

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

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

**CIV-2017-485-259  
CIV-2017-485-232  
CIV-2017-485-267  
CIV-2017-485-224  
CIV-2017-485-260**

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

AND

IN THE MATTER OF an application by Gary Griggs on behalf of  
Ngai Tumapuhia a Rangi Hapu for orders  
recognising Customary Marine Title and  
protected Customary Rights

On the Papers

Counsel: M Sreen and M Yogakumar for Ngāi Tumapuhia-a-Rangi Hapū  
and Tukōkō and Ngāti Moe  
T Bennion for Ngāti Hinewa  
R Siliciano for Rangitāne Tū Mai Rā Trust  
M Houra for Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust  
J Ferguson for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua  
G Melvin for the Attorney-General

Minute: 17 February 2023

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**MINUTE OF GWYN J  
(Regarding Hearing Venue)**

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[1] Counsel for a number of applicant groups, listed below, have filed a joint memorandum dated 3 February 2023 seeking a change of venue for the East Coast Wairarapa Group M Stage one hearing, beginning on 4 September 2023. The hearing is currently scheduled to be heard in the Wellington High Court. The applicants ask that it instead be conducted at the Copthorne Hotel & Resort Solway Park (Copthorne), Wairarapa, in Masterton (or an equivalent alternative venue).

[2] The applicant groups are:

- (a) Ngāi Tumapuhia-a-Rangi Hapū (CIV2017-485-232);
- (b) Tukōkō and Ngāti Moe (CIV-2017-485-267);
- (c) Ngāti Hinewaka (CIV-2017-485-259);
- (d) Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust (CIV-2017-485-260); and
- (e) Rangitāne Tu Mai Rā Trust (CIV-2017-485-224).

(the applicants).

[3] Counsel for the applicants have confirmed with the Copthorne that its facility would be available for the hearing date from 4 September 2023 to 13 October 2023.

[4] Counsel for Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a-Rua (CIV-2017-485-221) do not object to this request.

[5] Counsel for the interested parties, the Attorney-General, Ngai Tumapuhia a rangi ki Motuwairaka Incorporated and Ngai Tumapuhia a Rangi ki Okautete Incorporated confirm that they will abide by the decision of the Court.

[6] I acknowledge the concerns that have led to the applicants' request. As counsel note:

- (a) The hearing in the Wellington High Court would provide an opportunity to present evidence via AVL but, in accordance with tikanga, the witnesses would prefer to present their tangata whenua evidence in person. In addition, limited technological access and/or knowledge means that some tangata whenua witnesses would not be able to present their evidence via AVL.

- (b) Several witnesses giving tangata whenua evidence are kaumatua and kuia for whom travelling long distances from Masterton (or, for some, closer to the Wairarapa Coast) would be particularly arduous.
- (c) Travelling to and from Wellington would create additional cost and potentially give rise to issues of safety and delay.

## **Discussion**

[7] Having regard to those matters I have asked the High Court Registry to undertake further enquiries of the Copthorne as to suitability of the venue (particularly IT requirements) and cost. There are, of course, also associated logistical matters relating to travel to and accommodation in Masterton for Court staff which need to be investigated.

[8] As soon as I have this information I will respond to the parties with a specific proposal.

[9] I can indicate that at this stage, and subject to the outcome of the Registry's inquiries, I am minded to direct that opening submissions and tangata whenua evidence be given at the Copthorne (or another equally suitable venue in Masterton), with the historian and professional witness evidence and closing submissions being given in the Wellington High Court (with VMR access for tangata whenua). I appreciate that would require a departure from what has been standard procedure, with each party presenting all its evidence in sequential way. In the meantime, counsel may wish to consider how this might work in practice and how much time would be required at each venue.

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**Gwyn J**