

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

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

CIV-2017-419-081

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

IN THE MATTER OF an application by **Terewai Awhitu** on
behalf of **Ngāti te Wehi**, for orders
recognising Customary Marine Title and
Protected Customary Rights

On the papers

Counsel: D Stone for Applicant

Minute: 4 October 2022

MINUTE (NO 2) OF CHURCHMAN J

[1] On 30 September 2022, counsel for Ngāti Te Wehi filed a memorandum addressing proposed timetable orders.

[2] The Court has set the hearing in relation to Aotea Harbour down for the period 17-28 June 2024. I note that the Matariki public holiday falls on Friday 28 June 2024 therefore the hearing will not run on that date.

[3] Counsel advises that there are two overlapping applications in respect of Aotea Harbour:

- (a) Charlies Haggie on behalf of Ngāti Uakau (MAC:01-04-015); and
- (b) Stanley Rāhui Papa on behalf of Waikato-Tainui (CIV-2017-419-84).

[4] Ngāti Uakau seek recognition of customary interests via the direct engagement pathway, but wish to participate in the 2024 hearing as an interested party.

[5] The position of Waikato-Tainui is not yet clear as they have failed to respond or indicate to counsel indicating whether they wish to participate in the 2024 hearing or not.

[6] Counsel relayed the views of a number of other interested parties. The following applicants do wish to participate as interested parties:

(a) Ngāti Mahuta; and

(b) Ngāti Apakura.

[7] Ngāti Whakamarurangi are reported to want to file their own memorandum setting out their intentions regarding the 2024 hearing. That has yet to be received.

[8] On the basis that the hearing will be confined to Aotea Harbour, the following applicants do not seek to participate as interested parties:

(a) Ngāti Hikairo;

(b) Ngā Tai o Kāwhia; and

(c) Ngā Tini Hapū o Maniapoto.

[9] Non-applicant groups that wish to participate as interested parties are:

(a) the Waikato District Council; and

(b) the Waikato Regional Council.

[10] In terms of estimated hearing time, counsel indicates that Ngāti Te Wehi's case is likely to take between five to seven days inclusive of opening submissions, evidence, and closing submissions.

[11] At present, it is not clear whether interested parties propose calling evidence.

[12] In terms of timetable directions leading up to the hearing to commence on 17 June 2024, I make the following directions:

- (a) the applicants are to file and serve their evidence 25 weeks prior to the hearing, not after 25 December 2023;
- (b) interested parties, other than the Attorney-General, are to file and serve their evidence no later than 16 weeks prior to the hearing, not after 26 February 2024;
- (c) if necessary, the applicants are to file submissions as to the appointment of pukenga no later than 16 weeks prior to hearing, not after 26 February 2024;
- (d) the Attorney-General will file and serve his evidence no later than 12 weeks prior to the hearing, not after 25 March 2024;
- (e) any evidence in reply from the applicants is to be filed and served no later than nine weeks before the hearing, not after 15 April 2024;
- (f) the close of pleadings date will be seven weeks prior to the hearing, on 29 April 2024;
- (g) the applicants' opening submissions, statement of agreed facts, and bundles of authorities are to be filed and served no later than six weeks prior to the hearing, not after 6 May 2024;
- (h) interested parties' submissions and bundles of authorities are to be filed and served no later than four and a half weeks prior to hearing, not after 15 May 2024; and
- (i) the Attorney-General's submissions and bundles of authorities are to be filed and served no later than three weeks prior to hearing, not after 27 May 2024.

[13] Leave is reserved to Ngāti Te Wehi to file an updating memoranda seeking further directions as required.

Churchman J