

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

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

CIV-2011-485-793

IN THE MATTER OF The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER OF Application by Colin Francis Reeder and Ors
on behalf of Ngā Pōtiki a Tamapāhore Trust
for an order recognising Customary Marine
Title and Protected Customary Rights

Hearing On the papers at Auckland

Date of Minute: 25 October 2023

MINUTE (No. 29) OF POWELL J
**[Ngā Potiki Stage 2 - Further Submissions following Court of Appeal
Judgment]**

[1] As counsel will be aware the Court of Appeal has released its decision in *Whakatōhea Kotahitanga Waka (Edwards) & Ors v Te Kāhui and Whakatōhea Māori Trust Board & Ors* (“the judgment”).¹ The judgment provides guidance on the legal test for customary marine title and otherwise considers a number of issues relevant to Ngā Potiki Stage 2.

[2] In the circumstances, each party (whether applicants and/or interested persons) is given leave to file further submissions on the effect (if any) of the judgment on the submissions previously made by that party. Any such submissions are to be filed by 12 noon on 21 November 2023, with submissions in reply to the submissions filed are to then be filed by 12 noon on 5 December 2023.

Powell J