

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

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

**CIV-2011-485-794
CIV-2017-404-571
CIV-2017-485-230
CIV-2017-485-247
CIV-2017-485-255
CIV-2017-485-288
CIV-2017-485-289
CIV-2017-485-302
CIV-2017-485-314
CIV-2021-485-302
CIV-2021-485-303
CIV-2021-485-304
CIV-2021-485-305
CIV-2021-485-306
CIV-2021-485-307**

IN THE MATTER OF an application for recognition orders under the
Marine and Coastal Area (Takutai Moana) Act 2011

BY Tangiora – Rongomaiwahine Iwi Trust
(CIV-2017-485-794)
Ngāti Oneone (CIV-2017-404-571)
Ngāti Kurupakiaka and Ors (CIV-2017-485-230)
Ngā Hapū o Tokomaru Ākau (CIV-2017-485-247)
Ngā Whānau o Hauiti (CIV-2017-485-255)
Te Ruahina Marae and Hapū (CIV-2017-485-288)
Rongowhakaata Iwi (CIV-2017-485-289)
Te Whānau a Ruataupare (CIV-2017-485-302)
Ngāi Tāmanuhiri Iwi (CIV-2017-485-314)
Potikirua ki Whangaokena Takutai Moana Trust
(CIV-2021-485-302)
Whangaokena ki Onepoto Takutai Kaitiaki Trust
(CIV-2021-485-303)
Te Papatipu o Uepohatu me Te Papatipu o te Ngaere
Takutai Kaitiaki Trust (CIV-2021-485-304)
Whānau Hapū of Te Aitanga A Mate Te Aowera
and Te Whānau a Hinekehu Takutai Kaitiaki
Trust (CIV-2021-485-305)
Ngā Hapū o Waipiro Takutai Kaitiaki Trust
(CIV-2021-485-306)
Ngāti Wakarara – Ngāti Hau Takutai Kaitiaki Trust
(CIV-2021-485-307)

On the papers:

Counsel: C Hockly for CIV-2017-485-794
C Hirschfeld for CIV-2017-404-571
M Mahuika for CIV-2017-485-230
D Naden and M Yogakumar for CIV-2017-485-247
B Lyall for CIV-2017-485-255 and CIV-2017-485-288
R Smail and K Dawson for CIV-2017-485-289
R Siciliano and C Mataira for CIV-2017-485-302
H Irwin-Easthope for CIV-2017-485-314
M Mahuika and N Milner for CIV-2021-485-302, CIV-2021-485-303,
CIV-2021-485-304, CIV-2021-485-305, CIV-2021-485-306, and
CIV-2021-485-307
G Melvin for Attorney-General

Minute: 31 May 2023

MINUTE OF CHURCHMAN J
[Case Management Conferences 2023 - Gisborne]

CIV-2011-485-794 – Rongomaiwahine Iwi Trust;
CIV-2017-485-314 – Ngāi Tamanuhiri Iwi

[1] Counsel's memorandum recorded that the Rongomaiwahine applicants are progressing their case along the Crown engagement pathway and that overlapping applicants who are pursuing both High Court or Crown engagement pathways have been engaged with.

[2] The Ngāi Tamanuhiri applicants are also progressing through the Crown engagement pathway. No directions are sought from the Crown. Counsel's request to be excused from attendance at the 14 June 2023 Gisborne CMC is granted.

CIV-2017-485-230 – Ngāti Kurupakiaka and Ors

[3] The applicant is proceeding with both expert historical evidence and the gathering of customary and tikanga based evidence. There is one overlapping applicant (CIV-2017-485-288) where there are ongoing discussions which will require further time to be complete.

[4] No directions are sought other than for an adjournment to the 2024 Gisborne CMC. That request is granted as is the request of counsel to have their appearance dispensed with at the 14 June 2023 Gisborne CMC.

CIV-2017-485-302 – Te Whānau a Ruataupare ki Tokomaru
CIV-2017-485-247 – Ngā Hapū o Tokomaru Ākau

[5] These applicants filed a joint memorandum. The parties are exploring a mediation process that had first been discussed in the last week of the High Court hearing of this matter in September 2022. That process is yet to be concluded.

[6] Counsel's request to be excused from attendance at the 14 June 2023 Gisborne CMC is granted.

CIV-2017-485-255 – Ngā Whānau o Hauiti

[7] The memorandum filed records that on 19 May 2021 the applicants accepted an offer to engage in direct engagement with the Crown. However, as a result of the fact that no meaningful progress had been made in discussions with the Crown, the applicants are now preparing towards a High Court hearing.

[8] These applicants participated in the recent Tokomaru Ākau hearing as interested parties and are continuing discussions with overlapping parties.

[9] Counsel's request to be excused from attendance at the 14 June 2023 Gisborne CMC is granted.

CIV-2017-485-288 – Te Ruahina Marae and Hapū

[10] Professional historical and tangata whenua research are underway and there has been some attempt at engagement with overlapping claimants. No directions are sought and counsel's application for excusal from attendance at the 14 June 2023 Gisborne CMC is granted.

CIV-2017-485-289 – Rongowhakaata Iwi

[11] Evidence preparation is well advanced but the applicant is not seeking a fixture or timetable directions. The applicant is attempting to progress its Crown engagement application. Its request to adjourn this case to the 2024 round of CMCs is granted.

[12] Counsel's memorandum of 12 May 2023 indicated that counsel intended appearing at the CMC to answer questions or address matters that may arise. At the moment, there are no such matters and counsel is excused from attendance at the 14 June 2023 Gisborne CMC.

CIV-2021-485-302 – Potikirua ki Whangaokena Takutai Moana Trust;

CIV-2021-485-303 – Whangaokena ki Onepoto Takutai Kaitiaki Trust;

CIV-2021-478-304 – Te Papatipu o Ueopohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust;

CIV-2021-485-305 – Whānau Hapū of Te Aitanga a Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust;

CIV-2021-485-306 – Ngā Hapū o Waipiro Takutai Kaitiaki Trust; and

CIV-2021-485-307 – Ngāti Whakarara – Ngāti Hau Takutai Kaitiaki Trust

[13] A joint memorandum of counsel was filed on behalf of all of these applicants.

[14] The applicants are continuing with direct engagement with the Crown towards recognition of CMT under the Ngāti Porou Act. Progress is being made in that regard. The memorandum seeks an adjournment for six months to allow the current direct engagement process to continue.

[15] I will adjourn this matter until the 2024 Gisborne CMC but reserve leave to the applicants to seek directions in six months' time should the direct engagement process prove unsuccessful.

[16] Counsel is excused from attending the 14 June 2023 Gisborne CMC.

CIV-2017-404-571 – Ngāti Oneone

[17] Delays have been experienced in finalising historical evidence. The matter is not yet ready for hearing. There are four overlapping applicants. Nothing has actually happened in relation to dialogue with them. Counsel would appear to need to play a more pro-active role.

[18] The application is adjourned until the 2024 Gisborne CMC. Counsel's appearance at the 14 June 2023 Gisborne CMC is excused.

[19] The 14 June 2023 Gisborne CMC is vacated and, unless otherwise specified, all matters are adjourned until the 2024 Gisborne CMC.

Churchman J