 confiscation.

[109] The sorts of issues that are most appropriate for resolution by pre-trial hearing are matters of law. The Courts have consistently been reluctant to hold such hearings where significant findings of fact are also required to be made.<sup>23</sup>

#### *Judicial settlement conferences*

[110] Particularly in relation to the issue of resolution of overlapping claims, a number of applicants raised the possibility of mediation or the utilisation of mechanisms such as judicial settlement conferences.

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<sup>21</sup> Counsel in CIV-2011-485-817 – *Edwards* on behalf of Te Whakatōhea.

<sup>22</sup> Counsel in CIV-2017-485-299 – Ngāti Ira o Waioweka Rohe.

<sup>23</sup> See *Attorney-General v Ngāti Apa* [2003] 3 NZLR 643 at [10].

[111] The applicants do not need the sanction of the Court to engage in informal mediation or similar processes. They are encouraged to do so.

[112] In terms of judicial settlement conferences, the Court, where appropriate, is prepared to convene these. However, such conferences are most likely to be effective once the applicants have filed and exchanged their evidence. The Court will consider applications for judicial settlement conferences on an individual basis. The Court is presently considering a request for a judicial settlement conference in respect of the Edwards (Whakatōhea) priority fixture.

[113] Where there are significant numbers of overlapping claimants, the reluctance of one or more applicants to participate in a judicial settlement conference will not automatically determine the outcome of a request for such a conference. However, the larger the number of cross-applicants wishing to participate in such a conference, the higher the likelihood of the Court facilitating it.

#### *Confidentiality orders*

[114] A number of parties<sup>24</sup> raised the issue of confidentiality orders in respect of traditional evidence. Such orders might apply to things like the location of fishing grounds.

[115] Section 69 of the Evidence Act 2006 confers jurisdiction on the Court to protect confidentiality material from disclosure in a proceeding. In appropriate cases, the Court have made such orders.<sup>25</sup>

[116] However, it is difficult for the Court to make such an order in advance or in a blanket way. The appropriate course for applicants seeking such orders to follow would be for them to make an application for a confidentiality order at the time they file the evidence in respect of which such an order is sought.

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<sup>24</sup> See for example, submissions of counsel in CIV-2017-404-578 for the Wellington CMC.

<sup>25</sup> See for example, *Intercity Group (NZ) Limited v Naked Bus NZ Limited* [2013] NZHC 2261.

## PART III

### Priority applications

#### *Clarkson – CIV-2011-485-789*

[117] At last year's CMC, this matter was allocated a fixture date of 15 July 2019. This date was vacated by a minute of Collins J dated 12 February 2019.

[118] A further CMC is scheduled for 5 February 2020 in Wellington, and the proceeding has now been set down for substantive hearing commencing on 2 November 2020.

[119] The Clarkson application overlaps with other cases such as an application by the Trustees of Ngāti Kahungunu ki Wairarapa Tāmaki-nui-ā-Rua Settlement Trust.<sup>26</sup> It is possible that the overlapping applications, or those parts of the other applications that overlap will be heard with the Clarkson matter. It is anticipated that this will be able to be progressed at the further Clarkson CMC to be held on 5 February 2020.

[120] All applicants whose claims overlap with the Clarkson application, and who wish to have all or the overlapping part of their claims heard together with the Clarkson application, are required to attend the CMC in Wellington on 5 February 2020.

#### *Tangiora – CIV-2011-485-794 – Rongomai Waihine Iwi Trust*

[121] This application overlaps with Ngāi Tāmanuhiri Iwi<sup>27</sup> and the two national claims.

[122] Counsel for the Rongomai Waihine Iwi Trust and for Ngāi Tāmanuhiri Iwi, filed a joint memorandum which recorded that Rongomai Waihine were making progress in their direct engagement with the Crown, and wished to have its Court application adjourned *sine die*.

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<sup>26</sup> CIV-2017-485-221.

<sup>27</sup> CIV-2017-485-314.

[123] Ngāi Tāmanuhiri supported that application and indicated they were in a similar position themselves.

[124] The memorandum also confirmed that, as a result of work done on mapping, these two parties agreed that their claims did not overlap.

[125] The parties are to be commended for their progress. The Court is reluctant to adjourn matters *sine die*, as it is easy to lose oversight of proceedings if that occurs.

[126] Accordingly, both the Rongomai Waihine Iwi Trust and the Ngāi Tāmanuhiri Iwi claims are adjourned to a third CMC to be held in Gisborne on 7 July 2020.

*Taylor – CIV-2011-485-821*

[127] Collins J held a CMC in this matter on 4 February 2019 in Napier.

[128] The minute directed that the five overlapping claims would be heard contemporaneously with the Priority claim.

[129] Ms Mason appeared for both of the two national applications at the February CMC. She undertook to file a memorandum advising the Court of the individuals and hapū within the area covered by the Priority claim that she had instructions to represent. No such memorandum has been filed.

[130] A hearing date for this matter in Napier has been allocated for seven weeks commencing in Napier on 9 February 2021.

*Reeder – CIV-2011-485-793 – Ngā Pōtiki*

[131] The Crown has agreed to negotiate with Ngā Pōtiki in relation to its claim for protected customary rights but declined to negotiate in relation to its claim for customary marine title.

[132] The claim for customary marine title therefore continues in this Court.

[133] In his minute of 18 July 2018, Collins J noted that there were 14 other applications which overlapped with the Ngā Pōtiki application. The minute recorded that there was agreement that six other applicants should be heard in full in conjunction with the Ngā Pōtiki application. There was also agreement that there were three applications that partially overlapped with the western area of the Ngā Pōtiki application and three applications that partially overlapped in the eastern area and that these six applications should also be heard to the extent that they overlapped with Ngā Pōtiki's claim.

[134] Collins J indicated in the minute that the hearings would be in relation to the applications for customary marine title only.

[135] Since the 2018 CMC, it appears that there has been little discussion or engagement between the overlapping claimants, and also very little progress on discussions between Ngā Pōtiki and the Crown in relation to direct engagement.

[136] Ngā Pōtiki changed their legal representatives in May 2019 and the new lawyers filed memoranda of 16 May and 14 June 2019. The memorandum of 14 June 2019 indicated that counsel had only just commenced the process of engaging with overlapping applicants. The memorandum confirmed that the discussions included a wide number of topics including the nature of the orders sought by overlapping applicants, the identification of areas that may be able to be dealt with as a discrete part of any hearing under appropriate timetable orders.

[137] The memorandum submitted that, notwithstanding the views of a number of the cross-applicants that the Court should make a timetable order, that such an order was premature, and it would be more effective for the applicants to work towards agreement on a proposed timetable. The memorandum sought that the matter be allocated a further CMC after 4 October 2019.

[138] This proposal was not enthusiastically received by a number of the cross-applicants. Typical of the submissions made by a number of the cross-applicants were those made by Ms Feint, on behalf of Ngā Hapū o Te Mōutere o Moutītī. The Moutītī Island hapū application was to be heard in full with the Ngā Pōtiki Priority one. It had



been filed in 2015 and timetable orders had been made. It had been due to be heard in 2017 but the need to hear the Ngā Pōtiki Priority application and the Moutītī Island application at the same time as the Priority hearing, derailed their hearing.

[139] Ms Feint submitted that the Priority application should be adjourned for four months to a date after 4 October 2019 for a further CMC. She set out a draft timetable which she invited the Court to consider for steps to be undertaken after the next CMC.

[140] Mr Warren, for Ngā Pōtiki, accepted that, given the lack of progress, an adjournment to a CMC in approximately four months' time was appropriate.

[141] Accordingly, I direct that the Reeder (Ngā Pōtiki) application be adjourned for a CMC to be held in Tauranga on 21 October 2019.

[142] I direct that two weeks prior to that conference, counsel for Ngā Pōtiki is to file and serve a memorandum detailing what steps have been taken to engage with the cross-applicants and what agreements have been reached.

[143] Counsel for the other cross-applicants whose cases are to be heard in whole, or in part, with the Priority application, are to file and serve memoranda no later than one week prior to the CMC, setting out what orders they wish the Court to make by way of timetable.

*Edwards (Te Whakatōhea) – CIV-2011-485-817*

[144] By minute dated 21 November 2018, Collins J allocated a hearing of this Priority application (and overlapping cross-applications) to commence on 17 August 2020. He also made a timetable order in relation to the filing and exchange of evidence.

[145] By minute of 25 June 2019, I amended details of the timetable order.

[146] At the CMC in Rotorua on 17 June 2019, counsel for Whakatōhea indicated that his client was engaging in dialogue with two iwi who are overlapping claimants,

Ngāti Awa to the west and Te Whānau a Apanui to the east in relation to overlapping claims. The Court encourages that dialogue.

[147] Should the dialogue produce agreement or result in a modification to the area that is subject to the claim, counsel for Whakatōhea should promptly file a memorandum detailing the terms of the agreement, and an amended map showing the amended boundaries of the claim.

*Brookes and Hooker (Okahu Inuawai Hapū) – CIV-2011-485-803)*

*Noble (Kanihi Umutahi me Etahi Hapū) – CIV-2011-485-814*

*Robinson (Ngāti Manuhiakai) – CIV-2011-485-797*

[148] These three Priority applications overlap a number of other applications. In his minute of 18 July 2018, Collins J adjourned these matters to a further teleconference on 24 June 2019. By minute of 18 October 2018, Collins J extended the adjournment for 12 months from that date.

[149] A further CMC is therefore scheduled by way of AVL on 18 October 2019.

[150] Two weeks prior to that date, counsel for the Priority applicants will file a memorandum indicating current progress and specifying any directions sought from the Court; and no later than one week prior to the CMC, counsel for cross-applicants will file and serve a memorandum indicating what directions they want from the Court.

## PART IV

### Other applications

[151] At the CMCs, most applicants, other than those who were cross-applicants in relation to cases where hearings had already been set, sought adjournments for 12 months. The purpose of the adjournments was either so that the applicants could advance direct engagement with the Crown or to continue to assemble evidence in support of their claims.

[152] Unless specified elsewhere in this minute, all applications are adjourned for 12 months.

#### *Wellington CMC*

[153] The following applications are adjourned to a third CMC to be held in **Wellington on Monday 29 June 2020**:

- (1) CIV-2017-485-273 – Te Whānau Tima and Te Hapū O Te Mateawa;
- (2) CIV-2017-404-479 – Te Atianga o Ngā Uri o Wharekauri;
- (3) CIV-2017-404-481 – Te Hika o Papaūma;
- (4) CIV-2017-485-226 – Te Hika o Papaūma;
- (5) CIV-2017-485-232 – Ngāi Tūmapūhia-a-Rangi Hapū;
- (6) CIV-2017-485-267 – Tukōkō and Ngāti Moe;
- (7) CIV-2017-485-229 – Ngāti Raukawa ki te Tonga;
- (8) CIV-2017-485-160 – Muaūpoko Iwi;
- (9) CIV-2017-485-258 – Williams;

- (10) CIV-2017-485-211 – Tupoki Takarangi Trust;
- (11) CIV-2017-485-220 – Papauma Marae Trustees;
- (12) CIV-2017-485-193 – Ngāti Kere Hapū;
- (13) CIV-2017-485-316 – Moriori Imi;
- (14) CIV-2017-485-214 – David Morgan Whānau;
- (15) CIV-2017-485-224 – Rangitāne Tu Mai Rā Trust;
- (16) CIV-2017-485-248 – Te Ātiawa ki Whakarongotai;
- (17) CIV-2017-485-260 – Te Ātiawa Iwi;
- (18) CIV-2017-485-254 Te Patutokotoko;
- (19) CIV-2017-485-221 – Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Settlement Trust;
- (20) CIV-2017-485-217 – Hunau of Tame Horomona Rehe;
- (21) CIV-2017-485-261 – Muaūpoko; and
- (22) CIV-2017-485-259 – Ngāti Hinewaka.
- (23) CIV-2017-485-301 – Te Awa Tupua and Ngā Hapū Uri o Te Iwi o Whanganui;
- (24) CIV-2017-485-511 – Ngā Wairiki Ngāti Apa;
- (25) CIV-2017-485-512 – C M Paul; and
- (26) CIV-2017-404-538 – R Dargaville.

*Dunedin CMC*

[154] The following applications are adjourned to a third CMC to be held in **Dunedin on Wednesday 1 July 2020:**

- (1) CIV-2017-485-280 – Ngāi Tahu Whānui;
- (2) CIV-2017-485-295 – Te Whānau o Topi; and
- (3) CIV-2017-485-296 – Ruapuke Island Group.

*Nelson CMC*

[155] The following applications are adjourned to a third CMC to be held in **Nelson on Thursday 2 July 2020:**

- (1) CIV-2017-485-251 – Rangitāne o Wairau;
- (2) CIV-2017-485-167 – Te Rūnanga a Rangitāne o Kaituna;
- (3) CIV-2017-485-171 – Tahuaroa-Riwaka Houra Whānau;
- (4) CIV-2017-485-172 – Tahuaroa-Watson Whānau;
- (5) CIV-2017-485-182 – Henare Tahuaroa-Watson Whānau;
- (6) CIV-2017-485-266 – Ngāi Tūāhuriri;
- (7) CIV-2017-485-218 – Ngāti Koata; and
- (8) CIV-2017-485-365 – Te Ātiawa o Te Waka-a-Māui.

*Gisborne CMC*

[156] The following applications are adjourned to a third CMC to be held in **Gisborne on Tuesday 7 July 2020:**

- (1) CIV-2017-485-255 – Ngā Hapū o Kororonui ki Te Toka a Taiau Takutai Kaitiaki Trust;
- (2) CIV-2017-404-571 – Ngāi Oneone;
- (3) CIV-2017-485-225 – Whānau a Kahu;
- (4) CIV-2017-485-242 – Te Whānau a Rākairoa, Te Whānau a Iritekura;
- (5) CIV-2017-485-263 – Te Whānau a Umuariki;
- (6) CIV-2017-485-235 – Ngāi Tahu O Mōhaka-Waikare;
- (7) CIV-2017-485-247 – Ngā Hapū o Tokomaru Ākau;
- (8) CIV-2017-485-314 – Ngāi Tāmanuhiri Iwi;
- (9) CIV-2017-485-246 – Ngāti Parau;
- (10) CIV-2017-485-230 – Ngāti Kurupakiaka & Ors;
- (11) CIV-2017-485-302 – Te Whānau a Ruataupare;
- (12) CIV-2017-485-289 – Rongowhakaata Iwi;
- (13) CIV-2017-485-284 – Ngā Hapū o Ngāti Porou; and
- (14) CIV-2017-485-288 – Te Rauhina Marae and Hapū.

[157] The following cases are adjourned until the CMC on 3 February 2020 in Napier in relation to the Ngāti Pahauwera (CIV-2011-485-821) (Priority application):

CIV-2017-485-241 – Maungaharuru Tangitū Trust; and

CIV-2017-485-246 – Ngāti Parau.

*Tauranga CMC*

[158] The following applications are adjourned to a third CMC to be held in **Tauranga on Wednesday 8 July 2020:**

- (1) CIV-2017-485-238 – Te Whānau a Te Harawaka;
- (2) CIV-2017-485-294 – Ngāti Ranginui;
- (3) CIV-2017-485-514 – Tangihia Hapū;
- (4) CIV-2017-485-223 – Ngāti Whakahemo;
- (5) CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangi;
- (6) CIV-2017-485-767 – Ngā Hapū o Te Mōutere o Motīfī;
- (7) CIV-2017-485-227 – Ngāti Hikakino, Ngāti Te Rangihouhiri II, Te Tāwera;
- (8) CIV-2017-404-568 – Ngāti Whakaue;
- (9) CIV-2017-485-770 – Te Rūnanga o Ngāti Whakaue ki Maketū Inc;
- (10) CIV-2017-485-222 – Ngāti Tara Tokanui;
- (11) CIV-2017-485-291 – Ngāti Mākino and Ngāti Pikiaio;
- (12) CIV-2017-485-195 – Ihakara Tangitū Reserve;
- (13) CIV-2017-404-483 – Ngāti Pū;
- (14) CIV-2017-485-250 – Ngāti Pūkenga;
- (15) CIV-2017-404-556 – Ngāti Porou ki Hauraki;

- (16) CIV-2017-485-257 – Ngāi Te Hapū;
- (17) CIV-2017-404-528 – Ngāti Hako;
- (18) CIV-2017-485-219 – Mita Ririnui as Chairperson of the Ngāti He Hapū Trust;
- (19) CIV-2017-485-317 – Rurima Island Māori Reservation; and
- (20) CIV-2017-485-793 – Ngā Pōtiki.

[159] The following cases will be adjourned to a CMC to be held in Tauranga on Monday 21 October 2019:

- (1) CIV-2017-404-480 – Ngāti Hei;
- (2) CIV-2017-404-483 – Ngāti Pu; and
- (3) CIV-2017-404-528 – Ngāti Hako.

[160] The applicants are directed to file a memorandum within one month of the date of this minute confirming the current state of their applications including whether they have sought and are engaged in direct engagement with the Crown, and providing details as to the state of their evidence preparation.

*Hamilton CMC*

[161] The following applications are adjourned to a third CMC to be held in **Hamilton on Monday 13 July 2020:**

- (1) CIV-2017-419-83 – Tainui hapū o Tainui waka;
- (2) CIV-2017-419-81 – Ngāti Te Wehi;
- (3) CIV-2017-419-82 – West Coast Iwi and Hapū ki Marokopa Marae;



- (4) CIV-2017-404-526 – Ngā Tini Hapū o Maniapoto;
- (5) CIV-2017-419-84 – Waikato-Tainui;
- (6) CIV-2017-485-202 – Te Rūnanganui o Ngāti Hikairo;
- (7) CIV-2017-404-575 – Ngaati Mahuta ki Te Hauaauru;
- (8) CIV-2017-485-207 – Ngāti Apakura;
- (9) CIV-2017-419-80 – Tootill; and
- (10) CIV-2017-419-85 – Te Tokanganui-a-Noho Regional Management Committee.

[162] There was no memorandum filed, nor any appearance, on behalf of CIV-2017-419-85 – Te Tokanganui-a-Noho Regional Management Committee at the Hamilton CMC on 20 June 2019. I direct that, within one month of the date of this minute, the applicant file a memorandum detailing whether they are engaged in direct engagement with the Crown, and what the current state of their evidence preparation is.

*Rotorua CMC*

[163] The following applications are adjourned to a third CMC to be held in **Rotorua on Tuesday 14 July 2020**:

- (1) CIV-2011-485-817 – Edwards on behalf of Te Whakatōhea;
- (2) CIV-2017-485-299 – Ngāti Ira o Waioweka Rohe;
- (3) CIV-2017-485-377 – Te Hapū O Tītoko Ngāi Tama;
- (4) CIV-2017-485-262 – Ngāi Tamahaua;
- (5) CIV-2017-485-270 – Ngāi Tai;

- (6) CIV-2017-485-272 – Ririwhenua Hapū;
- (7) CIV-2017-404-562 – Te Uri a Tehapū;
- (8) CIV-2017-404-482 – Ngāti Huarere ki Whangapoua;
- (9) CIV-2017-485-196 – Ngāti Awa;
- (10) CIV-2017-485-253 – Ngāti Patumoana;
- (11) CIV-2017-485-264 – Whakatōhea Pākōwhai;
- (12) CIV-2017-485-269 – Ngāti Muriwai;
- (13) CIV-2017-485-375 – Hiwarau, Turangapikitoi and Ōhiwa of Whakatōhea;
- (14) CIV-2017-485-513 – Manu Paora Whānau;
- (15) CIV-2017-485-355 – Whakatōhea Rangatira Mokokoko;
- (16) CIV-2017-485-292 – Whakatōhea Māori Trust Board;
- (17) CIV-2017-485-201 – Kahukore Baker (Te Ūpokorehe);
- (18) CIV-2017-485-185 – Ngāi Taiwhakaea Hapū;
- (19) CIV-2017-485-318 – Te Whānau-a-Apanui; and
- (20) CIV-2017-485-278 – Whānau a Apanui Hapū.

[164] There was no memorandum filed prior to the CMC nor any appearance on behalf of CIV-2017-485-185 (Ngāi Taiwhakaea Hapū).

[165] I direct that within one month of this minute, counsel file a memorandum indicating whether the applicant is directly engaging with the Crown and what the state of their evidence preparation is.

*New Plymouth CMC*

[166] The following applications are adjourned to a third CMC to be held in **New Plymouth on Thursday 16 July 2020:**

- (1) CIV-2017-485-212 – Taranaki Iwi;
- (2) CIV-2017-485-215 – Ngāti Mutunga;
- (3) CIV-2017-485-282 – Ngāti Ruanui;
- (4) CIV-2017-485-243 – Te Korowai o Ngaruahine Trust;
- (5) CIV-2017-485-310 – Te Ātiawa (Taranaki);
- (6) CIV-2017-485-209 – Ngā Hapū o Mōkau ki Runga;
- (7) CIV-2017-485-210 – Araukuuku Hapū;
- (8) CIV-2017-485-213 – Ngāti Tū Hapū;
- (9) CIV-2017-485-216 – Ngā hapū o Mōkau ki Runga;
- (10) CIV-2017-485-309 – Ngāti Mutunga o Wharekauri;
- (11) CIV-2017-485-183 – Te Kaahui o Rauru Trust;
- (12) CIV-2017-485-293 – Ngāti Hauā hapū of Ngaruahinerangi Iwi;
- (13) CIV-2017-485-300 – Ngāti Tamaahuroa and Titahi Hapū; and
- (14) CIV-2017-404-534 – Ngāti Tama.

[167] Three of the applicants CIV-2017-485-183 – Te Kaahui o Rauru Trust; CIV-2017-485-293 – Ngāti Hauā hapū of Ngaruahinerangi Iwi; CIV-2017-485-300 – Ngāti Tamaahuroa and Titahi Hapū did not file a memorandum and were not represented at the CMC. Neither have any of the applicants filed maps.

[168] The three applicants are therefore directed to file map outlining their respective claims within one month of the date of this minute and also to each file a memorandum detailing whether they are in direct engagement with the Crown and the state of their evidence preparation.

[169] A number of other applicants have not yet filed any map outlining the geographic extent of their claims. These include:

CIV-2017-485-212 – Taranaki Iwi;

CIV-2017-485-310 – Te Ātiawa (Taranaki);

CIV-2017-404-534 – Ngāti Tama;

CIV-2011-485-803 – Okahu Inuawai Hapū;

CIV-2011-485-814 – Kanihi-Umutahi Hapū;

CIV-2011-485-797 – Robinson;

CIV-2017-485-209 – Ngā Hapū o Mōkau ki Runga;

CIV-2017-485-216 – Ngā Hapū o Mōkau ki Runga;

CIV-2017-485-210 – Araukuuku Hapū; and

CIV-2017-485-213 – Ngāti Tū Hapū.

[170] These applicants are directed to file and serve within one month of the date of this minute, a map outlining the area to which their claim relates.

[171] By consent, a minute was issued on 21 June 2019, the cases of CIV-2017-485-209 (Ngā Hapū o Mōkau ki Runga); and CIV-2017-485-216 (Ngā Hapū o Mōkau ki Runga) were transferred from the New Plymouth registry to the Hamilton registry.

[172] The Court notes that part of the claim of CIV-2017-485-309 – Ngāti Mutunga o Wharekauri relates to the Chatham Islands. It appears to the Court that this part of the claim is different to the claim in relation to Taranaki and that the claim should therefore be split and this part transferred to the Wellington registry so that any hearing can be held in conjunction with the two other claims relating to the Chatham Islands.

[173] Prior to the next CMC, the applicant should file a memoranda addressing the issue of whether or not that part of the claim relating to the Chatham Islands should be transferred to the Wellington registry.

#### *Whangarei CMC*

[174] The following applications are adjourned to a third CMC to be held in **Whangārei on Tuesday 21 July 2020:**

- (1) CIV-2017-484-277 – Ngāti Manu and its Hapū Te Uri Karaka and Te Uri o Raewere;
- (2) CIV-2017-485-239 – Te Rae Ahu Whenua Trust;
- (3) CIV-2017-485-228 – Te Whakapiko hapū of Ngāti Manaia;
- (4) CIV-2017-485-352 – Rewi and Rewha Whānau;
- (5) CIV-2017-404-442 – Rōpū o Rangitiri;
- (6) CIV-2017-404-522 – Te Ihutai ki Oria;
- (7) CIV-2017-404-525 – Ngāti Manu and Ngāti Rangī;
- (8) CIV-2017-404-535 – Ngāti Rāhiri Hapū;

- (9) CIV-2017-404-540 – Ngāti Torehina Ki Mataure Ō Hau;
- (10) CIV-2017-404-554 – Ngā Hapū o Ngātiwai Iwi;
- (11) CIV-2017-404-555 – Te Whānau o Hōne Pāpita Rāua Ko Rewa Ataria Paama;
- (12) CIV-2017-404-559 – Ngāti Kahu, Te Rarawa and Te Uriohina;
- (13) CIV-2017-485-233 – Ngāi Tupango;
- (14) CIV-2017-485-245 – Te Iwi ō Te Rarawa ki Ahipara;
- (15) CIV-2017-485-252 – Te Popoto ki Ōtūrei;
- (16) CIV-2017-404-529 – Te Whānau-o-Rataroa
- (17) CIV-2017-404-577 – Ngāti Rāhiri and Ngāti Kawa;
- (18) CIV-2017-404-579 – Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai;
- (19) CIV-2017-404-537 – Ngāpuhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngā Tāhuhu and Ngaitawake;
- (20) CIV-2017-485-305 – Te Parawhau;
- (21) CIV-2017-404-523 – O Nga Hapū o Taiamai Ki Te Marangai;
- (22) CIV-2017-404-558 – Ngaitawake;
- (23) CIV-2017-404-573 – Ngāi Tāhuhu, Ngāti Tuu, Ngāti Kukukea;
- (24) CIV-2017-404-570 – Te Hikutū Hapū;
- (25) CIV-2017-485-515 – Reti Whānau;

- (26) CIV-2017-485-398 – Ngāti Kawau and Te Waiariki Kororā;
- (27) CIV-2017-404-566 – Te Waiariki, Ngāti Kororā, Ngāti Takapari Hapū/Iwi of Niu Tireni;
- (28) CIV-2017-404-572 – Ngāti Torehina Ki Matakā;
- (29) CIV-2017-485-283 – Ngātiwai;
- (30) CIV-2017-485-279 – Ngāti Takapari;
- (31) CIV-2017-485-281 – Patuharakeke Te Iwi;
- (32) CIV-2017-485-286 – Patuharakeke Te Iwi;
- (33) CIV-2017-485-307 – Ngāti Korokoro;
- (34) CIV-2017-485-308 – Te Tao Māui and Hokoheha;
- (35) CIV-2017-485-249 – Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngāi Tupango;
- (36) CIV-2017-485-256 – McGee Whānau;
- (37) CIV-2017-485-236 – Ngāpuhi/Ngāti Kahu ki Whāingaroa;
- (38) CIV-2017-485-290 – Te Rarawa;
- (39) CIV-2017-485-271 – Te Whānau Moana me te Rorohuri;
- (40) CIV-2017-485-321 – Ngāti Kuta and Patukeha ki te Rāwhiti;
- (41) CIV-2017-485-237 – Pārengarenga A Incorporation and Iwi;
- (42) CIV-2017-485-420 – Te Whānau Whero;

- (43) CIV-2017-485-298 – Whakarara Māori Committee;
- (44) CIV-2017-485-208 – Ngāti Kurī Trust Board;
- (45) CIV-2017-485-231 – Ngāti Hine;
- (46) CIV-2017-485-265 – Ngāti Kawa and Ngāti Rāhiri;
- (47) CIV-2017-488-26 – Te Kapotai;
- (48) CIV-2017-485-306 – Ngātiwai (Whānau of Ohawini);
- (49) CIV-2017-485-408 – Ngā Uri o Hairama Pita Kino Davies;
- (50) CIV-2017-485-409 – Whangaroa Ngaiotonga Trust;
- (51) CIV-2017-485-438 – Henare Waata Whānau;
- (52) CIV-2017-488-29 – Walker;
- (53) CIV-2017-485-240 – Te Aupōuri;
- (54) CIV-2017-404-565 – Ngāti Kahu;
- (55) CIV-2017-404-539 – Ngāti Kauwau, Ngāti awa Whangaroa;
- (56) CIV-2017-485-799 – Te Parawhau Hapū;
- (57) CIV-2017-485-510 – Te Ururoa;
- (58) CIV-2017-404-578 – Ngāti Tara
- (59) CIV-2017-485-268 – Ngā Hapū o Ngāti Kahu; and
- (60) CIV-2017-485-320 – Ngai Tokoto Iwi.



[175] Counsel in CIV-2017-404-522 (Te Ihutai ki Oria) had requested a six-month adjournment. However, given that the overlapping claims are being adjourned for 12 months, there seemed little point in having a CMC just for this case.

[176] There were three cases where no memorandum was filed prior to the Whangarei CMC and no appearance at the CMC. These are:

- (1) CIV-2017-485-320 – Ngai Tokoto Iwi;
- (2) CIV-2017-485-799 – Te Parawhau Hapū; and
- (3) CIV-2017-404-573 – O Ngā Hapū o Taiamai ki te Marangi.

[177] These applicants are directed, within one month of the date of this minute, to file a memorandum recording whether or not they are in direct engagement with the Crown and setting out the state of their evidence preparation.

#### *Auckland CMC*

[178] The following applications are adjourned to a third CMC to be held in **Auckland on Wednesday 22 July 2020:**

- (1) CIV-2017-404-563 – Te Rūnanga o Ngāti Whātua;
- (2) CIV-2017-485-276 – Ngāti Rongo o Mahurangi;
- (3) CIV-2017-404-524 – Mahurangi, Ngāti Awa and Ngāpuhi;
- (4) CIV-2017-404-545 – Ngāti Manuhiri;
- (5) CIV-2017-404-518 – Ngāti Taimanawaiti;
- (6) CIV-2017-404-580 – Ngāti Rehua-Ngātiwai ki Aotea;
- (7) CIV-2017-404-546 – Ngāti Rehua;

- (8) CIV-2017-485-188 – Bouchier;
- (9) CIV-2017-404-581 – Otakanini Tōpū Māori Incorporation;
- (10) CIV-2017-404-542 – Te Taoū;
- (11) CIV-2017-404-567 – Te Taoū;
- (12) CIV-2017-404-569 – Ngāti Te Ata;
- (13) CIV-2017-404-574 – Ngāti Rehua-Ngātiwai ki Aotea;
- (14) CIV-2017-485-378 – Ngāti Maraeariki, Ngāti Rongo;
- (15) CIV-2017-404-520 – Ngāti Whātua Ōrakei;
- (16) CIV-2017-404-564 – Ngāi Tai Ki Tāmaki;
- (17) CIV-2017-404-582 – Te Whānau-a-Haunui; and
- (18) CIV-2017-485-187 – Taumata B Block Whānau.

[179] Two applicants (CIV-2017-404-524 – Mahurangi, Ngāti Awa and Ngāpuhi; and CIV-2017-404-546 – Ngāti Rehua) did not file a memorandum and were not represented at the CMC.

[180] I direct that within one month of the date of this minute, both parties file a memorandum indicating whether or not they are engaging directly with the Crown and what the state of their evidence preparation is.

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**Churchman J**

Solicitors:

**WELLINGTON:**

Lovell & Associates Ltd, Upper Hutt for HT Elkington on behalf of Ngāti Koata

Lyall & Thornton, Auckland for Te Whānau Tima

Foster Milroy Solicitors, Hamilton for Te Aitanga O Ngā Uri O Wharekauri, and Te Hika o Papaūma Tamaki Legal, Auckland for Muaūpoko Iwi, Te Hika o Papaūma, Tukōkō and Ngāti Moe, and Ngāi Tūmapūhia-ā-Rangi Hapū

Kahui Legal, Wellington for Papauma Marae Trustees, Tūpoki Takarangi Trust, Ngāti Raukawa ki te Tonga, Ngāti Kahungunu ki Wairarapa Tāmaki-nui-ā-Rua Settlement Trust, Te Awa Tupua, and Ngā Hapū o Te Iwi o Whanganui

Kensington Swan, Wellington for T Williams

M McGhie, Te Puke for David Morgan Whānau

McCaw Lewis, Hamilton for the Trustees of Te Rangitāne Tū Mai Rā Trust

Bennion Law, Wellington for Hunau of Tame Horomona Rehe, Te Pautokotoko, and Moriori Imi

Phoenix Law Ltd, Wellington for Cletus Maanu Paul

RightLaw Limited, Auckland for Rihari Dargaville

Chapman Tripp, Auckland for Seafood Industry Representatives

Crown Law Office, Wellington for Attorney-General

**NELSON:**

Radich Law, Blenheim for Rangitāne O Wairau

Stallard Law, Nelson for Te Rūnanga a Rangitāne Kaituna

Bennion Law, Wellington for Tahuāroa-Riwaka Houra Whānau, Tahuāroa-Watson Whānau, and Henare Tahuāroa-Watson Whānau

Chapman Tripp, Christchurch for Ngāi Tūāhuriri

Te Pātaka o Te Mana Tangata Chambers, Auckland for Te Ātiawa o Te Waka-a-Māui

Crown Law Office, Wellington for Attorney-General

**GISBORNE:**

Lyall & Thornton, Auckland for Ngā Hapū o Kokoronui ki te Toka a Taiau Takutai Kaitiaki Trust, and Te Rauhina Marae and Hapū

Foster Milroy Solicitors, Hamilton for Ngāti Oneone, Ngā Hapū o Tokomaru Ākau, and Te Whānau a Kahu

Kahui Legal, Wellington for Ngāi Tāmanuhiri Tūtū Poroporo Trust

T B Johnson, Gisborne for Ngāti Kurupakiaka, Te Aitanga A Puata, Ngāi Tauira, and Ngā Hapū o Ngāti Porou

Braithwaite & Smail Limited, Auckland for Rongowhakaata Iwi Trust

Te Haa Legal, Ōtaki for Te Whānau a Umuariki, Te Whānau a Rākairoa ki Waipiro, and Te Whānau a Iritekura

Crown Law Office, Wellington for Attorney-General

**TAURANGA:**

Manaia Legal, Hastings for Te Whānau ā Te Harāwaka

Kahui Legal, Wellington for Ngāti Ranginui Settlement Trust, and Raurima Island Māori Reservation

Foster Milroy Solicitors, Hamilton for Ngāti Hei, Ngāti Pū and Ngāti Hako

Koning Webster Lawyers, Papamoa for Te Rūnanga o Ngāti Whakahemo, Ihakara Tangitū Reserve, and Ngāti He Hapū Trust

J N Gear, Tauranga for Ngā Hapū o Ngāi Te Rangī

Harry Edward Law, Rotorua for Ngā Hāpu o Te Mōutere O Mōtītī

Corban Revell Lawyers, Auckland for Ngāti Whakaue

Phoenix Law Limited, Wellington for Te Rūnanga o Ngāti Whakaue ki Maketū Inc, and Tangihia Hapū

McCaw Lewis, Hamilton for Ngāti Tara Tokanui Trust, and Ngā Potiki

Tu Pono Legal Limited, Rotorua for Ngāti Mākino and Ngāti Pīkiao

Bennion Law, Wellington for Ngāti Pūkenga, and Ngāi Te Hapū Inc

Lyall & Thornton, Auckland for Ngāti Porou ki Hauraki

Mark Copeland Lawyers, Rotorua for Great Mercury Bay Limited

Crown Law Office, Wellington for Attorney-General

**ROTORUA:**

Morrison Kent, Wellington and Rotorua for CA & A Edwards on behalf of Te Whakatōhea, Te Uri a Tehapū, Whakatōhea Pākowhai, Ngāti Muriwai, and Te Whānau -a-Apanui Hapū

Annette Sykes & Co, Rotorua for Ngāti Ira o Waioweka Rohe

Wackrow Williams & Davies Limited, Auckland for Te Hapū Tītoko o Ngāi Tama, Ngāi Tamahaua Hapū, Ngāi Tai Iwi, and Ririwhenua Hapū

Foster Milroy Solicitors, Hamilton for Ngāti Huarere ki Whangapoua, Hiwarau, Turangapikitoi, and Ōhiwa of Whakatōhea

Koning Webster Lawyers, Papamoa for Te Rūnanga o Ngāti Awa

Bennion Law, Wellington for Ngāti Patumoana

Phoenix Law Limited, Wellington for Manu Paora Whānau

McCaw Lewis, Hamilton for Te Uri o Whakatōhea Rangatira Mokomoko

Zwaan Legal, Wellington for Kahukore Baker (Te Ūpokorehe)

Tu Pono Legal Limited, Rotorua for Whakatōhea Māori Trust Board

Interested Parties:

Chapman Tripp, Wellington for Seafood Industry Representatives

Cooney Lees Morgan, Tauranga for BOP Regional Council and Opotiki District Council for Thames/Coromandel District Council

MJC Legal Limited, Rotorua for Great Mercury Island

Crown Law Office, Wellington for Attorney-General

**HAMILTON:**

Annette Sykes & Co, Rotorua for Tainui hapū o Tainui waka

Te Mata Law Limited, Auckland for T Āwhitu on behalf of Ngāti Wehi

Loader Legal, Auckland for West Coast Iwi and Hapū ki Marokopa Marae

Foster Milroy Solicitors, Hamilton for Ngā Tini Hapū o Maniapoto

Kahui Legal, Wellington for Waikato-Tainui

Kensington Swan, Wellington for Te Rūnanganui o Ngāti Hikairo

McCaw Lewis, Hamilton for Ngaati Mahuta ki te Hauaauro

Bennion Law, Wellington for Ngāti Apakura

G L Tootill (in person)

Interested Party:

Berry Simons, Auckland for Te Whānau-a-Haunui

Crown Law Office, Wellington for Attorney-General

**WHANGAREI:**

Phoenix Law Limited, Wellington for Reti Whānau and Ngāti Kawau, and Te Waiariki Kororā

Annette Sykes & Co, Rotorua for Ngāti Manu and its hapū Te Uri Karaka, and Te Uri o Raewere

Lyall & Thornton, Auckland for Te Rae Ahu Whenua Trust, Ngāti Kawau, Ngāti Kawhiti, Ngāti

Haiti, Ngāi Tupango, McGee Whānau, and Te Tawharau o Ngāti Pukenga

Hockly Legal, Auckland for Te Whakapiko Hapū of Ngāti Manaia, Reweti and Rewha Whānau, and Te Parawhau

Foster Milroy Solicitors, Hamilton for Te Rōpu o Rangiriri, Te Ihutai ki Orira, and Ngāti Torehina ki Mataure ō Hau

Bennion Law, Wellington for Ngāi Te Hapū, and Ngāti Pūkenga

Tamaki Legal, Auckland for Te Popoto ki Ōturei

Dixon and Co Lawyers, Auckland for Ngāti Takapari, Patuharakeke Te Iwi Trust Board,

Ngāti Korokoro Trust, and Henare Waata Whanau

Corban Revell, Auckland for Te Waiariki, Ngāti Kororā, Ngāti Torehina ki Mataka

Kahui Legal, Wellington for Trustees of Matihetihe Marae Trust and Te Hokoheha

Oceanlaw New Zealand, Nelson for Ngātiwai Trust Board

Kensington Swan, Wellington for Te Rūnanga o Te Rarawa and Ngāpuhi/Ngāti Kahu ki Whaingaroa

Chapman Tripp, Auckland for Te Whānau Moana me Te Rorohuri

McCaw Lewis, Hamilton for Parengarenga A Incorporation and Iwi

Zwaan Legal, Wellington for Whakarara Māori Committee

Tukau Law, Kaikohe for Ngāti Hine, Ngāti Kawa and Ngāti Rāhiri, Te Kapotai, and Te Rūnanga Nui o Te Aupouri

Harrison Stone, Auckland for Te Whānau Whero

Manaia Legal, Auckland for Ngātiwai (Whānau of Ohawini), Walker, Ngā Uri o Hairama Pita Kino

Davies, and Whangaroa Ngaiotonga Trust

Crown Law Office, Wellington for Attorney-General

Interested Parties:

F Newman for Landowners Coalition Inc  
Chen Palmer Public and Employment Law Specialists, Auckland for Te Rūnanga o Ngāti Whātua  
Berry Simons, Auckland for Te Whānau-a-Hauni  
MinterEllisonRuddWatts, Auckland for Te Uri o Hau  
Chapman Tripp, Auckland for various New Zealand fisheries companies: NZ Rock Lobster Industry Council Ltd, Paua Industry Council Ltd, Fisheries Inshore NZ Ltd, and NZ Federation of Commercial Fishermen Inc  
D Reeves, Northport Ltd and Refining New Zealand  
R M Jones for Kaipara, Waikato and Hauraki District Councils  
J Mason for Sailor Morgan on behalf of Ngāti Ruamahue

**AUCKLAND:**

Chen Palmer Public and Employment Law Specialists, Auckland for Te Rūnanga o Ngāti Whātua  
Annette Sykes & Co, Rotorua for Ngāti Rongo o Mahurangi, Bouchier, Taumata B Block Whānau, and Ngāti Te Ata  
Tamaki Legal Limited, Auckland for Ngāti Taimanawaiti and Ngāti Rehua-Ngātiwai ki Aotea  
Grove Darlow & Partners, Auckland for Ngāti Porou ki Hauraki  
Lyll & Thornton, Auckland for Ngāti Rehua-Ngātiwai ki Aotea and Ngāti Maraeariki  
Rightlaw, Auckland for Te Taoū  
McCaw Lewis Limited, Hamilton for Ngāi Tai ki Tāmaki  
Foster Milroy Solicitors, Hamilton for Mahurangi, Ngāti Awa, and Ngāpuhi  
Tama Hovell Barrister, Auckland for Ōtakanini Tōpu Māori Incorporated  
Chapman Tripp, Auckland for Ngāti Whātua Ōrakei Trust  
Tu Pono Legal Limited, Rotorua for Ngāti Manuhiri  
Berry Simons, Auckland for Te Whānau-a-Haunui  
Crown Law Office, Wellington for Attorney-General

Interested Parties:

M Jones for Hauraki, Kaipara and Thames-Coromandel District Councils  
G Hill (in person)