

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

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

**CIV-2017-485-280
CIV-2017-485-295
CIV-2017-485-296
CIV-2017-485-266**

UNDER	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER OF	an application by Te Rūnanga o Ngāi Tahu on behalf of Ngāi Tahu Whānui for recognition orders (CIV-2017-485-280)
AND	an application by Colin Wayne Topi on behalf of Te Whānau o Topi for recognition orders (CIV-2017-485-295)
AND	an application by Melvin Hutchinson Herbert Cain, Jasmine Kay Whaitiri Stewart and Christian Wayne Fife on behalf of the landowners of the Ruapuke Island Group for recognition orders (CIV-2017-485-296)
AND	an application by Upoko o Ngai Tūāhuriri on behalf of Ngai Tūāhuriri (CIV-2017-485-266)

On the papers:

Counsel: R E Brown and G F Dawson for CIV-2017-485-280
R Fife (in person) for CIV-2017-485-295
J Inns for CIV-2017-485-296
R Robilliard for CIV-2017-485-266
G Melvin for Attorney-General
M Garbett for Timaru District Council

Minute: 30 November 2021

**MINUTE (NO. 15) OF CHURCHMAN J
[CMC Dunedin (No. 2)]**

[1] By minute of 28 May 2021, the Court directed the applicants in these proceedings to file a brief memorandum in advance of a case management conference (CMC) scheduled for 1 December 2021. Counsel have filed such a memorandum dated 24 November 2021.

[2] The memorandum records that the preference of the applicants is still to engage in direct negotiation with the Crown. However, in light of doubts as to when that might actually occur, the parties have agreed to undertake research which could be used either for direct engagement or litigation.

[3] In that regard, the parties have agreed upon a joint research brief and are in the process of commissioning such research. The parties wish to have such research at an advanced stage before committing either to a hearing or the Crown engagement process.

[4] The position of the Attorney-General is that it is sensible for the applicants to pursue such an approach.

[5] Accordingly, by consent, I make the following directions:

- (a) that the parties file a further memorandum with the Court advising when a historian is commissioned, and the expected timeline for completion of research; and
- (b) that a further CMC be convened for 9am on Monday, 4 July 2022.

[6] The CMC scheduled for 1 December 2021 is vacated and counsel's attendance is excused.

A handwritten signature in black ink, reading "P.B. Churchman J". The signature is written in a cursive, flowing style.

Churchman J