

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

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

**CIV-2017-404-442
CIV-2017-404-537
CIV-2017-404-546
CIV-2017-404-554
CIV-2017-404-558
CIV-2017-404-563
CIV-2017-404-566
CIV-2017-404-573
CIV-2017-404-579
CIV-2017-485-231
CIV-2017-485-239
CIV-2017-485-250
CIV-2017-485-281
CIV-2017-485-283
CIV-2017-485-286
CIV-2017-485-305
CIV-2017-485-398
CIV-2017-485-515
CIV-2017-485-799
GROUP E**

UNDER the Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER of RICHARD JOHN NATHAN on behalf of
Ropu o Rangiriri

AND continued: .../2

Hearing: On the papers

Counsel: B Lyall and H Swedlund for Stephen Panoho on behalf of Te Rae
Ahu Whenua Trust CIV-2017-485-239
...continued: .../2

Minute: 13 July 2023

MINUTE OF HARVEY J

AND JOSEPH ROBERT KINGI on behalf of Nga Puhī nui tonu, Ngāti Rahiri, Ngāti Awa, Nga Tahuhu and Ngaitawake

AND Trustees of Ngāti Rehua-Ngatiwai ki Aotea Trust on behalf of Ngāti Rehua-Ngatiwai Ki Aotea

AND Kare Rata for Nga Hapu o Ngāti Wai

AND Rihari Dargaville for Ngaitawake

AND Te Runanga o Ngāti Whatua

AND Pereri Mahanga on behalf of Te Waiariki, Ngāti Korora, Ngāti Takapari Hapū/Iwi of Niu Tireni

AND Maia Maria Nova Honetana for Ngai Tahuhu, Ngāti Tuu (Ngāti Tuu to Ngāti Tu ki Ngāpuhi), Ngāti Kūkeke

AND Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai

AND Te Rūnanga o Ngāti Hine

AND Stephen Panoho on behalf of Te Rae Ahu Whenua Trust

AND Te Tawharau o Ngāti Pukenga on behalf of Ngāti Pukenga

AND Patuharakeke Te Iwi Trust Board

AND Ngatiwai Trust Board

AND Patuharakeke Te Iwi Trust Board

AND Tamihana Akitai Paki on behalf of Te Parawhau Hapu

AND Louisa Te Matekino Collier & Ors on behalf of Ngāti Kawau & Te Waiariki Korora

AND Elvis Shayne Reti for Whangaruru, Whangarei and Whangaroa

AND Application by Korokota Marae on behalf of Te Parawhau Hapū

[1] I thank counsel for their recent memoranda.

[2] I agree with Mr Erskine that those seeking delayed filings need to provide detailed reasons for their request, given the risk of precedent setting and the flow-on effects for trial preparation as highlighted by Ms Chen. I therefore direct that Mr Lyall counsel for Stephen Panoho (on behalf of Te Rae Ahu Whenua Trust) file a further memorandum providing more detailed reasons for the request. Simply saying that the historian is overworked or too busy is insufficient.

[3] I have also received a document from a Merehora Taurua. I observe that my judgment on the strike-out application, in the context of overlapping claims resolution possibilities, simply highlights that a negotiated solution is strongly preferable to adjudication by the Court for obvious reasons. And so, I reiterate that while the parties are urged to uncover their own pathways to a resolution, by its very nature the process is voluntary and parties will need to weigh up a range of considerations both in the context of the legislation and, more importantly, under tikanga. At the risk of belabouring the point, I urge parties to explore solutions themselves on overlapping issues in the time remaining before the proceedings commence in February 2024.

Harvey J

Counsel – continued: M Chen and C Saunders for Te Rūnanga o Ngāti
Whatua CIV-2017-404-563
G Erskine for Ngā Hapū o Tangaroa ki Te Ihu o Manaia
Tae atu ki Mangawhai CIV-2017-404-579
R Roff for the Attorney-General

Solicitors:
Bryce Lyall and Hannah Swedlund Mai
Chen, Barrister, Auckland
Caleb Saunders, Barrister, Auckland
Grant Erskine, Barrister, Auckland
Rachel Roff, Wellington
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