

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

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

**CIV-2011-485-794
CIV-2017-485-255
CIV-2017-485-288
CIV-2017-485-289
CIV-2017-485-314
CIV-2021-485-302
CIV-2021-485-303
CIV-2021-485-304
CIV-2021-485-305
CIV-2021-485-306
CIV-2021-485-307
CIV-2017-485-225
CIV-2017-404-571
CIV-2017-485-230**

IN THE MATTER OF	an application for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011
BY	Tangiora – Rongomaiwahine Iwi Trust (CIV-2017-485-794) Ngā Hapū o Koronui ki te Toka a Taiau Takutai Kaitiaki Trust (CIV-2017-485-255) Te Rauhinā Marae and Hapū (CIV-2017-485-288) Rongowhakaata Iwi (CIV-2017-485-289) Ngāi Tāmanuhiri Iwi (CIV-2017-485-314) Pōtikirua ki Whangaokena Takutai Kaitiaki Trust (CIV-2021-485-302) Whangaokena ki Onepoto Takutai Kaitiaki Trust (CIV-2021-485-303) Te Papatipu o Uepohatu me Te Papatipu o te Ngaere Takutai Kaitiaki Trust (CIV-2021-485-304) Whānau Hapū of Te Aitanga A Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust (CIV-2021-485-305) Ngā Hapū o Waipiro Takutai Kaitiaki Trust (CIV-2021-485-306) Ngāti Wakarara – Ngāti Hau Takutai Kaitiaki Trust (CIV-2021-485-307) Whānau a Kahu (CIV-2017-485-225) Ngāti Oneone (CIV-2017-404-571) Ngāti Kurupakiaka & Ors (CIV-2017-485-230)

On the papers:

Counsel: C Hockly for CIV-2017-485-794
B Lyall for CIV-2017-485-288 and CIV-2017-485-255
R Smail for CIV-2017-485-289
H Irwin-Easthope for CIV-2017-485-314
N Milner for CIV-2021-485-302, CIV-2021-485-303, CIV-2021-485-304,
CIV-2021-485-305, CIV-2021-485-306, CIV-2021-485-307
CIV-2017-485-225 (unrepresented)
C Hirschfeld for CIV-2017-404-571
M Mahuika and L Underhill-Sem for CIV-2017-485-230
C Beaumont for CIV-2017-485-242
C Hirschfeld, D Naden and M Yogakumar for CIV-2017-485-247
G Melvin for Attorney-General

Minute: 23 May 2022

MINUTE (NO.2) OF CHURCHMAN J
[Case Management Conferences 2022 - Gisborne]

[1] A case management conference (CMC) is scheduled to take place in Gisborne on 8 June 2022 in respect of the above matters.

[2] By minute of the Court dated 5 July 2021, the parties were requested to file a memorandum prior to the CMC detailing what progress had been made towards hearing, what engagement there had been with overlapping claimants and what directions the applicants sought from the Court.

[3] There are 14 applications to be called at the CMC involving eight counsel. Memoranda have been received in respect of 11 of the applications. In respect of two of the applications where no memorandum has been received (CIV-2017-485-247 – Ngā Hapū o Tokomaru Ākau; and CIV-2017-485-302 – Te Whānau a Ruataupare), these applicants are participants in the Tokomaru Bay hearing scheduled to be heard in September of this year. There is a separate timetable order in respect of that hearing and nothing further is required from counsel for the CMC.

[4] Of those counsel who have filed memoranda, all are either seeking for their appearance to be excused on 8 June 2022 or to be granted permission to attend by VMR.

[5] In those circumstances, the most efficient use of the resources of counsel and the Court is for the hearing to proceed by way of VMR and I make that direction.

CIV-2017-485-794

[6] Mr Hockly's memorandum confirmed that his client was progressing engagement with the Minister on the Crown engagement pathway; that counsel was not aware of any overlapping claims and that no directions were sought from the Court.

[7] Counsel sought leave to attend by AVL. That leave is granted. In view of the contents of counsel's memorandum, should counsel wish to be excused from attendance, that is also granted.

CIV-2017-485-255

[8] Mr Lyall sought an order adding Marise Lant as the applicant on behalf of Ngā Whānau o Hauiti. I make that order.

[9] The memorandum also confirmed that the applicants had accepted an offer from the Ministry for Treaty of Waitangi Negotiations to engage directly. They did not seek any timetable orders and asked that the case be adjourned until the 2023 round of CMCs. Counsel requested to attend the 8 June 2022 CMC by VMR. That request is granted. Should counsel wish to have his appearance dispensed with, that is also granted.

CIV-2017-485-288

[10] Mr Lyall reported that the applicants have been in touch with the only overlapping applicant group and further hui were scheduled. Significant evidence gathering and research had been undertaken and no timetabling directions were sought.

[11] Counsel's application to be excused from appearing at the CMC is granted.

CIV-2017-485-289

[12] Ms Smail's memorandum detailed that the applicant was well advanced in evidence preparation but is not yet seeking timetabling towards a fixture. Rongowhakaata is in fact seeking to progress its Crown engagement application. Counsel sought that the application be adjourned until the 2023 CMC.

[13] Counsel's request to attend by way of VMR is granted and should counsel wish to have their attendance at the 8 June 2023 CMC dispensed with, that is granted as well.

CIV-2017-485-314

[14] Ms Irwin-Easthope's memorandum confirmed that the Tāmanuhiri applicants prefer to engage directly with the Crown and had met with Te Arawhiti officials to progress that. The memorandum confirmed that the Tāmanuhiri applicants had agreed their respective boundaries with the Rongowhakaata Iwi Trust (CIV-2017-485-289) to the north, and the Rongomaiwahine applicants (CIV-2011-485-794) to the south.

[15] Counsel sought leave to attend the CMC by AVL. That application is granted. Should counsel seek to have their appearance dispensed with, that is also granted.

*CIV-2021-485-302 CIV-2021-485-303, CIV-2021-485-304, CIV-2021-485-305,
CIV-2021-485-306, AND CIV-2021-485-307*

[16] These matters are applications under the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Mr Milner's memorandum confirmed that the Management Arrangement Trusts are currently engaged in direct engagement with the Crown and did not seek any timetabling orders. Counsel's application for leave to be excused is granted.

CIV-2017-485-225

[17] The applicant is unrepresented but Tony Sinclair from Ngātahi Law is endeavouring to assist. If no memorandum is filed before 8 June 2022, either the applicant or Mr Sinclair, on the applicant's behalf, will need to attend by way of VMR.

CIV-2017-485-230

[18] Ms Underhill-Sem confirmed that evidence preparation was proceeding and contact had been made with one overlapping applicant. Further time was required for discussions with the overlapping applicant to be concluded. No timetable directions were sought and an adjournment until the 2023 CMC was sought to allow preparation of historical evidence. Counsel's application to dispense with their appearance is granted.

CIV-2017-404-571

[19] No memorandum has been filed. Assuming that Mr Hirschfeld is still instructed, if no memorandum is filed, he is to participate by VMR in the 8 June 2022 CMC.

Outcome

[20] All matters where counsel filed memoranda and sought an adjournment to the 2023 CMC are adjourned for 12 months and, while counsel in those matters are free to attend by VMR, their appearance at the 8 June 2022 is excused.

[21] All counsel who have not filed a memorandum are required to attend the CMC by VMR and should contact the Registrar to obtain details for the login.

Churchman J