

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

**I TE KŌTI MATUA O AOTEAROA
KIRIKIROA ROHE**

**CIV-2017-419-84
CIV-2017-419-81**

IN THE MATTER of the Marine and Coastal Area (Takutai
Moana) Act 2011

AND

IN THE MATTER of and application by STANLEY RAHUI
PAPA for and on behalf of NGAA HAPUU
ME NGAA MARAE O TE TAKUTAI
MOANA O WAIKATO-TAINUI for orders
recognising Customary Marine Title and
Protected Customary Rights
AND Applicant (CIV-2017-419-84)

IN THE MATTER an application by DIANE BRADSHAW,
RONALD MIKI APITI and PHILLIP
MAHARA on behalf of NGĀTI TE WEHI
for orders recognising Customary Marine
Title and Protected Customary Rights
Applicant (CIV-2017-419-81)

Hearing: On the papers

Counsel: J P Ferguson for Waikato-Tainui
D M Stone, H Clatworthy for Ngāti Te Wehi
R Siciliano and C Ratapu for Ngaati Whakamarurangi (Interested
Party)

Minute: 28 November 2023

MINUTE OF CHURCHMAN J

[1] On 24 November 2023 a joint memorandum of counsel was filed on behalf of O Waikato-Tainui, Ngāti Te Wehi and Ngaati Whakamarurangi. It related to the

position of Ngāti Uakau who are an interested party in the inner Aotea Harbour hearing which is scheduled to proceed next year.

[2] The joint memorandum was a sequel to a similar joint memorandum filed on 15 August 2023.

[3] The most recent memorandum confirms that Ngāti Uakau have now obtained legal representation and intend to participate in the scheduled hearing. The exact nature of its participation is yet to be confirmed but it is possible that it will participate under the korowai of the Waikato-Tainui application in a similar manner to Ngaati Whakamarurangi. At present it appears that no evidence has been collated and that no arrangement has been entered into with Te Arawhiti in respect of funding. The memorandum indicates that a further memorandum will be filed on 11 December 2023. While that memorandum updates the Court on the position of Ngāti Uakau it does not seek any particular orders other than leave to provide a further update by 11 December. That leave is granted along with leave to seek further directions. However, the reality is the date for evidence in this matter to be filed is 26 February 2024.

[4] Given that Ngāti Uakau appear not to have even commenced the process of evidence gathering it is difficult to see how they are going to be able to meet that deadline. There is a possibility that they may choose to cooperate with one of the other applicants in relation to historical or other evidence commissioned by that other applicant, but that will need prompt action and the consent of the other applicants.

[5] It is critical that Ngāti Uakau proceed with all possible haste.

Churchman J