

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

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

CIV-2017-404-481

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

IN THE MATTER OF an application by **George Matthews** on
behalf of **Te Hika o Pāpāuma** for
orders recognising Customary Marine
Title and Protected Customary Rights

Counsel: C Hirschfeld for Applicant

Teleconference: 28 February 2023

MINUTE OF CHURCHMAN J

[1] Te Hika o Pāpāuma seek recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) in the area of the lower East Coast of the North Island. That application and a number of overlapping and adjacent applications have been timetabled toward hearing.

[2] In August 2022, Mr Hirschfeld filed what was said to be an amended application for recognition orders. As it was not clear what the amendments were and no map accompanied the application, the Court issued a minute of 25 August 2022 directing Mr Hirschfeld to provide the Court with sufficient information so it could understand exactly what the amendments were.

[3] No such information was provided and a teleconference was set down to address the issues on 28 February 2023.

[4] On 27 February 2023, Mr Hirschfeld filed a memorandum. He spoke to that memorandum in the teleconference. He indicated that the amended application filed last

year now no longer represented his client's instructions and asked that that document be withdrawn. Leave is granted for that to happen.

[5] Mr Hirschfeld indicated that it was proposed to file a further amended application which is said to involve a refinement of the list of the PCRs sought. Such an amended application is to be filed within 21 days of the date of this minute.

[6] There remain three applications being advanced in the same area by Te Hika o Pāpāuma. CIV-2017-485-226 by Rebecca Harper has now been amended so as to significantly decrease, but not eliminate, the overlap with CIV-2017-404-481.

[7] The CIV-2017-485-226 application is now being advanced by Ms Harper on behalf of the Pirere Whānau rather than Te Hika o Pāpāuma hapū.

[8] The third application (CIV-2017-485-220) is being advanced on behalf of the Trustees of Pāpāuma Marae. It is not clear as to the extent to which those applicants are a distinct group to the applicants in CIV-2017-404-481 and CIV-2017-485-226, or whether there is some commonality. The issue of overlap of the same applicants, if any, will at some stage need to be resolved and, if it is not resolved prior to the commencement of the scheduled hearing, the Court will expect it to be addressed by way of both evidence and submissions.

Churchman J