

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

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

CIV-2011-485-793

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

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

Teleconference: 1 May 2020

Counsel: A Warren for Ngā Potiki a Tamapahore Trust
J N Gear for Ngai Te Rangi Settlement Trust
S T Webster for Ngāti He Hapū Trust
T H Bennion for Te Tāwharau o Ngāti Pūkenga
S Fletcher for Ngā Hapū o Te Moutere o Motiti
J Mason for Ngāti Whakaue ki Maketu
A Tapsell and N Tahana for Ngā Hapū o Ngāti Ranginui
Settlement Trust
J Koning for Ngāti Whakahemo
H Irwin-Easthope for Te Runanga o Ngāti Awa
G Melvin for Attorney-General

Minute: 12 May 2020

**MINUTE (NO. 4) OF CHURCHMAN J
(Ngā Potiki)**

[1] Mr Warren indicated that the latest advice from the historian, Mr Stirling, was that his report would not be available before the end of May 2020. Counsel would also need time to review it once it was available.

[2] Mr Warren had circulated to those counsel involved in Stage 1 of Ngā Potiki's application (Rangataua) the following proposed timetable:

- (a) the applicant's evidence to be filed by mid-June 2020;
- (b) the interested parties' evidence other than the Crown to be filed by mid-September 2020;
- (c) Crown's evidence to be filed by mid-October 2020;
- (d) all applicants' evidence in reply to be filed by mid-December 2020;
- (e) the Court to consider appointing a pukenga by February 2021; and
- (f) a hearing scheduled for after April 2021.

[3] In respect of the Stage 2 timetable, Mr Warren's proposal was:

- (a) all applicants are to file their evidence by the end of October 2020;
- (b) all interested parties are to file by mid-February 2021;
- (c) the Crown to file by mid-March 2021;
- (d) all applicants' reply evidence to be filed by mid-May 2021;
- (e) the Court to appoint a pukenga by the end of June 2021; and
- (f) a six-week hearing to be allocated either late 2020 or more realistically early 2021.

[4] I indicated that before issuing a minute I would wait until 11 May 2020 (assuming that was when the Government either moved to COVID Level 2 or announced when that transition would occur) before issuing a minute with a revised timetable.

[5] Mr Gear undertook to obtain the views of all other counsel on his proposed timetable and file a memorandum. Any counsel who disagree are to file their own memoranda.

[6] It is now clear that we will move to Level 2 on 14 May. The Court has not received a memorandum from either Mr Gear or any other counsel.

[7] Counsel have until 12 noon on 18 May 2020 to file memoranda addressing the proposed revised timetable. I will then issue a minute with further directions.

Churchman J