

**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 Pōtiki a Tamapahore trust
for an order recognising Customary Marine
Title and Protected Customary Rights

Date of hearing: 23 July 2021

Appearances: J Lewis for CIV-2011-485-793 (Ngā Pōtiki)
C Bidois for Te Kapu o Waitaha
K Feint QC for CIV-2015-485-767
(Ngā Hapū o Te Moutere o Motītī)
J Harper-Hinton for - CIV-2017-404-568
(H Kahukiwa for the Koromatua Hapū of Ngāti Whakaue)
A Goosen for the Attorney-General

Date of Minute: 9 August 2021

**MINUTE (No. 13) OF POWELL J
[Ngā Pōtiki Minute No. 22]**

[1] On 19 July 2021 Maru Walters, on behalf of Te Kapu o Waitaha Trust, applied for leave to participate in the Ngā Pōtiki Stage 2 hearing as an interested party (“the Waitaha application”).

[2] A telephone conference was convened to discuss the application. At the conclusion of the conference I indicated that a decision would issue this week but that Waitaha should proceed to prepare their evidence in the meantime.

[3] In the event other hearing commitments have meant that a full decision on the Waitaha application has not been possible in the time available. As the application raised a number of significant jurisdictional issues with regard to the interplay between recognition agreements and recognition by order of the Court the reasons for granting the application are important and will be covered in the course of determining the Stage 2 applications. Based on the indication given by Mr Bidois on behalf of Waitaha as to the level of participation sought at the upcoming hearing, I conclude it is appropriate to grant the application at this point so as to enable Waitaha to participate in Stage 2 of the Ngā Pōtiki application. Leave is granted on the basis that Waitaha will be leading a single witness and depending on the time that is available it may be necessary to restrict cross-examination by Waitaha and/or oral submissions although in the event such a course is necessary it will be discussed in advance with counsel.

[4] Waitaha is reminded that as no application for a recognition order was filed by Waitaha with the High Court within six years of the commencement of the Act “the Court must not accept for filing or otherwise consider any application that purports to be filed after that date”.

Powell J