

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

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

**CIV-2017-404-481
CIV-2017-485-193
CIV-2017-485-220
CIV-2017-485-221
CIV-2017-485-224
CIV-2017-485-226
CIV-2017-485-232
CIV-2017-485-259
CIV-2017-485-260
CIV-2017-485-267**

Group M

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

IN THE MATTER OF an application for orders recognising
Customary Marine Title and Protected
Customary Rights

On the papers:

Counsel: C Hirschfeld for Te Hika o Pāpāuma (CIV-2017-404-481)
L Watson for Ngāti Kere Hapū (CIV-2017-485-193)
N Coates and C Mosdell for Pāpāuma Marae Trustees (CIV-2017-485-220)
J Ferguson for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua
(CIV-2017-485-221)
R Siciliano for Rangitāne Tū Mai Rā Trust (CIV-2017-485-224)
S Yogakumar and M Sreen for Te Hika o Papaūma (CIV-2017-485-226)
D Naden, M Yogakumar and M Sreen for Ngāi Tūmāpuhia-ā-Rangi Hapū
(CIV-2017-485-232)
T Bennion for Ngāti Hinewaka (CIV-2017-485-259)
M Houra for Te Atiawa Iwi (CIV-2017-485-260)
D Naden, M Yogakumar and M Sreen for Tukōkō and Ngāti Moe
(CIV-2017-485-267)
G Melvin for Attorney-General

Minute: 10 November 2022

MINUTE (NO 2) OF CHURCHMAN J

[1] By way of a minute dated 8 November 2022, I confirmed Dr Robert Joseph's appointment as pūkenga for the Group M Stage 1(a) hearing.

[2] In response, counsel for Ngāti Kahungunu ki Wairarapa Tamaki-Nui-ā-Rua Settlement Trust, Mr Ferguson, filed a memorandum expressing the view that Dr Joseph should also be appointed as pūkenga for the Group M Stage 1(b) hearing. Mr Ferguson stated:

...the Kahungunu Settlement Trust also considers that it would be optimal to have Dr Joseph as pūkenga for both the Stage 1 (Southern) and the Stage 1 (Northern) hearings given the likely commonality, in broad terms, of applicable tikanga.

It is acknowledged that the views of the applicants in the Stage 1 (Northern) hearing should properly be sought before Dr Joseph is considered for appointment as pūkenga for the Stage 1 (Northern) hearing, and of course such appointment would also be dependent on Dr Joseph's availability at that time.

[3] Mr Ferguson's proposition has some merit. However, it is not clear whether he has discussed the matter with Dr Joseph or whether Dr Joseph is available and willing to accept appointment. Mr Ferguson will need to do this promptly.

[4] Once it has been confirmed that Dr Joseph is available and willing to be appointed, the views of the other applicants will need to be obtained. If any oppose his appointment or suggest the appointment of someone else, then it may be necessary to hold a case management conference (CMC) by way of teleconference.

[5] I make the following directions:

- (a) Mr Ferguson is to promptly contact Dr Joseph to ascertain whether he is willing and available to accept appointment as pūkenga in this matter. Within 14 days of today's date, he is to file and serve a memorandum confirming the position;
- (b) within 14 days of receipt of Mr Ferguson's memorandum, any parties wishing to make submissions on that appointment or wishing to propose an alternative appointment are to file and serve memoranda; and

- (c) I will then determine whether the matter can be dealt with on the papers or requires a CMC.

Churchman J