

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

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

CIV-2017-485-770

IN THE MATTER OF an application by TE RŪNANGA O
NGĀTI WHAKAUE KI MAKETŪ
INCORPORATED, for and on behalf of
Ngāti Whakaue ki Maketū Hapū, for
recognition orders under the Marine and
Coastal Area (Takutai Moana) Act 2011

(AND OTHER PROCEEDINGS LISTED
IN THE SCHEDULE TO THIS MINUTE)

CIV-2017-485-218

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

(AND OTHER PROCEEDINGS LISTED
IN THE SCHEDULE TO THIS MINUTE)

On the papers:

Counsel: J Mason for Applicants (CIV-2017-485-398, CIV-2017-485-512,
CIV-2017-485-515, CIV-2017-485-513, CIV-2017-485-514,
CIV-2017-485-770)
L Thornton (CIV-2017-404-574, CIV-2017-485-387, CIV-2017-485-249)
C Hockly (CIV-2017-485-305, CIV-2017-485-352, CIV-2017-485-228)
A Sykes (CIV-2017-485-299)
T Bennion (CIV-2017-485-253)
J Kahukiwa (CIV-2017-404-572, CIV-2017-404-568, CIV-2017-404-566,
CIV-2017-404-569)
B Lyall (CIV-2017-404-556)
C Finlayson QC and A Dartnall for Gold Ridge Marine Farm Group
(an interested party)
D Ward and Y Moinfar-Young for Crown

Minute: 18 September 2019

**MINUTE (NO 4) OF CHURCHMAN J
[Role and status of the Attorney-General]**

[1] By memorandum of counsel dated 16 September 2019, Ms Mason sought an extension of time until 20 September 2019 for the filing of submissions relating to the preliminary hearing scheduled for 7 and 8 October 2019 in relation to the role and status of the Attorney-General, and a similar extension in relation to the filing of evidence that she wishes to place before the Court in relation to that matter.

[2] Those extensions are granted. However, given the proximity of the October hearing, as a matter of fairness to the other parties, it is unlikely any further extensions will be granted.

[3] The memorandum of Ms Mason also refers to other issues including an application that she filed dated 10 September 2019 seeking a preliminary determination under r 10.15 of the High Court Rules 2016 (the Rules), in relation to issues of costs.

[4] The memorandum also suggests that Ms Mason has been waiting for a response from the Court in relation to a request for an adjournment of the hearing scheduled for 7 and 8 October.

[5] Both of these claims require comment.

[6] Ms Mason did file an application under r 10.15 on 10 September 2019. However, it was not accepted by the Registrar on the basis that r 5.6 of the Rules required original signatures on interlocutory applications. No filing fee had been paid or fee waiver granted. Ms Mason's office was clearly advised of that fact.

[7] The suggestion that Ms Mason is waiting for a response from the Court in relation to her request for an adjournment is also incorrect.

[8] As is noted in the Court's minute of 5 September 2019,¹ Ms Mason, in a memorandum of 2 September 2019, had sought a preliminary determination in the High Court under r 10.15 in relation to an "in-principle" approach on the issue of costs, and also requested that the 7 and 8 October hearing be adjourned.

¹ Minute of Churchman J, 5 September 2019, CIV-2017-485-770.

[9] The Court clearly disposed of those issues in the minute of 5 September 2019.

[10] At [17] of that minute it states:

The hearing for 7 and 8 October 2019 has specifically been scheduled to address the role of the Attorney-General and not any other issue. It is not appropriate at this very late stage to attempt to add other issues to it.

[11] That remains the situation.

Churchman J