

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

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

**CIV-2017-485-289
CIV-2011-485-794
CIV-2017-485-314
CIV-2017-485-242**

UNDER	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER OF	an application by the Trustees of the Rongowhakaata Iwi Trust on behalf of Rongowhakaata Iwi for customary marine title, wāhi tapu protection and protected customary rights (CIV-2017-485-289)
AND	Pauline Tangiora and the Rongomaiwahine Iwi Trust on behalf of Rongomaiwahine (CIV-2011-485-794)
AND	Trustees of the Tāmanuhiri Tūtū Poroporo Trust on behalf of Ngāi Tāmanuhiri Iwi (CIV-2017-485-314)
AND	Te Whānau a Rākairoa, Te Whānau Iritekura, and Rongowhakaata Iwi (CIV-2017-485-242 and CIV-2017-485-289)
AND	Haro McIlroy on behalf of Te Whānau a Rākairoa ki Waipiro and Te Whānau a Iritekura (CIV-2017-485-242)

On the papers:

Counsel: R N Smail and K J Dawson for CIV-2017-485-289
C Hockly for CIV-2017-485-794
H K Irwin-Easthope for CIV-2017-485-314
C Hirschfeld for CIV-2017-485-242 and CIV-2017-485-289
C Beaumont for CIV-2017-485-242

Minute: 1 December 2021

**MINUTE (NO. 17) OF CHURCHMAN J
[CMC – Rongowhakaata Iwi Trust & Ors]**

[1] At the case management conference (CMC) held on 15 June 2021, counsel for Rongowhakaata indicated that while that applicant was open to participating in an engagement process directly with the Crown, in the absence of any firm commitment from Te Arawhiti to so engage, they were seeking to have their application set down for hearing in the second half of 2022.

[2] As a consequence of this indication, a number of overlapping applicants indicated that they wished to participate in any hearing allocated.

[3] A CMC was therefore scheduled for 1 December 2021 for parties to report on progress towards the allocation of a fixture.

[4] By memorandum dated 24 November 2021, counsel for Rongowhakaata indicated that they have met with Te Arawhiti and have received further information about the revised engagement process. This has resulted in them wishing to continue engagement with the Crown as opposed to setting their application down for hearing. They sought to have the CMC on 1 December 2021 vacated and to have the application adjourned until the 2022 round of CMCs.

[5] Counsel for the Rongomaiwahine Iwi Trust filed a memorandum on 25 November 2021 which confirmed that this applicant has also revived its direct engagement with the Crown and terms of reference have now been agreed between it and Te Arawhiti. The memorandum indicated that, given the indication by Rongowhakaata that it no longer wish to schedule a hearing of their application, there was no longer an issue of cascading applications that would draw Rongomaiwahine into that hearing.

[6] Counsel for Ngāi Tāmanuhiri Iwi filed a memorandum confirming that, given Rongowhakaata's change of position, there was no need for further timetable directions and requesting that their application be adjourned to the CMC in 2022.

[7] Counsel for Te Whānau a Rākairoa, Te Whānau Iritekura, and Rongowhakaata Iwi sought leave to appear on behalf of Ngāti Oneone (CIV-2017-404-571). That application does not overlap with Rongowhakaata and it was the intention that counsel would only observe rather than actively participate.

[8] Leave is granted to counsel to participate as an observer at any CMC that may be scheduled in the future. If counsel wishes to actively participate in such a CMC, a separate application will be required.

[9] Mr Beaumont, counsel for Haro McIlroy (CIV-2017-485-242), filed a memorandum attaching a notice of discontinuance and sought leave to be excused from the CMC.

[10] Receipt of the notice of discontinuance is acknowledged, and this brings this application to an end. Counsel is excused from attendance.

[11] The 1 December 2021 CMC is vacated and counsel's attendance excused. CIV-2017-485-289, CIV-2017-485-794, CIV-2017-485-314, and CIV-2017-485-242 are adjourned to be called at the 2022 Gisborne CMC.

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

Churchman J