

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

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

CIV-2011-485-817

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

IN THE MATTER OF an application for an order
 recognising Customary Marine Title
 and Protected Customary Rights

BY the late Claude Augustin Edwards
 (deceased), Adriana Edwards and
 others on behalf of Te Whakatōhea

Counsel: T Sinclair and B Cunningham for Te Whakatōhea; Hiwarau C,
 Turangapikitoi, Waiotahe, and Ohiwa of Whakatōhea;
 Pakowhai Hapū; and Whānau a Apanui
 C Linstead-Panoho and T K Williams for Ngāi Tamahaua and
 Te Hapū Titoko o Ngāi Tamahaua
 N Coates for Te Whānau a Apanui
 E Rongo for Ngāti Torere and Ririwhenua Hapū
 C Leauga and D Stone for Whānau a Te Harawaka
 B Lyall for Te Ūpokorehe Trust
 M Sinclair, M Sharp and J Waaka for Ngāti Muriwai Hapū
 C Hirschfeld for Ngāti Huarere ki Whangapoua
 (watching brief only)
 A Warren and K Ketu for Whānau a Mokomoko
 H Irwin-Easthope for Te Rūnanga o Ngāti Awa
 A Sykes and J Chaney for Ngāti Ira o Waiōweka Rohe
 T Bennion for Ngāti Patumoana
 J Pou for Whakatōhea Māori Trust Board
 T Castle for Ngāi Taiwhakaea (watching brief only)
 J Mason for Mānu Paora Whānau

Interested Parties:
 K Feint QC for Ngāti Ruatakenga
 R Roff, R Budd and S Gwynn for Attorney-General
 C Finlayson QC, A Dartnall and S Eldridge for Landowners
 Coalition Incorporated
 M Jones for Whakatane District Council
 T Reweti for Bay of Plenty Regional and Ōpōtiki District Councils
 A Williams for Seafood Industries Representatives

Minute: 30 September 2020

MINUTE (NO. 29) OF CHURCHMAN J

Background

[1] On Monday 28 September 2020, a judicial conference was held to address the timetabling of the balance of this hearing.

[2] The eight weeks that this case was originally set down for will expire on 9 October 2020. It is clear that the hearing will not be concluded by that date.

[3] It appears likely that the hearing of all the evidence will be complete and the report from the Pukenga available to counsel by that date. It also seems likely that the transcripts of the evidence in the proceedings will not be available by this date.

[4] It is appropriate that counsel have an opportunity to review and take instructions in respect of the contents of the Pukenga report. Following the submissions of counsel, the Court has made these timetable directions:

- (a) the Court will adjourn following completion of the hearing of evidence on 9 October 2020;
- (b) the Court will reconvene for the hearing of the closing submissions of counsel to take place in Rotorua in the week of 19-23 October 2020;
- (c) a poroporoaki will take place at 12.00 noon on 23 October 2020;
- (d) leave is reserved to counsel to file amended final submissions to take into account any matters not covered in their final submissions that emerge following the availability of all of the complete transcript of evidence. Such submissions are to be in writing and are limited to addressing only those matters directly arising from the transcript. They are to be filed and served within five days of the transcript becoming available; and

- (e) the Court will deliver an interim decision addressing the issue of whether or not any applicant has made out a case for an order of customary marine title or protected customary rights under the Act. That decision will be circulated to all applicants and interested parties who will have 10 working days from its receipt to make submissions as to the form of any order that the Court has indicated that it intends making. Such submissions will be in writing.

Churchman J