

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

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

CIV-2011-485-793

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

IN THE MATTER OF Application 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

On the papers: At Auckland

Date of Minute: 21 May 2021

**MINUTE (No. 6) OF POWELL J
[Ngā Potiki Minute No. 15]**

[1] The Te Arawa applicants have raised a further issue with regard to the extent of participation required by H Kahukiwa on behalf of the Koromatua hapu of Ngāti Whakaue (CIV-2017-404-568) and Te Rūnanga o Ngāti Whakaue ki Maketū (CIV-2016-485-770) (“the Kahukiwa and Te Rūnanga o Ngāti Whakaue applications”) in Stage 2 of the Ngā Pōtiki hearings.

[2] It is clear that the Kahukiwa and Te Rūnanga o Ngāti Whakaue applications substantially overlap the Ngā Pōtiki Stage 2 application area and previous directions by Collins J in 2018 recorded that, by agreement, both applications would be “heard in full” in Stage 2 of the Ngā Pōtiki hearings. Despite that, as the Kahukiwa and Te Rūnanga o Ngāti Whakaue applications include Maketū there may be a basis for restricting the hearing of the Kahukiwa and Te Rūnanga o Ngāti Whakaue applications to being heard only to the extent of the overlap as is already the case with the other Te Arawa application brought by the Ngāti Mākino Heritage Trust and Ngāti Pīkiao Iwi Authority (CIV-2017-485-291).

[3] Given this position other Stage 2 applicants/interested persons who wish to be heard on this issue will have until noon on 24 May 2021 to respond to the Te Arawa applicants. A teleconference will then be convened at 9 am on 26 May 2021 to consider whether any change is appropriate as to the extent to which the Kahukiwa and Te Rūnanga o Ngāti Whakaue applications are to be heard as part of Stage 2 of the Ngā Pōtiki application.

Powell J