

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

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

CIV-2011-485-821

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

IN THE MATTER OF an application by the Trustees of the
Ngāti Pahauwera Development Trust
TORO WAAKA, TANIA HODGES,
TUREITI MOXON,
CHAANS TUMATAROA-CLARKE,
NGAIRE CULSHAW, REX ADSETT and
RICHARD ALLEN on behalf of NGĀTI
PAHAUWERA for Customary Marine
Title, Wahi Tapu Protection and Protected
Customary Rights, originally filed by
WAYNE TAYLOR, RUKUMOANA
WAINOHU and KUKU GREEN as an
application for protected customary rights

On the papers:

Counsel: R N Smaill and E James for Trustees of the Ngāti Pahauwera
 Development Trust (CIV-2011-485-821)
 S Eccles for Trustees of Maungaharuru Tangitū Trust
 (CIV-2017-485-241)
 S J Roughton for Ngai Tahu o Mohaka Waikare (CIV-2017-485-235)
 M Mahuika, L Underhill-Sem and M Tukapuna for Ngāti Parau
 (CIV-2017-485-246)

Minute: 8 April 2020

MINUTE (NO. 3) OF CHURCHMAN J

[1] The application by Ngāti Pahauwera is a priority application that has been set down for hearing in Napier to commence on 9 February 2021. Also to be heard with it at that time are those parts of the applications of other parties that overlap with the Ngāti Pahauwera claim.

[2] The Court has permitted Ngai Tahu o Mohaka Waikare (Ngai Tahu) to belatedly join the hearing seeking to strike-out a part of Ngāti Pahauwera's application.

[3] In response to that both Maungaharuru-Tangitu (MTT) and Ngāti Pahauwera have both filed memoranda seeking variations to the timetable order to allow them an opportunity to respond to whatever is submitted on behalf of Ngai Tahu.

[4] At the moment, we do not know whether the submissions that Ngai Tahu intend to file are in support of or opposition to the strike-out application.

[5] Because the level 4 Covid-19 response has severely limited the ability of the Court and parties to comply with the High Court Rules and timetable directions in this matter, the Court has been prepared to adjust the timetable directions in response to the various informal applications by the parties. However, as both MTT and Ngāti Pahauwera have filed formal memoranda seeking further timetable variations, the Court will respond with a formal minute.

[6] There is no reason why MTT should not file and serve its submissions in response to those already received by 5:00 pm on 8 April 2020.

[7] Ngai Tahu should also file and serve their submissions by 5:00 pm on 8 April 2020.

[8] If Ngai Tahu's submissions are in support of the strike-out application, there is no need for MTT to have any right of response to them. In that situation, Ngāti Pahauwera should have a right of response and should file any submissions strictly in response by 15 April 2020.

[9] Should Ngai Tahu's submissions oppose the strike-out application, there is no need for Ngāti Pahauwera to respond to them but MTT should have a right of response and should file and serve any submissions strictly in reply by 5:00 pm 15 April 2020.

[10] Upon receipt of the submissions, the Court will issue a decision on the papers.

Churchman J