

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

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

CIV-2017-485-229

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

AND

IN THE MATTER OF an application by Rachael Ann Selby for an
 order recognising customary marine title
 and protected customary rights

On the papers:

Counsel: N Coates, K Tahana and C Conroy-Mosdell for applicant

Minute: 16 June 2020

MINUTE (NO. 17) OF CHURCHMAN J

[1] In response to the minute of the Court dated 22 May 2020 requesting that all applicants file a memorandum updating the Court with the current state of their proceedings, the applicant has filed a memorandum of 8 June 2020.

[2] That memorandum confirms that the applicant's preference is to participate in Direct Engagement with the Crown. It has made such a request and is awaiting a substantive response from the Crown.

[3] The memorandum confirms that the applicant is continuing to prepare evidence and anticipates that, if the Crown does not wish to engage in direct negotiations, it will be in a position to proceed to a hearing in 2021.

[4] The memorandum seeks an adjournment and asks that the appearance of counsel at the forthcoming 8 June 2020 case management conference be dispensed with.

[5] In the circumstances, both orders are appropriate, and are made.

[6] The memorandum also seeks a direction that the Crown confirm to the applicant whether or not it intends to enter into direct negotiations and when those negotiations might commence.

[7] The Court does not have the jurisdiction to direct the Crown in such matters. The Crown has issued the “Takutai Moana draft Crown Engagement Strategy” setting out its preliminary views in relation to the proposed time for engagement. The timeline set out in that document are yet to be confirmed. However, they indicate that it could be up to 20 years before the Crown engages with some applicants.

[8] The applicant in this matter will need to determine whether, once the timeline is finalised, she still wishes to engage with the Crown or to advance these proceedings.

Churchman J