

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

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

**CIV-2017-404-563, CIV-2017-485-276
CIV-2017-404-518, CIV-2017-404-580
CIV-2017-404-574, CIV-2017-485-378
CIV-2017-485-188, CIV-2017-485-187
CIV-2017-404-564, CIV-2017-404-542
CIV-2017-404-567, CIV-2017-404-538
CIV-2017-404-582, CIV-2017-404-545
CIV-2017-404-569, CIV-2017-404-520
CIV-2017-404-581, CIV-2017-404-524
CIV-2017-404-546**

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

AND

IN THE MATTER OF applications by **Te Rūnanga o Ngāti
Whātua, Ngāti Rongo o Mahurangi,
Ngāti Taimanawaiti, Ngāti Rehua-
Ngatiwai ki Aotea, Ngāti Maraeriki and
its hapū, Bouchier, Taumata B Block
Whānau, Ngāi Tai Ki Tamaki, Te Taoū,
Dargaville, Te Whānau-a-Haunui, Ngāti
Manuhiri, Ngāti Te Ata, Ngāti Whatua
Ōrākei, Otakanini Tōpū Māori
Incorporation, Mahurangi, Ngāti Awa
and Ngāpuhi, Ngāti Rehua** for orders
recognising customary marine title and
protected customary rights

Counsel: M Chen and R Judd for CIV-2017-404-563
 A Sykes and J Bartlett for CIV-2017-485-276
 G Erskine for CIV-2017-404-518 and CIV-2017-404-580
 L Thornton for CIV-2017-404-574 and for CIV-2017-485-378
 T Castle for for CIV-2017-485-188 and CIV-2017-485-187
 R Siciliano for CIV-2017-404-564
 G Sharrock for CIV-2017-404-542, CIV-2017-404-567, and
 CIV-2017-404-538
 S Berry and H Andrews for CIV-2017-404-582
 J Pou for CIV-2017-404-545
 J Kahukiwa and J Harper-Hington for CIV-2017-404-569

Minute: 13 July 2020

MINUTE (NO. 27) OF CHURCHMAN J

[1] Of the 19 applicants whose cases are being called at the Auckland case management conference (CMC) on 22 July 2020, some 17 applicants have filed updating memoranda in accordance with the Court's minute dated 22 May 2020.

[2] This minute addresses only those matters raised in the memoranda where a preliminary ruling is required on matters such as attendance of counsel by way of AVL or excusal from attendance where counsel has filed an adequate memorandum updating the Court as to progress since the last CMC.

[3] In relation to the various requests for attendance by AVL, all such requests are granted subject to the proviso that AVL arrangements need to be available and technically feasible in respect of each applicant:

- (a) Te Rūnanga o Ngāti Whātua (CIV-2017-404-563) (counsel M Chen/R Judd). The memorandum of counsel dated 8 June 2020 reported on progress in relation to overlapping claims, particularly the resolution of overlapping claims where the claims were made by or on behalf of post-settlement government's entities associated with the applicant. The applicant is encouraged to continue with this work. The application is adjourned for 12 months and counsel's appearance is excused.
- (b) Ngāti Rongo o Mahurangi (CIV-2017-485-276) (counsel A Sykes/J Chaney/C Dougherty-Ware). The matter is adjourned for 12 months and counsel's attendance excused.

- (c) Ngāti Taimanawaiti (CIV-2017-404-518), and Ngāti Rehua-Ngātiwai ki Aotea (CIV-2017-404-580) (counsel G Erskine/A Mohamed). The matters are adjourned for 12 months and counsel's attendance excused.
- (d) Bouchier (CIV-2017-485-188), and Taumata B Block Whānau (CIV-2017-485-187) (counsel T Castle). The applications are adjourned and counsel's appearance dispensed with. The Court notes that counsel anticipates being in a position in 12 months' time to update the Court on evidence assembly and preparation for the hearings. The Court anticipates that unless the memorandum for next year's CMC records some actual progress, counsel might be required to appear in person.
- (e) Ngāi Tai Ki Tāmaki (CIV-2017-404-564) (counsel R Siciliano). The applicant is encouraged to continue talking with overlapping applicants. The application is adjourned for 12 months and counsel's attendance excused.
- (f) Ngāti Manuhiri (CIV-2017-404-545) (counsel J Pou). The matter is adjourned for 12 months and counsel's attendance excused.
- (g) Ngāti Te Ata (CIV-2017-404-569) (counsel J Kahukiwa/J Harper-Hinton). The matter is adjourned for 12 months and counsel's attendance excused.
- (h) Otakanini Tōpu Māori Incorporation (CIV-2017-404-581) (counsel T Hovell). The matter is adjourned for 12 months and counsel's attendance excused.

[4] Those applicants who have not yet filed memoranda are encouraged to do so without delay.