

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

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

CIV-2011-485-793

IN THE MATTER OF The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF Application by Colin Francis Reeder and Ors
on behalf of Ngā Pōtiki a Tamapāhore Trust
for an order recognising Customary Marine
Title and Protected Customary Rights

Date of Minute 3 November 2022

Appearances: Renika Siciliano for Ngā Pōtiki ā Tamapāhore Trust
Joshua Gear for Ngāi Te Rangī Settlement Trust
Michael Sharp for Ngāti Hē Hapū Trust
Tom Bennion for Te Tāwharau o Ngāti Pūkenga
Geoffrey Melvin for the Attorney-General
Rachel Boyte for BOP Regional Council
Ellie Taffs for Transpower
Frances Wedde for Tauranga City Council

Date of Minute: 3 November 2022

MINUTE (No. 27) OF POWELL J
[Ngā Pōtiki – Minute No. 37 – Pre-hearing conference
Ngā Pōtiki Stage 1 (Part 2)]

[1] Further to the telephone conference I confirm the outcome of the conference with regard to the following issues:

- (a) amendment to timetable;
- (b) covid protocols at the hearing;
- (c) VMR facilities;
- (d) electronic bundle;
- (e) indicative timetable; and
- (f) leave reserved.

Amendments to timetable

[2] The delay in filing a brief for Kane Taiapa was noted. Following discussion with counsel the timetable is amended as follows:

- (a) remaining applicant evidence (including Mr Taiapa's brief) is to be filed by 7 November 2022;
- (b) remaining interested parties evidence to be filed by 14 November 2022;
- (c) any reply evidence on behalf of the applicants, together with the applicants' submissions and a final draft order are to be filed by 17 November 2022;
- (d) submissions on behalf of the interested parties to be filed by 1 December 2022.

[3] It is noted that counsel will endeavour to circulate drafts of evidence and/or the draft order prior to the filing date as appropriate.

Covid protocol

[4] The Court will review official guidance around Covid protocols and any suggestions by the parties prior to the hearing with a view to issuing a Minute five days prior to the hearing to confirm whether it will be necessary for any covid precautions to be taken and the extent of any such precautions.

Appearance by VMR

[5] The Court confirms that VMR facilities will be available and can be used by counsel where counsel are not directly involved in a particular hearing and/or there are other reasons that make an appearance in person inappropriate (i.e Covid). The Court requests that if counsel are not appearing in person then the Registrar is advised prior to the commencement of the particular hearing day so that there are no inadvertent delays caused.

Electronic bundle

[6] The Court notes its appreciation that the Crown will produce the electronic bundle for the hearing. The Court requests all other counsel to assist the Crown as much as possible to ensure the electronic bundle is ready when the hearing commences.

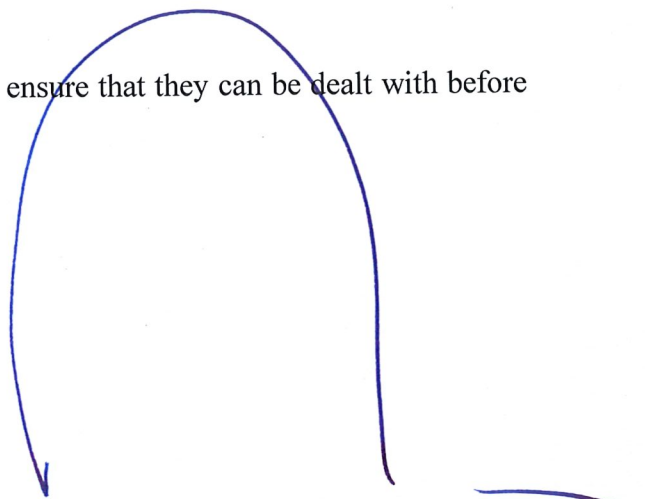
Indicative timetable

[7] The Court notes that the applicants will prepare an indicative timetable for the hearing incorporating counsels' estimates of estimated times for cross-examination and submissions. A copy of the current iteration is to be filed by 12 noon on 30 November 2022, and a final version at the commencement of the hearing.

Leave to seek further directions

[8] As discussed at the conference it is important that this hearing proceed. To this end leave is reserved for any party to seek further directions as may be necessary to ensure that the hearing is not placed in jeopardy. The Court relies on counsel to ensure

that issues are raised as soon as possible to ensure that they can be dealt with before any point of no return is reached.



Powell J