

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

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

**CIV-2017-485-160**

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

IN THE MATTER OF an application by **William James  
Taueki** on behalf of **Ngāti Tamarangi  
Hapū of Muaūpoko Iwi** for a  
recognition order recognising  
Customary Marine Title

On the papers:

Counsel: D Naden for Applicant

Minute: 31 July 2023

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**MINUTE OF CHURCHMAN J**

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[1] On 6 July 2023, counsel filed a third amended originating application for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011.

[2] On 30 May 2023, I had issued a minute noting two clarifications that were required in respect of a map that had been filed with a second amended application.<sup>1</sup>

[3] The third amended application addresses the matters covered in my minute but it contains an inappropriate claim. At [16] says:

The Applicant reserves the right to further amend the amended specified area as it may be subject to amendment, evolution or refinement.

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<sup>1</sup> Minute of Churchman J Wellington HC, 30 May 2023 *Re Ngāti Tamarangi Hapū of Muaūpoko Iwi*.

[4] As counsel has previously been reminded on other occasions, there is no unfettered right to “reserve”. The parameters in which an application may be amended were clearly set out in *Re Ngāti Pāhauwera*.<sup>2</sup>

[5] Applications for amendments cannot enlarge the area claimed or add new aspects to the application that were not set out in the original claim notified at the time the original application was filed. The reason for that is obvious. Claims for recognition orders were required to be publicly notified. That allowed applicants or interested parties who were potentially affected by a claim, to become aware of how their interests might be affected.

[6] There is no prohibition on claims being refined in the sense of the area claimed being reduced or the claim narrowed in scope. It is also possible for claims to be amalgamated with multiple applicants consolidating a number of claims into one joint claim. Again, this must be on the basis that the new claim does not exceed the totality of the scope or substance of the original claims.

[7] Paragraph 16 of the third amended application therefore needs to be deleted.

**Churchman J**

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<sup>2</sup> *Re Ngāti Pāhauwera* [2020] NZHC 1135.