

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

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

**CIV-2017-485-221  
CIV-2017-485-224  
CIV-2017-485-226  
CIV-2017-485-232  
CIV-2017-485-259  
CIV-2017-485-267**

UNDER	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER OF	an application for orders recognising customary marine title, wāhi tapu protection and protected customary rights
BY	Ngāti Kahungunu ki Wairarapa Tāmaki-nui-a- Rua (CIV-2017-485-221)  Rangitāne Tū Mai Rā Trust (CIV-2017-485-224)  Rebecca Harper on behalf of Te Hika o Papaūma (CIV-2017-485-226)  Ngāi Tumapuhia-a-Rangi Hapū (CIV-2017-485-232)  Ngāti Hinewaka (CIV-2017-485-259)  Tūkoko and Ngāti Moe (CIV-2017-485-267)

On the papers:

Counsel: J Ferguson for CIV-2017-485-221  
C Mataira for CIV-2017-485-224  
M Yogakumar for CIV-2017-485-226, CIV-2017-485-232, and  
CIV-2017-485-267  
T Bennion and G Davidson for CIV-2017-485-259  
B Lyall for Interested Parties:  
Ngāi Tumapuhia-a-Rangi ki Motuwairaka Incorporated, and  
Ngāi Tumapuhia-a-Rangi ki Okautete Incorporated  
G Melvin for Attorney-General

Minute: 22 December 2021

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**MINUTE (NO. 19) OF CHURCHMAN J**  
**[CMC – East Coast Wairarapa Group]**

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[1] By a minute of 1 December 2021,<sup>1</sup> I addressed the question of timetable directions. I encouraged the parties to consider the issues that had been discussed at the case management conference (CMC), and to submit a revised version of the proposed timetable directions taking into account my observations in that minute.

[2] By a joint memorandum dated 15 December 2021 signed by counsel for four parties: CIV-2017-485-232, CIV-2017-485-259, CIV-2017-485-221, and CIV-2017-485-224, counsel set out a proposed timetable.

[3] It appears that the proposed timetable had not, prior to being filed, been discussed with counsel for the interested parties (Ngāi Tumapuhia-a-Rangi ki Motuwairaka Incorporated and Ngāi Tumapuhia-a-Rangi ki Okautete Incorporated, or counsel for the Attorney-General).

[4] Mr Melvin, counsel for the Attorney-General filed a memorandum dated 20 December 2021 noting that he had not an opportunity to comment on the proposed timetable and noted that the proposed date of 27 January 2023 for the Crown to file evidence, was less than four months on account of the fact that the 25 December to 15 January period were not working days in accordance with the High Court Rules. He submitted that 22 February 2023 would be a more appropriate date.

[5] The memorandum also noted that the assumption in the joint memorandum was that no interested party other than the Crown would file evidence, and it submitted that a timetable should include a step for interested parties to file evidence, and noted that in other proceedings, the date for interested parties other than the Crown to file evidence had been set a reasonable time after the filing of all applicant evidence and before the Crown filed its evidence.

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<sup>1</sup> *Minute of Churchman J CIV-2017-485-221 (and others) 1 December 2021.*

[6] Mr Lyall's memorandum of 21 December 2021 also noted that he had not had the opportunity of commenting on the joint memorandum. It confirmed that his clients intended to file evidence and they were agreeable for a date to do so being set in advance of the requirement for the Crown to file its evidence. One month prior to the requirement for the Crown to file evidence was suggested as appropriate, with 10 February 2023 being suggested as an appropriate date, with the Crown filing date being 10 March 2023 and reply evidence being filed in early April 2023.

[7] The memorandum also sought the addition of a date for all parties to confirm a draft hearing timetable.

### *Analysis*

[8] Taking into account the various submissions discussed above, I fix the following timetable:

- (a) submissions on pūkenga appointment by 11 March 2022;
- (b) pukenga appoint 9 April 2022;
- (c) tangata whenua evidence – 5 August 2022;
- (d) historian evidence – 30 September 2022;
- (e) interested party evidence – 10 February 2023;
- (f) Crown evidence – 10 March 2023;
- (g) reply evidence – 6 April 2023;
- (h) judicial settlement conference (if needed) – April 2023;
- (i) close of pleadings – 24 April 2023;
- (j) common bundle – 28 April 2023;

- (k) chronology/agreed facts and issues – 5 May 2023;
- (l) notices of cross-examination – 12 May 2023;
- (m) opening submissions and draft hearing timetable – 18 May 2023; and
- (n) hearing fixture not before – 22 May 2023.

**Churchman J**