

**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

Hearing:                      Telephone Conference on 26 May 2021

Appearances:              Aiden Warren for Ngā Pōtiki (CIV-2011-485-793)  
John Kahukiwa for Ngāti Whakaue (CIV-2017-404-568)  
Horiana Irwin-Easthope for Ngāti Awa (CIV-2017-485-196)  
Janet Mason for Ngāti Whakaue ki Maketu (CIV-2016-485-770)  
Karen Feint QC for Ngā Hapū o te Moutere Motītī  
(CIV-2015-485-767)  
Jason Pou for Ngāti Makino and Ngāti Pīkiao  
(CIV-2017-485-291)  
John Koning for Ngāti Whakahemo (CIV-2017-485-223)  
Alan Goosen, Rachel Budd and Cate Barnett for the Attorney  
General  
Lara Burkhardt for Western Bay of Plenty Regional Council  
Michael Sharp for Ngāti He Hapū Trust  
Brett Cunningham for Te Uri a Tehapu

Date of Minute:          26 May 2021

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**MINUTE (No. 7) OF POWELL J  
[Ngā Pōtiki Minute No. 16]**

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[1] This Minute sets out a number of procedural matters discussed at the telephone conference today.

[2] First, on the scope of hearing issue raised by the Te Arawa applicants, the Koromatua hapū of Ngāti Whakaue (CIV-2017-404-568) and Te Rūnanga o Ngāti Whakaue ki Maketū (CIV-2016-485-770) are to confirm their preference for participation in the Ngā Pōtiki Stage 2 hearings as either:

- (a) on the basis of their claims in full **as at 18 July 2018**, as per Minute (No. 5) of Justice Collins; or
- (b) to the extent that their claims overlap with the Ngā Pōtiki application as is the case for the Ngāti Mākinō Heritage Trust and Ngāti Pīkiao Iwi Authority (CIV-2017-485-291).

[3] A joint memorandum or separate memoranda confirming each applicant's position is to be filed by **5 pm on 27 May 2021**. I will then determine this issue.

[4] With regard to the other issues discussed, Mr Warren is, with the thanks of the Court, to coordinate with counsel involved in the Stage 2 hearings to aggregate all applications for extensions to current timetable orders and any consequential amendments necessary in one consolidated and, hopefully, agreed form. If possible, this is to be filed by **12 noon on 31 May 2021** but leave is granted for further time if Mr Warren confirms that more time is necessary. The intention is that once that information is before the Court a single updated timetable order will be made on the papers.

[5] Finally, as discussed with counsel at the conference, while it is planned to continue enabling counsel to maintain watching briefs of the Stage 2 hearings via AVL, parties not otherwise directly participating in the hearings and who wish to file closing submissions will be required to comply with the same timeframes as those parties participating in the hearings. For avoidance of doubt, no opportunity will be given to any party to take time, following the hearings, to review the evidence and file closing

submissions at some later date than those participating in the hearings directly are required to meet.

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Powell J