

I TE KOTI MATUA O AOTEAROA  
TE WHANGANUI-A-TARA ROHE

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IN THE MATTER OF

The Marine and Coastal Area (Takutai Moana) Act 2011

AND IN THE MATTER OF

An application by **TIRATU WILLIAMS** and **PATRICIA GRACE** for an order recognising protected customary rights and customary marine title (CIV-2017-485-258)

**Applicants**

an application by **Ngāti Toa Rangatira** under the Crown engagement pathway, and are an interested party to the proceedings (MAC-01-12-021)

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**Memorandum of counsel in respect to timetabling**

12 October 2023

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Minute of Grice J - 16 October 2023

1. The timetabling directions for the filing of evidence and related steps are extended as set out in the attached memorandum timetable at [8].
2. The trustees of the Te Ātiawa ki Whakarongotai Charitable Trust and those set out in Mr Bennion's Memorandum of 16 October 2023 as well as the Attorney General consent having consented to that extension.

Grice J, 16/10/2023

## **MAY IT PLEASE THE COURT**

1 This memorandum is filed on behalf of Tiratu Willams and Patricia Grace (CIV-2017-485-258) and Ngati Toa Rangatira an applicant under the Crown engagement pathway (MAC-01-12-021), who are an interested party to these proceedings, and responds to the Joint Memorandum of Counsel dated 11 October 2023 which seeks approval of the court to adjust the agreed hearing timetable.

### **Adjustment to proposed timetable**

2 The Memorandum of Counsel dated 11 October on behalf of some applicants in Group N has proposed an adjustment to the hearing timetable for Group N Stage 1(a). This proposal was not discussed with the (CIV-2017-485-258) applicants or Ngati Toa Rangatira. They were unaware of this proposal until this Memorandum was filed with the court yesterday evening.

3 The proposed adjustment will extend the filing date for applicant evidence by 4 weeks from 16 October to 13 November. This extension has flow on effects to the subsequent dates in the timetable. The applicants have proposed some adjusted dates.

4 The proposed adjustment for the date by which interested parties (including the CIV-2017-485-258 applicants and Ngati Toa Rangatira) must file their evidence however has been extended by only 3 weeks to 5 February.

5 The CIV-2017-485-258 applicants and Ngati Toa Rangatira do not object to the proposed extension for filing for the appellants but submit that their filing date should also be extended by 4 weeks to permit the preservation of the agreed period. This period is to permit the interested parties time to consider the applicants' evidence. This agreed period is crucial given the intervening Christmas and New Year holidays. It is also noted that the proposed filing date of 5 February falls on the day before Waitangi Day and immediately after the weekend. It is likely that key

witnesses and iwi leaders will be involved elsewhere at this time. This could well hamper the ability to finalise and swear the affidavits. In effect the period for finalisation of evidence will be further shortened by this setting of this particular date.

- 6 It is therefore proposed that the date for filing evidence for interested parties is extended to 13 February 2024. Due to the last-minute filing of the request for an extension, and the shortage of time to respond to this proposal given the current filing date is Monday 16 October, feedback from counsel for the applicants to our request to adjust the proposed timetable to provide parity for interested parties has not been received at the time of filing this memorandum. This adjustment has however been able to be discussed with counsel for the Attorney-General, particularly in relation to corresponding adjustments for the dates for Attorney-General evidence.
- 7 The proposal on behalf of interested parties is that relativity and fairness between parties can be preserved by making a short delay to the dates for filing of submissions. This later adjustment is also sensible given the falling of Anzac Day on 25 April.
- 8 The proposed following adjustments have been discussed with and are not opposed by counsel for the Attorney General.

| <b>To be filed</b>   | <b>Existing dates</b> | <b>Dates sought by the Memo<br/>11 Oct</b> | <b>Proposed adjusted dates</b> |
|--|-----------------------|--|--------------------------------|
| Applicants to file their evidence  | 16 October 2023       | 13 November 2023                           | 13 November 2023               |
| Joint mapping project filed  | 16 October 2023       | 13 November 2023                           | 13 November 2023               |
| CIV-2017-485-273 applicants to file Mr McBurney's evidence               | -                     | 8 December 2023                            | 8 December 2023                |
| Interested parties, other than the Attorney-General, file their evidence | 15 January 2024       | 5 February 2024                            | 13 February 2024               |

|  |                  |               |               |
|--|------------------|---------------|---------------|
| Attorney-General files evidence  | 12 February 2024 | 4 March 2024  | 12 March 2024 |
| Close of pleadings date  | 4 March 2024     | 4 March 2024  | 12 March 2024 |
| Applicants' evidence in reply to be filed  | 11 March 2024    | 28 March 2024 | 8 April 2024  |
| Attorney-General evidence in reply to Mr McBurney's evidence                                       |                  | 28 March 2024 | 28 March 2024 |
| The CIV-2017-485-273 applicants to file any evidence in reply                                      |                  | 16 April 2024 | 16 April 2024 |
| All parties file submissions and bundles of authorities. Attorney General files the common bundle. | 22 April 2024    | 22 April 2024 | 24 April 2024 |
| Stage 1 Hearing Begins   | 6 May 2024       | 6 May 2024    | 6 May 2024    |

- 9 The (CIV-2017-485-258) applicants and Ngati Toa Rangatira applicants respectfully seek a direction confirming the adjustments indicated above.

12 October 2023

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**Deborah Edmunds**  
Counsel for CIV-2017-485-258 and Ngati Toa Rangatira