

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

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

**CIV-2017-485-295  
CIV-2017-485-296  
CIV-2017-485-280**

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

BY Te Whānau o Topi (CIV-2017-485-295)  
Ruapuke Island Group (CIV-2017-485-296)  
Te Rūnanga o Ngāi Tahu (CIV-2017-485-280)

On the papers:

Counsel: R Fife (self represented) for Te Whānau o Topi  
J Inns for Ruapuke Island Group  
R Brown for Te Rūnanga o Ngāi Tahu  
G Melvin for Attorney-General

Minute: 6 June 2023

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**MINUTE OF CHURCHMAN J  
[Case Management Conferences 2023 – Dunedin]**

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*CIV-2017-485-295 – Te Whānau o Topi*

*CIV-2017-485-296 – Ruapuke Island Group*

[1] Counsel’s memorandum of 16 May 2023 was filed on behalf of both of these applicants who are working closely together. The applicants seek a hearing and propose an indicative timetable.

[2] These matters are to be set down for a hearing in the Invercargill High Court commencing 23 March 2025 for three weeks. The timetable set out in [9] of the joint memorandum is approved with some slight modifications. Accordingly, the timetable will be as follows:

<b>Action</b>	<b>Date</b>
Applicants file their evidence (31 weeks before hearing)	19 August 2024
Interested parties, other than the Attorney-General, file their evidence (22 weeks before hearing)	21 October 2024
Applicants file submissions as to the appointment of pūkenga (22 weeks before hearing)	21 October 2024
Attorney-General files evidence (15 weeks before hearing)	10 December 2024
Applicants' evidence in reply filed	23 December 2024
Close of pleadings (10 weeks before hearing)	16 January 2025
Applicants file opening submissions and bundles of authorities (8 weeks before hearing)	27 January 2025
Interested parties file submissions and bundles of authorities (2 weeks before hearing)	10 March 2025
Attorney-General files submissions and bundles of authorities (2 weeks before hearing)	10 March 2025
Hearing begins	24 March 2025
Hearing ends (3 weeks of hearing time)	18 April 2025

*CIV-2017-485-280 – Te Rūnanga o Ngāi Tahu*

[3] Ngāi Tahu support the application for a fixture made by the applicants discussed above.

[4] The memorandum also recorded that Ngāi Tahu was rethinking its approach in that initially it anticipated having one hearing for all of its application area but was now

considering whether each of the 18 Papatipu Rūnanga which constitute Ngāi Tahu should seek individual hearings.

[5] The memorandum recorded that some of the individual Papatipu Rūnanga were further advanced than others in relation to evidence gathering including the appointment of professional historians. The effect of this is that some would be in a position to proceed to hearing well before others. Issues of funding by Te Arawhiti were also relevant and if Ngāi Tahu proceed with just one hearing, it appears that they will only be offered one standard amount of funding.

[6] In order to assist with resolving the issue of whether the individual Papatipu Rūnanga applications should proceed individually, Ngāi Tahu has sought an indication from the Court as to when such applications might be able to be timetabled for hearing. The answer to that question depends very much on the state of readiness of both the applicant group and any overlapping applicants. Beyond understanding that some of the 18 Papatipu Rūnanga are significantly more advanced towards being ready for hearing than others, the Court has no information about readiness.

[7] If the Court were to receive advice in the near future that an application was ready for hearing and sought a hearing date, then that could be considered for the latter half of 2025. Throughout the country, there are a number of applicants seeking hearing dates and the demand for such dates presently outstrips the supply.

[8] Counsel's appearance at the Dunedin CMC is excused and the conference is vacated. All matters are adjourned to the 2024 Dunedin CMC.

**Churchman J**