

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

**I TE KŌTI MATUA O AOTEAROA
KI WHANGĀREI TERENGA PARĀOA ROHE**

CIV-2017-404-573

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

IN THE MATTER OF an application by Maia Maria Nova
Honetana for orders recognising
Customary Marine Title and Protected
Customary Rights

On the papers

Counsel: B J Loader for applicant

Minute: 23 August 2022

MINUTE OF CHURCHMAN J

[1] On 17 August 2022, counsel for the applicant filed a memorandum and supporting documentation covering a range of issues. Some of the matters covered are able to be dealt with on the papers without hearing from other parties. Others can only be dealt with after other parties have had an opportunity to respond to the directions sought.

Amended application

[2] An amended application and amended supporting map have been filed. There are two changes to the application that are of a formal nature and can be dealt with in this minute:

- (a) the amendment of the applicant's name to reflect her correct legal name; and
- (b) the reduction of the area covered by the application with the area shown in the amended map being a small portion of the originally claimed area.

[3] Ms Nova was named as the applicant in the original application but the memorandum of counsel filed in support of the amended application says that her correct legal name is Maia Maria Nova Honetana and that Ms Nova wishes to be known by that name.

[4] Somewhat confusingly, although the backing sheet of the affirmation sworn by Ms Nova on 17 August 2022 describes the document as “Affidavit of Maia Maria Nova Honetana”, the first two names are transposed at the start of the affirmation so that it reads “Maria Maia Nova Honetana”. I assume that the transposition of the first and second names was an error as all of the other documents appear to list the first name as Maia. Accordingly, the name of the applicant is now to be shown as Maia Maria Nova Honetana.

[5] Leave is also granted permitting the amendment to the application which reduces the area claimed.

Other matters

[6] There is one matter which requires further confirmation from the applicant before it could be dealt with on the papers.

[7] The original application recorded the applicant as acting on behalf of Ngai Tahuhu, Ngāti Tuu and Ngāti Kukuakea. The amended application refers to the applicant being Ngāti Tu Ki Ngāpuhi. It is possible that Ngāti Tu Ki Ngāpuhi is the same hapū as Ngāti Tuu referred to in the original application. If that is the case, then the amendment would simply seem to have the effect of removing Ngai Tahuhu and Ngāti Kukuakea from the applicant group. That would be permissible.

[8] However, if Ngāti Tu Ki Ngāpuhi is a different entity to Ngāti Tuu, then that would not be permissible as it would be more than a refining or narrowing the application but a fundamental change out of time.¹

[9] In order for the Court to approve the changed name of the applicant group, the applicant will need to file an affidavit confirming that it is the same entity as Ngāti Tuu.

¹ *Ngāti Pāhauwera strike-out application* [2020] NZHC 1139.

Strike-out application

[10] All matters relating to the strike-out application need to be considered by the Judge presiding over that application.

P.B. Churchman J

Churchman J