

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

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

**CIV-2017-485-232  
CIV-2017-485-259  
CIV-2017-485-267  
CIV-2017-485-224  
CIV-2017-485-260  
CIV-2017-485-221  
CIV-2017-404-481  
Group M 1(a)  
[2023] NZHC 627**

UNDER the Marine and Coastal Area  
(Takutai Moana) Act 2011, ss 98 and 100

IN THE MATTER OF of an application by Ngai Tūmapūhia-A-  
Rangi Māori Marae Committee  
Incorporated, on behalf of Nga Uri O Ngai  
Tūmapūhia A Rangi Hapū, for orders  
recognising Customary Marine Title and  
Protected Customary Rights

On the Papers

Appearances: D Naden, M Sreen, S M Yogakumar and L Millington for Ngāi  
Tūmapūhia-a-Rangi Hapū (CIV-2017-485-232)  
T Bennion for Ngāti Hinewaka (CIV-2017-485-259)  
D Naden, M Yogakumar and M Sreen for Tukōkō and Ngāti Moe  
(CIV-2017-485-267)  
R Siliciano for Rangitāne Tū Mai Rā Trust (CIV-2017-485-224)  
M Houra for Te Ātiawa ki Te Upoko o Te Ika a Maui Potiki Trust  
(CIV-2017-485-260)  
J P Ferguson for Trustees of Ngāti Kahungunu ki Wairarapa  
Tāmaki-nui-a-Rua Settlement Trust (CIV-2017-485-221)  
C Hirschfeld for Te Hika o Pāpāuma (CIV-2017-404-481)  
Interested parties:  
B Lyall for Ngāi Tumapuhia-A-Rangi Ki Motuwairaka Inc  
and Ngāi Tumapuhia-A-Rangi Ki Okautete Inc  
B Scott for Seafood Industry Representatives  
G Melvin for Attorney-General

Judgment: 28 March 2023

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**JUDGMENT OF GWYN J**  
**(Change of named applicant)**

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**Background**

[1] On 17 February 2023 an Amended Originating Application on Notice for Recognition Orders pursuant to the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) (amended application) was filed on behalf of the Ngāi Tūmapūhia-A-Rangi hapū.

[2] The amended application raised two matters which were addressed by Churchman J in his judgment dated 10 March 2023.<sup>1</sup> Justice Churchman was satisfied that the expanded description of protected customary rights over which recognition orders are sought, in the amended application, is not materially different from the description in the original application. He therefore allowed the amendment to the description of the protected customary rights orders sought.<sup>2</sup>

[3] The second part of the application related to the named applicant. Justice Churchman found that that aspect of the amended application failed to meet one of the stipulated statutory requirements for an application, under s 101(f) of the Act, in that the application did not name a “person” to be the holder of the order as the representative of the applicant group.<sup>3</sup> The judgment went on to record that the application must be amended and resubmitted to name either a natural person or legal entity (whether incorporate or unincorporate) to be the holder of any order as the representative of the applicant group.<sup>4</sup>

**Second amended originating application**

[4] Counsel for Nga Uri O Ngai Tūmapūhia A Rangi hapū have now filed a second amended originating application, together with a memorandum of counsel, dated 21 March 2023.

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<sup>1</sup> *Ngāi Tūmapūhia-A-Rangi Hapū* [2023] NZHC 470.

<sup>2</sup> At [21]-[22].

<sup>3</sup> At [12].

<sup>4</sup> At [13].

[5] In the second amended application the name of the applicant has changed from “Ngai Tūmapūhia-A-Rangi Māori Marae Committee Incorporated” to “Ngāi Tūmapūhia-A-Rangi Hapū Incorporated.”

[6] Counsel advise that the reason for the change is that the original applicant has changed its official society name to Ngāi Tūmapūhia-A-Rangi Hapū Incorporated.

[7] Ngāi Tūmapūhia a Rangi Hapū Incorporated is a legal entity. It is an incorporated society under the Incorporated Societies Act 2022 and is registered on the Incorporated Societies Register. Counsel have provided a copy of the Certificate of Incorporation.

[8] The second amended application also changes the representative from “Ryshell Griggs and Tūmapūhia-A-Rangi Māori Marae Committee Incorporated” to “Ngāi Tūmapūhia-a-rangi Hapū Incorporated”. It also changes the email and phone contact details for the applicant.

[9] I am satisfied that the second amended originating application addresses the deficiency in the amended application, as identified by Churchman J, and that there is no prejudice to any other party from those amendments, nor any objection from any other party.

[10] Accordingly, the application to amend the applicant is allowed.

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**Gwyn J**