

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

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

**CIV-2017-404-563**

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	Te Rūnanga o Ngāti Whātua

On the papers:

Counsel: M Chen and C Saunders for CIV-2017-404-563 (Te Rūnanga o Ngāti Whātua)  
A Sykes for CIV-2017-485-276 (Ngāti Rongo o Mahurangi)  
B Lyall and L Thornton for:  
CIV-2017-404-524 (Mahurangi, Ngāti Awa and Ngāpuhi),  
CIV-2017-404-574 (Ngāti Rehua/Ngātiwai ki Aotea), and  
CIV-2017-485-378 (Ngāti Maraeariki/Ngāti Rongo)  
A Mohamed and M Yogakumar for:  
CIV-2017-404-580 (Ngāti Rehua/Ngātiwai ki Aotea), and  
CIV-2017-404-518 (Ngāti Taimanawaiti)  
R Jones for CIV-2017-404-520 (Ngāti Whātua Ōrākei Trust)  
R Siciliano for CIV-2017-404-564 (Ngai Tai ki Tamaki)  
H Andrews for CIV-2017-404-582 (Te Whānau-a-Haunui)

Interested parties:  
G Melvin for Attorney-General  
R Gardner for Manaia Properties Ltd

Minute: 7 September 2021

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**MINUTE OF CHURCHMAN J**

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[1] A case management conference (CMC) was held in Auckland on 30 June 2021 in relation to all applications under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) within the Auckland High Court registry.

[2] Immediately before the CMC, counsel for Te Rūnanga o Ngāti Whātua, the applicants in CIV-2017-404-563, indicated that they wish to proceed to a timetable towards hearing. There are some 41 other applicants whose applications overlap in whole or in part with the Ngāti Whātua application.

[3] The Ngāti Whātua application had been filed on a “protective” basis. That is, in order to ensure that none of the applicant groups who affiliated with Ngāti Whātua were unable to progress a claim under the Act because they had not separately filed an individual application within time.

[4] It has not yet been established exactly which of the applicants that have affiliations to Ngāti Whātua wish to be part of the overarching Ngāti Whātua claim, and which wish to conduct their own application.

[5] Before any timetable toward fixture could realistically be set, it was also necessary for Ngāti Whātua to hold discussions with all of the other applicants affected by its claim and its request for a timetable order.

[6] Accordingly, this matter was adjourned until 24 September 2021 for a further CMC to take place in the High Court at Auckland. The purpose of the CMC was to allow the necessary discussions to take place and to identify potential groupings of cases that were ready to be timetabled to a hearing.

[7] All counsel were directed to file and serve memoranda no later than 14 September 2021 indicating whether their client wish to participate in such a hearing and detailing its state of preparedness and the length of time required to present its case.

[8] Unfortunately, the Level 4 COVID-19 lockdown has intervened and severely disrupted preparation for the proposed CMC.

[9] I have given thought as to whether it may be possible to hold the CMC by way of VMR but, as it appears counsel have not had the necessary opportunity to take full instructions from their clients, a VMR hearing is likely to be of limited value.

[10] Accordingly, I direct that the 24 September 2021 CMC at Auckland is vacated.

[11] The Registrar is to arrange a new hearing date for the Auckland CMC likely to be in the second half of October 2021.

[12] Once the new CMC date has been set, the Registrar will advise counsel and, as with the prior direction, counsels' memoranda are to be filed no later than 10 working days prior to the new CMC date.

**Churchman J**