

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

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

**CIV-2017-485-171  
CIV-2017-485-172  
CIV-2017-485-182  
CIV-2017-485-365**

Under	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER OF	an application by the Hinehau Tahuāroa-Riwaka Houra Whānau seeking recognition orders under that Act
AND IN THE MATTER OF	an application by the Tahuāroa-Watson Whānau seeking recognition orders under that Act
AND IN THE MATTER OF	an application by the Henare Tahuāroa-Watson Whānau seeking recognition orders under that Act
AND IN THE MATTER OF	an application by the Trustees of Te Ā Taiwa o Te Waka-a-Maui Trust seeking recognition orders under that Act

Continued...

**On the Papers**

Counsel: T Bennion and L Black for CIV-2017-485-171, 172, 182 and 365  
A K Irwin for CIV-2017-485-218  
M Radich and S A Wadworth for CIV-2017-485-251  
T Castle for CIV-2017-485-167  
No appearance for CIV-2017-485-266

Minute: 17 May 2022

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**MINUTE OF CHURCHMAN J**

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**CIV-2017-485-218**

IN THE MATTER OF	an application by H T Elkington on behalf of Ngāti Koata seeking recognition orders under that Act
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**CIV-2017-485-251**

IN THE MATTER OF	an application by Wendy Hynes and Ors on behalf of Te Rūnanga a Rangitāne o Wairau Trust seeking recognition orders under that Act
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AND IN THE MATTER OF	an application by Rūnanga a Rangitāne o Kaituna seeking recognition orders under that Act
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**CIV-2017-485-266**

IN THE MATTER OF	an application by Ngāi Tuahuriri seeking recognition orders under that Act
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## **Introduction**

[1] The case management conference (CMC) for claims under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) for claims in the Nelson area is scheduled to be called in the Nelson High Court on 30 June 2022.

[2] In a minute of 31 May 2021 I requested counsel for all applicant parties to file a memoranda ahead of the 2022 CMC reporting on the outcome of discussions with overlapping claimants and identifying those overlapping claims which the applicants believed may suitably be heard at the same time as their application.

[3] From those memoranda that have been filed, it appears that at least some of the applicants have engaged in discussions with other claimants whose claims overlap with theirs but that such discussions are ongoing and, as yet, have not resulted in the amendment of any applications.

[4] It would appear that none of the claims are yet ready for timetabling towards fixture and all counsel that have filed memoranda have sought to have their appearance excused and for the matter to be dealt with on the papers.

*CIV-2017-485-171, 172, 182 and 365*

[5] Ms Black filed a memorandum on behalf of these applicants which confirmed that some discussion with overlapping applicants had occurred and that the applicants wished to continue this process in accordance with tikanga. No explicit information was given about progress with historical research or a time by which these applications would be likely to be ready for hearing. These applicants sought an adjournment for 12 months and to provide an update to the Court on progress by 22 December 2022.

*CIV-2017-485-218*

[6] Mr Irwin, on behalf of H T Elkington (Ngāti Koata) advised that Ngāti Koata was in direct engagement with the Crown in relation to the area surrounding Rangitoto-ki-te-Tonga (D'urville Island). It was indicated that Ngāti Koata and the Crown aimed to include the direct engagement during 2022. No timetabling directions were sought.

*CIV-2017-485-251*

[7] Ms Wadworth's memoranda recorded that preparation of evidence was well advanced, discussions with overlapping claimants were underway and it was anticipated that the claimant would be in a position to seek a setting down of its claim prior to the 2023 CMC. No timetabling directions were sought.

*CIV-2017-485-167*

[8] Mr Castle did not file a memorandum but, when contacted by the Registrar indicated that he will be seeking to have his attendance excused from the CMC.

*CIV-2017-485-266*

[9] No memorandum was filed by Ms Appleyard.

### **Directions**

[10] The applications of all counsel who have filed a memorandum seeking the adjournment of their clients' applications until the 2023 CMC (which will be held on Thursday 8 June 2023) are granted and counsels' appearance at the 30 June 2022 CMC are excused.

[11] Ms Black, counsel in CIV-2016-485-171, 172, 182 and 365, is to file and serve an updating memorandum by 20 December 2022.

[12] Unless counsel in CIV-2017-485-167 and CIV-2017-485-266 file memoranda in accordance with the direction made in the minute dated 31 May 2021, the Nelson CMC will proceed at 10.00 am on 30 June 2022 with those two counsel attending by VMR.

**Churchman J**