

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

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

**CIV-2017-485-273
CIV-2017-485-220
CIV-2017-485-261
CIV-2017-485-214
CIV-2017-485-160
CIV-2017-485-254
CIV-2017-485-248
CIV-2017-485-258
CIV-2017-485-260**

Group N

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

IN THE MATTER OF an application for orders recognising
Customary Marine Title and Protected
Customary Rights

On the papers:

Counsel: B Lyall for Te Whānau Tima (Seymour) and Ngā Ahi Ka o Te Hapū o Te
Mateawa (CIV-2017-485-273)
T Bennion for The Muaūpoko Tribal Authority Incorporated
(CIV-2017-485-261)
L Black for Te Patutokotoko (CIV-2017-485-254)
D Naden and S Roughton for Ngāti Tamarangi Hapū of Muaūpoko Iwi
(CIV-2017-485-160)
N Coates and C Conroy-Mosdell for Ngāti Raukawa ki te Tonga
(CIV-2017-485-229)
C Beaumont for David Morgan Whānau (CIV-2017-485-214)
T Ahu and K Tarawhiti for Trustees of Te Ātiawa ki Whakarongotai
Charitable Trust (CIV-2017-485-248)
M Houra for Te Ātiawa ki Te Upoko o Te Ika a Maui Potiki Trust
(CIV-2017-485-260)
D Edmunds for Hongoeaka Blocks (Ngāti Toa Rangatira)
(CIV-2017-485-258)

Interested parties:

D Edmunds for Ngāti Toa Rangatira (MAC:01-12-021)
G Melvin for Attorney-General

Minute: 17 April 2023

MINUTE (NO 4) OF CHURCHMAN

[1] By joint memorandum of counsel dated 11 April 2023, counsel for the applicants whose cases are to be heard in the Group N, Stage 1(a) hearing scheduled to commence on 6 May 2024 have requested an amendment to the timetable directions set out in my minute (No 3) dated 10 November 2022.

[2] The particular direction that the applicants wish to see varied is the direction that submissions on the Pūkenga appointment were to be filed by 11 April 2023.

[3] The memorandum records that the parties have been engaged in an attempt to agree upon the nomination or nominations for the position of Pūkenga and indicate that further time is required. They seek an amendment for the filing of submissions on the appointment of a Pūkenga until Monday 12 June 2023.

Discussion

[4] As the memorandum acknowledged, the appointment of a Pūkenga is a decision of the Court rather than something determined by the parties.

[5] Having said that, the Court generally consults with the applicant groups in an attempt to identify whether there is someone who is accepted by the parties as being appropriate to undertake the task.

[6] The Court is not obliged to seek consensus and, on occasion, it has had to choose between a number of different proposed appointees nominated by various different parties.

[7] The Court encourages the parties to continue their kōrero in the present instance but notes that if a consensus cannot be achieved, the parties proposing different applicants will need to file a memorandum setting out the reasons for their proposed nominee which the Court will then take into account in making an appointment.

[8] I accept that amending the timetable so as to extend the date for filing submissions as to a proposed Pūkenga until 12 June 2023 will not adversely affect any party, and accordingly grant the application.

Churchman J