

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

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

CIV-2017-404-563

UNDER Marine and Coastal Area (Takutai Moana Act 2011)

AND The High Court Rules 2016

IN THE MATTER OF an Interlocutory Application by Te Rūnanga o Ngāti Whātua on Notice to Strike-Out the Applications of Joseph Robert Kingi and Rihari Dargaville dated 20 April 2022

Date: 11 October 2022

Counsel: M Chen for Te Rūnanga o Ngāti Whātua
G Erskine for Ngā Hapū o Tangaroa
T Castle for Joseph Kingi and Rihari Dargaville
G Melvin for the Attorney-General

Minute: 11 October 2022

MINUTE OF HARVEY J

Solicitors:
Public Law Toolbox Chambers, Auckland
Afeaki Chambers, Auckland
Timothy Castle, Barrister, Wellington

[1] I refer to my minute issued on 30 August last.

[2] By memorandum received on 7 October 2022, Mr Castle, counsel for Joseph Kīngi and Rihari Dargaville, seeks a three day extension for the filing of his submissions on the strike out application of Te Rūnanga o Ngāti Whātua.

[3] That same afternoon, by memorandum in response, Ms Chen, counsel for Te Rūnanga o Ngāti Whātua confirmed that her client opposes any extension.

[4] Both counsel have filed several memoranda which I have now considered. I also understand that affected parties have indicated that they will abide.

[5] While counsel have articulated their arguments clearly, the short point is that there is no perfect solution, taking all of the relevant circumstances into account, including personal matters, scheduling in other fora and competing commitments. I also acknowledge that counsel who do file on time should not be penalised by delays beyond their control. That said, from time to time, situations arise that are unforeseen.

[6] Having carefully considered counsels' submissions, I grant Mr Castle a two day extension for the filing of submissions. While this will mean that submissions for the Attorney-General will arrive on 25 October, a public holiday, which is not ideal, it will still provide sufficient time for the Court and counsel to consider the arguments in time for the hearing on 31 October next.

[7] I would remind all counsel that filing extensions will only ever be granted in genuinely exceptional circumstances.


Harvey J