

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

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER OF                      an application for recognition orders  
under the Marine and Coastal Area  
(Takutai Moana) Act 2011

On the papers:

Counsel:        B Lyall for CIV-2017-404-524 (Mahurangi, Ngāti Awa and Ngāpuhi)  
                     R Siciliano and K Ketu for CIV-2017-404-564 (Ngāi Tai Ki Tāmaki)  
                     T Castle for CIV-2017-404-567 (Te Taoū), CIV-2017-404-542 (Te Taoū),  
                                 CIV-2017-485-147 (Taumata B Block Whānau), and  
                                 CIV-2017-485-188 (Bouchier – Pakiri G Block)  
                     J Kahukiwa and J Harper-Hinton for CIV-2017-404-574 (Ngāti Te Ata)  
                     T Hovell for CIV-2017-404-581 (Otakanini tōpū Māori Incorporation)  
                     A Sykes and C Houia for CIV-2017-485-276 (Ngāti Rongo o Mahurangi)

Minute:            25 June 2021

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**MINUTE (NO. 12) OF CHURCHMAN J  
[Case Management Conferences (CMCs) – Auckland 2021]**

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*CIV-2017-404-524 (Mahurangi, Ngāti Awa and Ngāpuhi)*

[1]        Mr Lyall applies without notice to substitute Marianne Houhana Renee Parker for her late father, Kiharoa Menehira Gilbert Parker, as the applicant in these proceedings in place of her late father.

[2]        Pursuant to r 4.52 of the High Court Rules 2016, that application is granted.

*CIV-2017-404-564 (Ngāi Tai Ki Tāmaki)*

[3]        This applicant is continuing with evidence gathering but is not yet ready for timetabling towards hearing. Accordingly, the application is adjourned for 12 months to the 2022 Auckland CMC and the attendance of counsel at the CMC scheduled for 30 June 2021 is excused.

*CIV-2017-404-567 (Te Taoū), and CIV-2017-404-542 (Te Taoū)*

[4] Mr Sharrock was previously representing these applicants. Upon Mr Sharrock's retirement from practice, Mr Castle has received instructions. Mr Sharrock remains on the record as instructing solicitor and address for service. When a new instructing solicitor is appointed the appropriate notice will need to be filed and served.

[5] Although evidence gathering is underway, these matters are yet ready to be timetabled toward hearing.

[6] Accordingly, all applications are adjourned for 12 months until the 2022 Auckland CMC. Counsel's attendance at the CMC scheduled for 30 June 2021 is excused.

*CIV-2017-485-147 (Taumata B Block Whānau), and CIV-2017-485-188 (Bouchier – Pakiri G Block)*

[7] Mr Castle's memorandum says that he has not been able to receive ongoing instructions from these applicants despite email communication, text message and voice message. As an alternative to the applications being struck out, he requests they be adjourned sine die.

[8] It is not appropriate for the applications to be adjourned sine die as the Court loses control over them. The applications are adjourned for 12 months to be called at the 2022 Auckland CMC.

[9] Mr Castle is directed to file a memorandum no later than 30 August 2021 detailing what efforts he has made to contact the applicants and an explanation for the failure of the applicants to provide him with instructions. In the absence of an adequate explanation, when these matters are called at the 2022 Auckland CMC proceedings, they are liable to be struck out.

[10] Mr Castle's attendance in respect of these matters at the Auckland CMC on 30 June 2021 is excused.

*CIV-2017-404-574 (Ngāti Te Ata)*

[11] This applicant, like a number of others, has been involved in the Waitangi Tribunal's hearing in WAI 2660. Evidence gathering is ongoing but the matter is not ready to be timetabled to a hearing.

[12] This application is adjourned for 12 months until the 2022 Auckland CMC. Counsel's attendance at the CMC scheduled for 30 June 2021 is excused.

*CIV-2017-404-581 (Otakanini tōpū Māori Incorporation)*

[13] The memorandum filed by Mr Hovell records that little progress has been made over the past 12 months although the applicant has been in correspondence with overlapping applicants.

[14] The application is adjourned for 12 months until the 2022 Auckland CMC and counsel's attendance at the CMC scheduled on 30 June 2021 is excused. However, Mr Hovell is directed to file a memorandum no later than 30 September 2021 detailing what steps the applicant has actually taken to gather evidence and to enter into dialogue with overlapping applicants.

[15] In the absence of some evidence that the applicant is taking steps to progress this matter for hearing, the Court is likely to require the appearance of counsel at the next CMC and an explanation as to apparent lack of progress.

*CIV-2017-485-276 (Ngāti Rongo o Mahurangi)*

[16] Historical and tangata whenua evidence is still being collected. The applicant has commenced engagement with overlapping applicants, Ngāti Maraeariki and Ngāti Whatua. The application is not ready to be timetabled to hearing.

[17] It is adjourned for 12 months to the 2022 Auckland CMC and counsel's appearance at the 30 June 2021 CMC is excused.

**Churchman J**