

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

**I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

Counsel:      L Thornton for:  
                    Ngāti Maraeariki, Ngāti Rongo CIV-2017-485-278  
                    Ngāti Rehua/Ngatiwai ki Aotea CIV-2017-404-574  
                    B Lyall and H Swedlund for Ngāti Awa Ngāpuhi CIV-2017-404-524  
                    H Fletcher and S Yogakumar for:  
                        Ngāti Taimanawaiti CIV-2017-404-518  
                        Ngāti Rehua CIV-2017-404-546  
                        Ngāti Rehua/Ngātiwai ki Aotea CIV-2017-404-580  
                    H Andrews for Te Whānau-a-Haunui CIV-2017-404-582  
                    J Kahuikiwa for Ngāti Te Ata CIV-2017-404-569  
                    G Melvin for Attorney-General  
                    K Dawson for the Trustees of the Roroa Whatu ora and Manawhenua Trusts  
                    G Mathias for Langs Beach Society Inc  
                    E Ellis for Channel Infrastructure NZ Ltd  
                    T Greensmith-West for Waikato, Hauraki and Thames Coromandel District  
                        Councils  
                    L Ford for Manaia Properties Ltd

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

**I TE KŌTI MATUA O AOTEAROA  
WHANGĀREI TERENGA PARĀOA ROHE**

Counsel: M Chen and C Saunders for Te Rūnanga o Ngāti Whatua  
CIV-2017-404-563  
M Cherrington for:  
Te Rūnanga Nui o Te Aupōuri CIV-2017-485-240  
Ngāti Hine CIV-2017-485-265  
Te Kapotai CIV-2017-488-026  
R Enright and M Enright for Te Parawhau CIV-2017-485-799  
R McGrath (in person) for Ngāti Torehina ki Mataure o Hau  
CIV-2017-404-540  
D Naden and M Sreen for:  
Te Iwi o te Rarawa ki Ahipara CIV-2017-404-578  
Ngāti Tara CIV-2017-404-578  
Te Whānau o Rataroa CIV-2017-404-529  
Ngāi Tupango CIV-2017-485-233  
B Lyall for Ngā Hapū o Taiamai Ki Te Marangai CIV-2017-404-523  
B Loader for Ngāti Tu ki Ngāpuhi CIV-2017-404-573  
M Piripi for:  
Ngāpuhi/Ngāti Kahu ki Whaingaroa CIV-2017-485-236  
Te Rarawa CIV-2017-485-290  
T Afeaki for Ngā Hapū o Ngāti Kahu CIV-2017-485-268  
K Delamere-Ririnui for Ngāti Manu and its Hapū Te Uri Karaka  
CIV-2017-485-277  
J Cheong for Ngāi Takoto Iwi CIV-2017-485-320  
J Judge for:  
Te Hao o Maui and Hoko Keha CIV-485-380  
Ngāti Mokokohi, Te Tahawai, Te Uri o Te Aho, Ngāti Ruamahu  
and Ngāti Torehina CIV-485-510  
O Manning for Te Uri o Hau Settlement Trust CIV-2009-488-205  
J Matenga for Parengarenga A Inc and Associated Iwi CIV-2017-485-237  
K Dawson for Te Roroa Whatu Ora and Manawhenua Trusts  
J Mason for Waitaha Executive Grandmothers Council  
E Ellis for Channel Infrastructure  
G Mathias for Langs Beach Society Inc & The Langs Cove Conservation  
Trust  
A Green and GT Greensmith-West for Hauraki, Waikato,  
Thames-Coromandel District Councils  
G Melvin for Attorney-General

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

**I TE KŌTI MATUA O AOTEAROA  
AHURIRI ROHE**

Counsel: R Smail and S Cassidy for Ngāti Pāhauwera CIV-2011-485-821  
S Yogakumar for Ngāi Tahu o Mōhaka-Waikare CIV-2017-485-235  
T Hauraki for Ngāti Pārau CIV-2017-485-246  
K Anderson and M Dicken for Maungaharuru Tangitū Trust  
CIV-2017-485-241  
R Roff and C Barnett for Attorney-General  
B Lyall for Mana Ahuriri Trust  
H Harwood for Hawkes Bay Regional Council  
M Williams for Pan Pac Forest Products Ltd

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

**I TE KŌTI MATUA O AOTEAROA  
TAURANGA MOANA ROHE**

Counsel: H Irwin-Easthope for Te Rūnanga o Ngāti Awa CIV-2017-485-196  
J Koning for Ngāti Whakahemo CIV-2017-485-223  
M Mahuika and N Coates for Te Whānau a Apanui CIV-2017-485-318  
T Castle for Ngāi Taiwhakaea Hapū CIV-2017-485-185  
N Milner for Trustees of Rurima Island Māori Reservation  
CIV-2017-485-317  
L Watson for Ngāti Hikakino, Ngāi Te Rangihouhiri II and Te Tāwera  
CIV-2017-485-227  
J Mason for:  
Ngāti Whakaue ki Maketu Hapū CIV-2017-485-770  
Manu Paora Whānau CIV-2017-485-513, and  
Tangihia Hapū CIV-2017-485-514  
J Pou for Ngāti Makino and Ngāti Pikiao CIV-2017-485-291  
J Kahukiwa for Koromatua Hapū o Ngāti Whakaue o Te Arawa Waka  
CIV-2017-485-568  
T Bennion for Ngāti Pūkenga CIV-2017-485-250  
J Gear for:  
Ngā Hapū o Ngāi Te Rangi CIV-2017-485-244, and  
Ihakara Tangitu Reserve (as agent for J Koning) CIV-2017-485-195  
A Tapsell for Ngāti Ranginui CIV-2017-485-294  
G Melvin for Attorney-General

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

**I TE KŌTI MATUA O AOTEAROA  
KIRIKIRIROA ROHE**

Counsel:       A Sykes and J Cole for Tainui Hapū o Tainui Waka CIV-2017-419-083  
                  J Ferguson for Waikato-Tainui CIV-2017-419-084  
                  C Ratapu for Ngā Hapū o Mokau ki Runga CIV-2017-485-209, and  
                                CIV-2017-485-216  
                  B Tupara for Ngā Tini Hapū o Maniapoto CIV-2017-404-526  
                  H Clatworthy for Ngāti Te Wehi CIV-2017-419-081  
                  B Loader for West Coast Iwi and Hapū ki Marokopa Marae  
                                CIV-2017-419-082  
                  T Bennion for:  
                                Ngāti Apakura CIV-2017-485-207  
                                Ngāti Pūkenga CIV-2017-485-250  
                  C Ratapu for Ngaati Mahuta ki te Hauaauru CIV-2017-404-575  
                  J Pou for Te Tokanganui-A-Noho Regional Management Committee  
                                CIV-2017-419-085  
                  R Siciliano for Ngāti Whakamarurangi and Ngāti Mahanga  
                  I Peters for Ngāti Tamainupō  
                  T Greensmith-West for Hauraki and Waikato District Councils  
                  G Melvin for Attorney-General

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

**I TE KŌTI MATUA O AOTEAROA  
NGĀMOTU ROHE**

Counsel: C Ratapu for Ngā Hapū o Mokau ki Runga CIV-2017-485-209  
J Ferguson for Te Awa Tupua and Ngā Hapū me Ngā Uri o  
Te Iwi o Whanganui CIV-2017-485-301  
V Morrison-Shaw for Ngāti Tama CIV-2017-485-534  
G Melvin for Attorney-General

Minute: 28 July 2023

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**MINUTE OF CHURCHMAN J  
[Case Management Conferences (CMCs) 2023]**

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**General observations**

[1] Substantial progress has been made in timetabling a number of applications for recognition orders towards hearing and the allocation of firm hearings. The hearings in relation to the Group M area (the lower south-east coast of the North Island) have been split into two groups with the first eight-week hearing commencing on 4 September 2023, and the second 10-hearing commencing on 12 February 2024.

[2] Group N hearings (south-west coast of the North Island) have also been timetabled in two stages with the first eight-week hearing commencing on 6 May 2024, and the second eight-week hearing commencing on 7 October 2024.

[3] Hearings in relation to the Whangarei Harbour and Whangarei Coast of 10 weeks and 12 weeks respectively are scheduled to commence on 12 February 2024 and 22 July 2024.

[4] A 10-week hearing in relation to the area around Tauranga will commence on 5 May 2025. Shorter hearings have been scheduled for Aotea Harbour for two weeks commencing on 17 June 2024, Group O, South Taranaki for three weeks commencing on 17 February 2025, and a three-week hearing for Ruapuke Island in Foveaux Strait commencing 24 March 2025.

[5] A number of other groups who have applications relating to various areas in the north of the North Island are nearing the stage of preparation when firm fixtures and timetable directions can be allocated.

[6] In many areas, the large number of overlapping applications and the need to minimise the necessity for applicants to have to participate in several different hearings, has meant that, of necessity, the hearings are lengthy.

[7] As a result of the completion of the Stage 2 hearings in the Whakatōhea and Ngāti Pāhauwera applications, the Court has had a number of hearings relating to the content of recognition orders. Final resolution of these matters has been frustrated by the absence of final guidelines being issued by the Surveyor-General in relation to the drafting of maps for customary marine title (CMT) and protected customary rights (PCR). The Surveyor-General's final guidelines are anticipated to be released within the coming months.

[8] The attention of counsel is also drawn to the contents of the practice note on mapping issued by the Chief High Court Judge on 23 March 2022. That practice note had attached to it tables and an appendix providing details as to the specific requirements for application area maps. Among those requirements were that the latitude and longitude of the boundaries of CMT be shown as decimal degrees to three decimal places and that the map must record the originating co-ordinate system that the latitude and longitude was derived from. It also provides that the display of co-ordinates is mandatory on a map for an application area and should be recorded, at a minimum, at the two landward and two seaward boundaries. On a number of occasions, counsel appear not to have adverted to these requirements when providing instructions to those who have prepared relevant maps.

[9] One factor that has delayed preparation towards hearing for many applicants is the lack of availability of professional historians to undertake historical research. All applicants who have not yet commissioned historical research and who wish to participate in hearings that have now been set down, are encouraged to attempt to engage historians at the earliest possible opportunity.

[10] A situation that remains unresolved is the existence of two separate pathways for the obtaining of recognition orders. Some applicants have both High Court proceedings and direct

engagement applications. However, many applicants have only sought direct engagement. There appears to have been very little progress with any of the direct engagement applications. One result of this is that applicants whose preference is direct engagement are compelled to participate in High Court proceedings that are considering applications overlapping with their claimed area.

[11] Other Crown engagement only applicants are potentially seriously disadvantaged in that, if the Court makes CMT orders in favour of High Court applicants, that effectively excludes the opportunity for direct engagement applicants to subsequently obtain CMT orders in respect of the same area. This would appear to be a problem that can only be resolved by legislative means.

[12] The dates for the various regional case management conferences (CMCs) to be held in 2024 are set out in the appendix to this minute.

[13] Other than in circumstances where applications are adjourned to specific dates, all applications that have not had their hearings will be adjourned to the 2024 CMC dates.

[14] Where a Judge has been allocated to preside over one of the hearings that have been set down, all interlocutory applications relating to that hearing will be dealt with by that Judge rather than at the regional CMCs.

## **Auckland CMC**

### *Ngāti Taimanawaiti (CIV-2017-404-518)*

[15] While this applicant is making progress with evidence gathering, it has not yet managed to engage a historian. Part of the area covered by this application falls within the Stage D hearing area in the framework proposed by Ngāti Whatua. Stage D has not yet been timetabled to a fixture. A hearing will not take place before 2025 at the earliest. However, this applicant has a lot of work to do in relation to evidence gathering and hui with overlapping applicants before it will be ready to participate in the Stage D hearing and the hearing for the balance of its application. It is encouraged to undertake that work as soon as possible.



*Ngāti Rehua-Ngātiwai ki Aotea (CIV-2017-404-580) and Ngāti Rehua (CIV-2017-485-546)*

[16] These two applicants intend to amalgamate their claims. I was advised that the effect of the amalgamation would be to reduce the area covered by the CIV-2017-404-546 application. I direct that the amended application be filed within four weeks of the date of this minute.

[17] Some progress appears to have been made in assembling tangata whenua evidence but the applicant has been unsuccessful in engaging a professional historian. Hui with some of the overlapping applicants (Ngātiwai Trust Board CIV-2017-485-283) and Ngāti Rehua-Ngātiwai ki Aotea and related Hapū CIV-2017-485-574) have been held but there are a number of overlapping applicants that this applicant has yet to engage with. Given the close whakapapa links between this applicant and some other applicants, counsel is encouraged to consider the possibility of the further amalgamation of this claim with other claims by closely related applicants.

*Te Rūnanga o Ngāti Whatua (CIV-2017-404-563)*

[18] Ms Chen sought an extension to 4 June 2024 for filing evidence in relation to the Whangarei Coastline hearing. That was granted.

[19] Mr Saunders indicated that the claim was being amended and the amended version would be filed promptly. The amendments had arisen as a result of agreements between this applicant and overlapping applicants about adjustments to boundaries.

[20] Counsel was reminded that as Harvey J had been allocated to preside over the Whangarei Stage 1(b) hearing, any further interlocutory applications should be addressed to him.

*Ngā Hapū o Tangaroa ki te Ihu o Manaia Tae atu ki Mangawhai (CIV-2017-404-579)*

[21] Mr Erskine reported that this applicant had engaged with a number of cross-applicants and as a result had made progress in identification of which parties had interests in the areas with overlapping claims. Counsel advised that the applicant intended amending its application as a result. Counsel was encouraged to file any amended application promptly.

*Ngāti Rehua-Ngātiwai ki Aotea and Ngāti Rehua (CIV-2017-485-378)*

[22] Counsel indicated that both of these applicants intended to amalgamate their application. Counsel is encouraged to attend to this as promptly as possible. From counsel's comments, it appears that the likely outcome of the amended application would be a significant reduction in the areas claimed by Ngāti Rehua in CIV-2017-404-546. Although the gathering of tangata whenua evidence is proceeding, this applicant has also been unable to engage a historian with the historians contacted either being completing reports for overlapping parties or engaged in other hearings.

[23] Dialogue has been commenced with other overlapping parties and this process is to continue.

*Ngāti Awa Ngāpuhi (CIV-2017-404-524)*

[24] This applicant has been granted funding and is proceeding with both tangata whenua and historical evidence. It is not ready for hearing. It wishes to have further time to allow for engagement with overlapping applications.

*Ngāti Te Ata (CIV-2017-404-569)*

[25] The gathering of tangata whenua evidence is well advanced and mapping experts have been engaged. While the applicant is not presently in a position to seek a hearing, leave was sought to file an application seeking timetable orders prior to the 2024 CMC in Auckland. That leave is granted.

*Ngāti Rehua-Ngātiwai ki Aotea (CIV-2017-404-574)*

[26] This application is separate to the applications with similar names in CIV-2017-404-546 and CIV-2017-404-580. The area covered by the application is Aotea (Great Barrier Island), Hauturu (Little Barrier Island), and the Mokohinu Islands and surrounding area.

[27] Following engagement with Ngāti Whatua and other applicants, Ngāti Whatua modified the boundary of its claim resulting in the removal of one area of overlap. Counsel reported that the applicants in these proceedings are working cooperatively with the applicants

in CIV-2017-404-580. While the matter was not presently in a position to proceed to hearing, counsel sought for it to be called again at a CMC in six months' time.

[28] Instead of directing that, I will leave it counsel to file a memorandum (preferably a joint memorandum of counsel for all overlapping parties), if in six months or any other period of time, discussions between the parties have resulted in the application being ready to be timetabled towards a hearing.

[29] The Court is open to the prospect of holding a separate hearing in respect of Aotea but at the moment it does not have sufficient information as to the scope, or likely duration, of such a hearing.

*Ngāti Rongo ki Mahurangi and Maraeariki and Ngāti Rongo (CIV-2017-485-378)*

[30] A joint application was filed on behalf of these applicants who are working cooperatively to progress their claims. Both applicants are well advanced in preparation for hearing and anticipate being able to participate in the Group C hearing. Evidence is likely to be completed late this year. No timetable directions were sought.

*Te Whānau-a-Haunui (CIV-2017-404-582)*

[31] Evidence preparation is expected to take a further 12–24 months. Little progress has been made engaging with overlapping applicants. Counsel advised that this applicant's preference was to resolve their claim by way of Crown Engagement but, after an initial indication that their claim would be given priority for Crown Engagement, there has been no subsequent significant progress in that area.

[32] The matter is not ready for hearing and no directions were sought.

*Te Roroa Whatu Ora and Manawhenua Trusts (Interested party)*

[33] This applicant is pursuing direct engagement but has also filed interested party notices in respect of a number of other applications. Little engagement with cross-applicants has occurred to date but that process is continuing.

*Langs Beach Society Incorporated (Interested party)*

[34] This applicant has filed interested party notices in respect of several applications but seeks no timetable orders.

*Hauraki, Waikato, and Thames-Coromandel District Councils (Interested parties)*

[35] These Councils are interested parties in a large number of applications. They are preparing evidence focusing on infrastructure assets which may potentially be relevant to issues of substantial interruption. Counsel was invited to encourage the Councils to consider mapping areas of potential substantial interruption such as shipping lanes or Port activity areas.

*Channel Infrastructure (Interested party)*

[36] This applicant is an interested party in multiple hearings and intends appearing at those hearings. Counsel indicated that it was preparing evidence to be tendered in support of substantial interruption arguments.

*Attorney-General (Interested party)*

[37] Mr Melvin, for the Attorney-General, reported on the interaction between Te Whānau-a-Haunui and Te Arawhiti and encouraged Te Whānau-a-Haunui to contact Te Arawhiti to progress their application for direct engagement.

[38] In relation to the matters raised by counsel for Te Roroa Whatu Ora and Manawhenua Trusts and Te Arawhiti, Mr Melvin reported that there had been a meeting in September 2022 and subsequent email correspondence but that there was currently no outstanding communication.

[39] In relation to CIV-2017-485-187 and CIV-2017-485-188 (applications by Veronica Bouchier on behalf of Taumata B Block and Whānau Bouchier), Mr Melvin confirmed that funding has now been provided and that Te Arawhiti will reach out to the applicant to attempt to progress direct engagement.

[40] All applications not adjourned to another specific date will be called again in the 2024 Auckland CMC.

## **Whangarei CMC**

### *Ngāti Hine, Ngāti Kawa and Ngāti Rahiri, and Te Kapotai (CIV-2017-485-231)*

[41] Te Kapotai has to date been unsuccessful in engaging a historian. This means that the application is unlikely to be ready for hearing before mid-2024. Te Kapotai are participating in discussions with overlapping claimants.

[42] Ngāti Hine had been successful in commissioning a historian and are also participating in discussions with applicants that have overlapping claims. There are some 25 such applicants.

[43] Ngāti Kawa and Ngāti Rahiri are preparing tangata whenua evidence. Counsel indicated that the applicants were waiting on the Waitangi Tribunal report into their rohe. The applicants were encouraged not to let that side-track them from continuing to prepare for the hearings of these applications.

### *Te Aupōuri (CIV-2017-485-240)*

[44] Counsel indicated that the applicant hoped to have a historian commissioned within the next 12 months and that they were focussing on discussions with overlapping applicants. Counsel advised that Te Aupōuri did not support Ngāti Tara's hearing proposal (which is addressed below). Although Te Aupōuri and Ngāti Tara's applications do not overlap, Te Aupōuri would be drawn into the proposed hearing area to respond to the applications of other parties who do overlap.

[45] Counsel indicated that they also did not support the application by Te Iwi o Te Raroa ki Ahipara for timetabling.

*Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngaitupango Hapū o Whangaroa  
(CIV-2017-485-249)*

[46] These applicants are well advanced in preparation for hearing. They have also been working with counsel and applicants in CIV-2017-485-233 (Williams) in relation to a proposed hearing for the Whangaroa area.

[47] Counsel submitted that a Whangaroa hearing that included 14 applicants was preferable to one that involved 18 applicants. These applicants also had a Crown engagement application but no significant progress had been made in advancing this with the result that the applicants wished to continue with their High Court application.

[48] The applicants supported a hearing in late 2024. Counsel accepted that because of the matters already set down for hearing in 2024, and the difficulties with counsel or overlapping parties having to appear in hearings at the same time, it would likely be 2025 before these matters could be set down.

*Te Parawhau (CIV-2017-485-799)*

[49] Mr Enright has recently been instructed as counsel. This applicant's claim includes areas to be addressed in the Whangarei Harbour and Whangarei Coast hearings as well as other areas not presently timetabled for fixture. This applicant has not actively participated in CMCs to date. The applicant anticipates that it will be in a position to comply with all existing timetable orders. Counsel indicated that no additional directions were required.

*Ngāti Torehina ki Mata-ure Ō Hau (CIV-2017-404-540)*

[50] This application includes an area centred on Matauri Bay as well as the seaward area around Motukawanui Island and surrounding smaller islands.

[51] Mr Richard McGrath appeared in person to explain that he had now taken over from the prior representatives Foster Milroy who had instructed Charl Hirschfeld. Mr McGrath was concerned that his prior representatives had made little if any progress over the past six years but were refusing to hand over the files relating to this matter, most particularly the

professional research reports. Based on what Mr McGrath told the Court, it appears that very substantial sums had been paid to obtain reports from a historian and a marine biologist.

[52] I direct that, within 14 days of the date of this minute, Mr Hirschfeld provide the Court with a memorandum detailing what professional reports have been obtained in respect of this matter, what costs have been incurred in relation to those professional reports and why he has not provided the files including the reports to Mr McGrath as requested by him.

*Ngā Hapū o Taiamai ki te Marangai (CIV-2017-404-523)*

[53] The application area of this applicant is heavily overlapped by cross-applicants. Engagement with overlapping applicants has been undertaken and is ongoing. Because the engagement with other parties was not yet complete, the applicant did not seek any timetable directions. Updating contact details of solicitor and counsel were filed.

*Ngāti Tū ki Ngāpuhi (CIV-2017-404-573)*

[54] This applicant is participating in the Whangarei Harbour and Whangarei Coastline hearings and professional and tangata whenua evidence is being prepared. Engagement with overlapping applicants is continuing. No timetable orders were sought.

[55] Counsel enquired whether presentation of evidence by way of PowerPoint or similar manner would be appropriate in the Whangarei Harbour and Coastline hearings. The Court is open to presentation of evidence by all forms of electronic means. If counsel is intending to utilise matters such as PowerPoint, she should liaise with the Registrar to ensure that the Court has compatible facilities available.

*Ngāpuhi/Ngāti Kahu ki Whangaroa and Te Rarawa (CIV-2017-485-290)*

[56] The Whangaroa application is heavily overlapped with some 24 overlapping High Court applications and some 62 overlapping Crown engagement applications. Nine hui involving overlapping applicants have taken place since 9 March 2022.

[57] Among the overlapping applicants are Ngāti Tara (CIV-2017-404-578), Te Whānau-o-Rararoa (CIV-2017-404-529), and Ngāi Tupango (CIV-2017-485-233). These applicants seek

a timetable towards a hearing. Whangaroa opposes that. It has not yet been able to retain a historian despite efforts.

[58] Counsel's position was that it was premature to seek a hearing given that the series of hui which have taken place have not yet produced the anticipated Memorandum of Understanding as to how overlapping applicants should proceed together.

[59] Although Te Whānau-o-Rataroa and Ngāi Tupango have been involved in the hui, Ngāti Tara have not been. Their application overlaps with Whangaroa's only to a limited extent at Mangōnui Point. It appears that discussions between Ngāti Tara and Whangaroa have not yet occurred.

[60] Before a hearing was to be allocated, Ms Piripi submitted that it was important to ensure that proposed hearing boundaries were appropriate in order to determine what length of hearing was required, who an appropriate pūkenga might be, and where hearings might be held.

[61] On behalf of Te Rarawa, Ms Piripi submitted that while Te Rarawa was keen to obtain a hearing, it did not agree with the proposed boundaries, that they wanted the entirety of their application heard at one hearing. They sought time for further discussions in relation to the proposed hearing area. Counsel recorded that a meeting of applicants to discuss these issues had occurred the night prior to the CMC.

[62] Other than opposing the request for timetabling toward a hearing, neither of these applicants sought timetable directions.

*Ngā Hapū o Ngāti Kahu (CIV-2017-485-268)*

[63] This applicant's evidence gathering is underway and the applicant anticipates being ready to seek a timetabling order sometime in 2024. Counsel indicated that the applicant preferred to complete assembling its own evidence before commencing formal hui with neighbouring hapū with overlapping claims.



[64] In relation to the hearing proposed by Ngāti Tara, this applicant supported the final version of the boundaries for the proposed hearing, namely from Houhora in the north down to Taupō Bay in the south.

*Ngāti Manu (CIV-2017-485-277)*

[65] Counsel reported that the preparation of the application for hearing was well advanced. This application centred largely in the Pēwhairangi area of the Bay of Islands. Counsel indicated that it was unclear whether the Ngāti Manu claim area was in fact overlapped by the Ngāti Tara proposal for a hearing.

[66] Counsel was encouraged to urgently communicate with counsel for Ngāti Tara to clarify this. Once that discussion had occurred, Ms Delamere-Ririnui was requested to file a memorandum confirming whether or not there was an overlap.

*Ngāi Takoto (CIV-2017-485-320)*

[67] This applicant has gathered some tangata whenua evidence but has not yet engaged a professional historian. The application will not be ready for hearing for at least 12 to 24 months.

[68] The applicant is continuing to work with a number of overlapping applicants. No timetable directions were sought.

*Ngāti Mokokohi, Te Tahawhai, Te Uri-o-Te-Aho, Ngāti Ruamahu and Ngāti Torehina (CIV-2017-485-510)*

[69] The area claimed in this application is overlapped by Ngāti Tara, Te Whānau-o-Rataroa and Ngāi Tupango. Because the applicant's application was unlikely to be ready for hearing until at least the end of 2025, the applicant opposed the timetable directions sought by Ngāti Tara.

*Te Tao Maui and Hoko Keha (CIV-2017-485-308)*

[70] This applicant's preparation for hearing is well advanced. The applicant is engaging with overlapping applicants and seeks a hearing which includes the entirety of its application

area (which extends from the Whangape Harbour/Awaroa river mouth in the north to the Hokianga Harbour in the south).

[71] Counsel sought a further CMC to be scheduled in three months' time for the purpose of seeking directions on hearing boundaries and timetabling.

[72] Instead of fixing a date three months ahead, I direct counsel to engage in the proposed discussions with groups such as Te Iwi o Te Rarawa ki Ahipara and Te Rūnanga o Te Rarawa, and then file a memorandum (preferably a joint one with all counsel for overlapping applicants) recording what progress had been made as to any agreed hearing boundaries. I will then schedule a CMC (possibly by way of teleconference) as required.

*Te Iwi o Te Rarawa ki Ahipara (CIV-2017-485-245)*

[73] This applicant anticipates completing both historical and tangata whenua evidence by the end of 2023. There are eight other applications that overlap with this applicant's claim area. This applicant has held hui with three of the overlapping applicants.

[74] The applicant has circulated a hearing plan proposal seeking a hearing later 2024 or early 2025. The proposed hearing area runs from Hukatere in the north to Taitea in the south.

[75] The rationale for the northern boundary being Hukatere is that two of the overlapping applicants Te Rarawa (CIV-2017-485-290) and Ngāti Kahu, Te Rarawa and Te Uri o Hina (CIV-2017-404-559) have Hukatere as the northern boundary of their respective claim areas.

[76] Four of the overlapping applicants areas extend much further to the north past Cape Reinga and then down to various parts on the East Coast as far as Tāmaki Makaurau. Extending the hearing area to embrace all of these overlapping applicants would result in a large number of cascading applications which overlap with these applicants. Such a hearing area would be unmanageable.

[77] The rationale for the southern boundary being at Titea is because this is the southern boundary of Te Rarawa ki Ahipara's claim area. The applicant has considered a proposed hearing area with the southern boundary of Hokianga Harbour in order to better accommodate the applications of Te Rarawa (CIV-2017-485-290) and Ngāti Kahu, Te Rarawa and Te Uri o

Hina (CIV-2017-404-559). However, this would result in the inclusion of another four additional applications: Te Tao Māui and Hoko Kēha (CIV-2017-485-308); Te Whānau Whero (CIV-2017-485-420); Ngā Hapū o Te Wahapū o Hokianga Nui-a-Kupe (CIV-2017-485-307); and Te Ihutai ki Ōriri (CIV-2017-404-522).

[78] The applicant has proposed a hui with overlapping applicants but that hui has yet to be held and three of the eight overlapping applicants have not responded to the invitation. The same three have not responded to the hearing plan proposal.

[79] The applicant asks for a teleconference to be scheduled for July 2023 or other suitable date for the purpose of discussing the hearing proposal.

[80] As can be seen from the comments set out above, there is some opposition to the proposed hearing date from some overlapping applicants. My view is that, while the initiative of the applicant to put forward a hearing proposal that is sensitive to the interests of the overlapping applicants is to be commended, there are some further steps that need to be taken before another CMC can be scheduled.

[81] The hearing proposal was only developed shortly before the Whangarei CMC. Counsel for the overlapping parties have not yet had an opportunity to obtain instructions. The proposed hui needs to be held in order for the applicant to understand the views of those applicants with cross-applications that are affected by their proposal.

[82] I therefore propose a CMC to be scheduled at a time to be set by the Registrar in December 2023. I direct that counsel for all applicants who are affected by the proposed hearing area will, no later than two weeks prior to the date specified for the CMC, file memoranda setting out their client's views in relation to the proposed hearing area and any alternative proposition that they may have.

*Ngāti Tara (CIV-2017-404-578)*

[83] The gathering of professional and tangata whenua evidence is well advanced. There are 11 overlapping High Court applications in relation to the claim area. The applicant wishes to proceed towards a hearing and has sought to engage with overlapping applicants to discuss

that. No response to the applicant's invitation to a hui was received from seven of the 11 overlapping groups.

[84] The applicant proposes that the northern boundary of the proposed hearing area is the northern tip of Houhora Harbour and the southern boundary being at Taupō Bay.

[85] The proposed northern boundary is beyond the area of this applicant's claim but within the area claimed by three applicants whose claims also overlap with this applicant. They are Te Rūnanga o Ngāi Takoto (CIV-2017-485-320); Ngāti Kuri Trust Board (CIV-2017-485-208) and Te Aupōuri (CIV-2017-485-240). If Houhora Harbour is taken as the northern boundary of the hearing area, the applicants Ngāti Kahu, Te Rarawa and Te Uri o Hina (CIV-2017-404-559) would have the entirety of their application covered, at least as it pertains to the East Coast, heard in the proposed hearing area.

[86] There are four overlapping applicant groups whose applications extend well beyond the proposed northern boundary including past Cape Reinga and to different parts of the West Coast, as far south as Tāmaki Makaurau. These are: Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngāti Tāhūhū and Ngāitawake (CIV-2017-404-437); Ngātitawake (CIV-2017-404-558); Te Hikitu Hapū (CIV-2017-404-570); and Ngāti Kawau and Te Waiariki Korora (CIV-2017-485-398).

[87] Extending the hearing area to cover all of these applicants claimed areas will result in an unmanageable hearing area due to cascading overlaps.

[88] The proposed hearing area already involves 15 applicants with High Court applications which would be at the upper limit of what could be adequately accommodated in one hearing.

[89] The proposed southern hearing boundary of Taupō Bay coincides with the proposed northern boundary of the Whangaroa hearing area.

[90] Once again, the hearing proposal has been developed only shortly before the Whangarei CMC, and many of the affected parties have not had a proper opportunity to consider it or provide proper instructions to their counsel, although it can be said that there is some support for the proposed hearing area from some affected cross-applicants.

[91] As a result of feedback received, counsel indicated that the applicant was amenable to adjusting the proposed northern area boundary further to the south.

[92] As with the hearing proposal made by Te Iwi o Te Rarawa ki Ahipara, there is still work that needs to be done before a further CMC to address boundary issues for a proposed hearing, and timetabling directions.

[93] Accordingly, I direct that the Registrar will arrange a CMC for a suitable date in December 2023, and will notify the applicants of the date fixed. All applicants whose applications are potentially affected by the proposed hearing boundaries or timetables, are directed to file a memorandum setting out their position (and any alternative proposal) no later than two weeks prior to the date fixed for the CMC.

*Te Whānau o Rataroa (CIV-2017-404-529) and Ngāi Tupango (CIV-2017-485-233)*

[94] A joint memorandum of counsel was filed in respect of these two applications. In August 2022, a proposal for a hearing for applicants in the Whangaroa rohe was circulated and discussions among affected applicants subsequently occurred.

[95] An updating joint memorandum of counsel was filed on 15 May 2023. That confirmed that the two applicants' preparation for hearings was well advanced. There had been some progress in identifying a suitable Whangaroa Regional Group hearing. Counsel reported that the participating members of the Whangaroa Regional Group favour a hearing boundary running along the coastline from Oruaiti in the north to Ruapurapura in the south.

[96] There are 18 High Court applications with interests within this area and some 63 Crown engagement applications with 12 of those applicants also having High Court applications. Many of the direct engagement applications may well wish to participate as interested parties in the proposed hearings.

[97] As a result of a lack of response by many cross-applicants to the initial proposal, the applicant has revised what might be achievable and have advanced a revised hearing area from Taupō Bay in the north to Matauri Bay in the south. This seems a much more manageable proposal.

[98] The revised proposal involves 14 High Court applicant groups as opposed to 18, as well as four interested parties (the Attorney-General, Seafood Industry, Far North District Council and Northern Regional Council) as well as a number of Crown engagement applicants.

[99] On 15 April 2023, a hui for interested parties was held at Waitaruke Marae which is north of Kāeo. Some 30 High Court and Crown engagement applicants with interests in the proposed hearing area attended. A further hui is planned. It is too early to say exactly what level of support there is for the proposal, with the applicant describing the views of those who attended the hui as being:

- (a) one party supports the hearing plan;
- (b) two parties do not oppose the hearing plan; and
- (c) nine parties are yet to indicate support or opposition.

[100] The applicant seeks a direction that a hearing in accordance with the boundaries set out in the revised hearing plan be timetabled for either the latter half of 2024 or early 2025. Any such hearing would be of substantial length and therefore could not be accommodated in 2024. 2025 is a possibility but it may also be that, depending on the exact number of applicants and interested parties including Crown engagement applicants who wish to participate, that it might need to be further divided into stages.

[101] Again, I direct the Registrar to arrange a CMC in December 2023 and direct that all applicants whose applications are potentially affected by the proposed hearing boundary area and timetable request, file memoranda no later than two weeks prior to the notified CMC date outlining their position and any alternative proposal they may have.

*Parengarenga A Incorporation and Associated Iwi (CIV-2017-485-237), CIV-2017-404-537, CIV-2017-485-208, CIV-2017-485-240, and CIV-2017-485-398*

[102] This applicant filed a joint memorandum with counsel for an overlapping applicant, Te Rūnanganui o Te Aupōuri Trust. The two applicants have entered into a Memorandum of Understanding to pursue their applications in a joint way. They oppose the Ngāti Tara

proposal for a hearing area extending beyond the Houhora Harbour. Their opposition is on the basis that Parengarenga and Te Aupōuri are working through overlapping applications positively and in accordance with tikanga and need time to conclude that process.

[103] Counsel sought a direction that their two applications be adjourned for 12 months to permit the joint approach to be worked out in further detail. That adjournment is granted.

*Te Popoto ki Otūrei (CIV-2017-485-252)*

[104] This applicant is engaged in a process of replacement of the named applicant, Mr Te Tuhi. Preparation of tangata whenua and professional evidence is well underway. This application significantly overlaps with that Te Uri o Hau. Some discussions between these parties have occurred and more is required.

[105] This applicant's preference remains on Crown engagement. The memorandum of counsel indicated that there had been a lack of response by Te Arawhiti to their suggestion of progressing a joint or coordinated Crown engagement process with Te Uri o Hau. That is disappointing to hear. This applicant sought no timetable directions.

*Te Uri o Hau Settlement Trust (CIV-2009-488-205)*

[106] This applicant's direct engagement process with the Crown continues. It also has High Court proceedings which fall within the proposed Stage 1(b) Whangarei Coast hearing. The applicant is engaged in kōrero and hui with claimants who have overlapping interests and continues to work with Te Arawhiti by way of direct engagement. The applicant confirms that its priority and focus remained on its direct engagement with the Crown.

[107] Counsel confirmed that Te Uri o Hau would participate in the Stage 1(b) Whangarei Coast hearing in relation to that part of its claim which fell between Waipū Cove and Bream Tail.

*Channel Infrastructure (Interested party)*

[108] Counsel indicated that Channel Infrastructure is an interested party in multiple applications, several of which are involved in the Whangarei Harbour hearings. They

indicated to the applicants involved in these hearings that they intended to actively participate in those hearings and support an argument of substantial interruption in respect of some parts of the Harbour.

*Attorney-General (Interested party)*

[109] Mr Melvin reported that Te Arawhiti was developing better and clearer communications for Crown engagement applicants so that those applicants understood the importance of their involvement in High Court proceedings. He noted that Te Arawhiti already provides support for applicants to prepare their research and evidence for proceedings, and is working on additional initiatives that will enable all Crown engagement applicants to participate effectively in the High Court process as interested parties if they wish to do so.

[110] He indicated that Crown engagement applicants would be informed of timeframes and processes soon. The additional assistance likely to be available to Crown engagement applicants includes financial assistance to attend and participate in hearings.

[111] Te Arawhiti is also implementing a new regionally focused approach with the objective of ensuring that applicants are informed more regularly in respect of relevant proceedings.

[112] Mr Melvin indicated that the Attorney-General would abide any decision that the Court to in respect of the various applications for timetable directions that had been made. However, he noted that the Attorney-General supports an approach which ensures that all relevant applicants have a fair and reasonable opportunity to prepare for hearings where they are cross-applicants to a party seeking a timetable order.

[113] In respect of specific issues raised by applicants regarding their interactions with Te Arawhiti, Mr Melvin had helpfully obtained instructions. He advised that, in respect of Te Popoto ki Otirei (CIV-2017-485-252), that there had been some initial technical issues resulting in a delay in responding but confirmed that these had been resolved and a hui with the applicant group and Te Arawhiti has been scheduled.

[114] In relation to the suggestion that Te Arawhiti had been slow in responding in relation to the Whangaroa applicants, he indicated that there had been no communications from the



applicant groups since the launch of the engagement strategy in 2021. He confirmed that Te Arawhiti was ready and willing to respond to any contact.

[115] In relation to Te Whānau o Rataroa and Ngāi Tupango and the applicant's request for assistance from Te Arawhiti by way of liaising with Crown engagement applications that overlapped these two applications, he advised that Te Arawhiti will contact the applicants explaining its actions in approaching overlapping Crown engagement applicants.

[116] In relation to the complaint by the Waitaha Executive Grandmothers' Council (an interested party) that the level of funding provided to interested parties in the High Court was inadequate, he indicated that Te Arawhiti had received a request for funding from the Council as an interested party, and was in the process of responding to that.

### **Napier CMC**

[117] In *Re Ngāti Pāhauwera Stage 2*, I granted leave for parties to file further information, including maps and survey plans and to amend draft recognition orders for customary marine title (CMT) and protected customary rights (PCR) in accordance with the directions that I had made in that judgment.<sup>1</sup>

[118] All of the successful applicants have subsequently filed memoranda of counsel and amended draft orders for CMT and PCR.

[119] The successful applicants commissioned Mr Cameron de Leijer to undertake mapping work. He provided affidavit evidence explaining the amended maps he has produced. He also gave oral evidence at the case management conference (CMC).

[120] The Court had hoped that the Surveyor-General would have finalised the mapping guidelines and survey plan guidelines required in the preparation of maps and plans under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) for recognition orders. The Surveyor-General's final guidelines have not been received, although the interim guidelines have been of assistance to the parties.

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<sup>1</sup> *Re Ngāti Pāhauwera Stage 2* [2023] NZHC 15 at [212].

[121] On this basis, the parties seek leave to be able to file further updated maps and survey plans if required, following finalisation of the guidelines. That request was supported by the Attorney-General and, accordingly, is granted.

[122] Counsel indicated they had been in discussion with the Surveyor-General and the product of those discussions was incorporated into the documents filed. Accordingly, it may well be that no further amendment is actually required in the future.

[123] Some amendments were able to be made to maps as a result of the indication from the Surveyor-General that insufficient information had been provided to accurately locate the end points of the lateral seaward boundaries of the CMTs,<sup>2</sup> and that coordinates were required to be inserted. The need for consistency between the description of a CMT or PCR in the written order, with the information appearing in the relevant map was also of help.

[124] Following the provision of further information from Mr de Vos, accurate maps were able to be made of the shipping channels which I had held in *Re Ngāti Pāhauwera Stage 1*, were to be excluded from the CMT as a result of substantial interruption.<sup>3</sup>

[125] The maps produced by Mr de Leijer showed the shipping channels stopping at the entrance to the Port of Napier. This is not in accordance with the Court's judgment.

[126] In [272] of the Stage 1 judgment, I dealt with all the various parcels of land that were in the common marine and coastal area (CMCA) and explained which ones were unavailable for an order of CMT because of substantial interruption. I repeated this at [30](d) of the Stage 2 judgment where I said:

- (d) ...from the remaining parcels of land in the CMCA around the Napier Port, Marine Parade, and Te Whanganui-ā-Ōrotu, which had their customary rights revived, the only parcel of land in respect of which Ngāti Pārau's customary interests had not been substantially interrupted was parcel 9.

That meant that the area of the CMCA occupied by the Port of Napier was excluded from the CMT as a result of substantial interruption.

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<sup>2</sup> Sometimes referred to as the "corner" points.

<sup>3</sup> *Re Ngāti Pāhauwera Stage 1* [2021] NZHC 3599 at [272].

[127] Also, as a matter of logic, if the area of the shipping lanes outside the entrance to Napier Port is excluded from CMCA as a result of substantial interruption, the extension of those shipping lanes into the Port itself where the ships berth must also be excluded. The map for CMT will therefore have to be amended accordingly.

*Ngāti Pāhauwera and Ngāi Tahu o Mōhaka-Waikare (CIV-2017-485-235)*

[128] Counsel for these applicants filed a joint memorandum in relation to CMT. Attached to the joint memorandum was a draft joint CMT order dated 5 May 2023. A revised draft order dated 9 June 2023 was also filed to incorporate matters discussed at the 7 June 2023 CMC. In particular, the proposed definition of the landward boundary included a notation to the effect that this was a “movable boundary” along with a reference to the parties “reserving a right” to apply for a variation of the order granting CMT pursuant to s 111 of the Act were removed on the basis that there is no need to duplicate matters already covered by the provisions of the Act.

[129] Subject to the description of the CMT in the draft order being accurately reflected in the final maps that are filed, it appears that the requirements in the Act are met for the issue of recognition orders.

*Maungaharuru Tangitū Trust (CIV-2017-485-241)*

[130] Counsel’s memorandum of 5 May 2023 addressed the amendments that had been made to documentation previously filed. This involved the adding of a description that the landward boundary of recognition orders contains a notation that the boundaries are movable. Counsel submitted that this was useful to ensure that the order was consistent with the survey maps ultimately to be filed. That submission is accepted.

[131] The amended maps showed the revised location of tauranga waka. Counsel for the Attorney-General had queried whether what had been depicted accurately reflected the Court’s Stage 2 decision.

[132] Ms Anderson was granted leave to file a memorandum addressing the points raised by counsel for the Attorney-General and such a memorandum was filed on 10 July 2023. The

issue that had been raised by counsel for the Attorney-General was whether the map filed in respect of the locations of tauranga waka went beyond the precise locations at Aropaoanui and Tangoio to include rocky outcrops which, unlike beaches, could not practically been used as launching places for waka.

[133] In the 10 July 2023 memorandum, Ms Anderson referred to the detailed evidence from which the maps recording the tauranga waka sites were drawn. She also outlined the evidence which confirmed that the reference to Tangoio was much wider than just to Tangoio Beach itself. She submitted that the fact that Whakaari (Flat Rock) is recognised as a “Landing Place Reserve” under the MTT Settlement confirms that it was in fact used as a site for landing launching waka.

[134] Having reviewed the evidence referred to by Ms Anderson, I am now satisfied that the evidence supports the mapping of the tauranga waka PCR’s, as shown on S22-0260-300 Maps A and B, of Exhibit A to Mr de Leijer’s second affidavit of 4 May 2023.

[135] The memorandum of 10 July 2023 also confirmed that Mr de Leijer would make amendments to the PCR plans to record that the boundaries of the PCR will follow the CMCA boundaries wherever they may be and may not be depicted accurately on the maps. Counsel agreed Mr de Leijer can make the necessary amendments to the maps and MTT would update its orders accordingly. A similar situation applies in relation to updating the plans to record the “corner coordinates”.

[136] In relation to the mapping of the CMT boundary for Moeangiangi Stream, Ms Anderson confirmed that at [10] of his affidavit of 4 May 2023, Mr de Leijer had inadvertently referred to MLWS not MHWS. That error is to be corrected.

[137] In relation to the landward boundary of the CMCA at Moeangiangi Stream, at [55] of the Stage 2 decision, I clearly noted that the landward boundary of the CMT order in relation to a river mouth that has not yet had its boundary defined in accordance with the RMA, is MHWS. Counsel had interpreted that as meaning the boundary would be one kilometre upstream from MHWS. That is not what I had indicated. Because the river mouth had not yet been defined in accordance with the RMA, the boundary of the CMCA at Moeangiangi Stream is the line of MHWS. The map will have to be amended accordingly.

[138] Counsel’s memorandum also referred to the accurate depiction of the “shipping lanes”. This was a matter discussed extensively at the CMC. As set out earlier in this minute, I have confirmed that the inner harbour area also needs to be excluded on the basis of substantial interruption. Counsel agreed to file a further amended map to reflect that.

[139] In the memorandum of 10 July 2023, counsel repeated a request that had been made in the earlier memorandum for the Court to direct a stay of further steps in relation to these proceedings. The precise request was:

...MTT seeks that once “final” orders and maps are filed with the Court (post any directions issued as a result of the CMC) that a stay of any further steps in these proceedings is granted until all appeals of the Stage 1 and 2 decisions are determined.

[140] As counsel acknowledges, recognition orders cannot be sealed until after any appeals are disposed of.<sup>4</sup>

[141] MTT’s submission was that, until the Surveyor-General has been able to issue final guidelines, the incurring of costs and time involved in obtaining and finalising survey plans was unnecessary. I accept that until the Surveyor-General final guidelines have been issued, all of the applicants should not have to file final maps. However, that is something different to whether the proceedings should be stayed.

[142] As the only issue raised by counsel was the avoidance of cost and time involved in obtaining and finalising survey plans, and I have already confirmed that this need not be done until after the Surveyor-General’s final guidelines are available, there is no basis for staying the proceedings.

[143] Other matters arising from the draft CMT order are that the recital in the “Background” section at A, refers to the High Court Stage 1 decision confirming that MTT acted for, and on behalf of, “Ngāti Kurumōkihi, Ngāti Marangatūhetaua (also known as Ngāti Tū), Ngāti Whakaari, Ngāi Tauira, Ngāi Te Ruruku ki Tangoio, and Ngāi Tahu ...”

[144] I specifically found that the only members of Ngāi Tahu that MTT was authorised to represent were those members who had whakapapa links to MTT through affiliation with the

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<sup>4</sup> The Marine and Coastal Area (Takutai Moana) Act 2011, s 113.

other hapū that they represent.<sup>5</sup> The order needs to make that clear. This could be done by adding words such as “(who can also whakapapa to MTT as a result of descent from tūpuna associated with other MTT hapū)”. Any similar form of words conveying the same meaning would also be acceptable.

[145] In [1](1.7), the draft order refers to the CMT including “subsoil, bedrock and other matter below [the sea surface] area.” This paragraph will need to be amended to reflect the provisions of s 16 of the Act in relation to the continued Crown ownership of the minerals listed in that section. As the use of the word “matter” potentially refers to the man-made structures. The wording needs to be amended to reflect ss 18 and 19 of the Act in relation to such structures. The draft orders will need to be amended accordingly.

*Ngāti Pārau (CIV-2017-485-246)*

[146] Counsel filed updated maps shortly before the CMC. A map of the shipping lanes was filed with the joint memorandum of counsel for both MTT and Ngāti Pārau on 24 May 2023. For the reasons discussed above, this map will need to be amended to show the inner harbour area of the Port of Napier as being excluded from the CMT on the grounds of substantial interruption.

[147] There will also need to be a corresponding alteration to the description of the shipping lanes referred to in the draft CMT so as to make clear that the excluded area includes the area of the Port of Napier. Other than this, the amended orders have complied with the directions made at the Stage 2 hearing.<sup>6</sup>

[148] The outstanding matters requiring resolution are dependent on when the Surveyor-General’s final guidelines are issued and final maps and plans can be filed. I will therefore not schedule a further CMC for these matters. However, if the outstanding matters cannot be settled by the giving of directions, a CMC can then be scheduled.

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<sup>5</sup> *Re Ngāti Pāhauwera Stage 1*, above n 3 at [54].

<sup>6</sup> Ms Hauraki, on behalf of Ngāti Pārau, filed a further memorandum on 19 July 2023 which confirmed that the omission, in the draft PCR order filed on 31 May 2023, was inadvertent and the draft PCR order has been updated accordingly. The point addressed is that Hardinge Rd was included on the PCR maps but not listed in the Appendix A to the PCR draft order.

## **Tauranga and Rotorua CMCs**

*Ngāti Pukenga (CIV-2017-485-250), Ngā Hapū o Ngāi Te Rangi (CIV-2017-485-244), Ihakara Tangitu Reserve (CIV-2017-485-195) and Ngāti Ranginui (CIV-2017-485-294)*

[149] Ngāti Pukenga seeks a hearing for the area of the takutai moana between Waihi Beach in the north and Mt Maunganui (Tauranga Harbour apart from Rangataua Bay) in the south-east.

[150] Counsel's position was that the Tauranga Harbour applications should be dealt with in one hearing. Although this applicant favoured Waihi Beach as the northern limit of the hearing area, counsel accepted that discussions would need to occur with overlapping applicants in order to ascertain the hearing that would provide the most efficient and fair hearing for the various cross-applicants involved.

[151] Counsel's memorandum identified three cross-applicants with High Court litigation proceedings in relation to the suggested hearing area:

- (a) Ngā Hapū o Ngāi Te Rangi – CIV-2017-485-244;
- (b) Ngāti Ranginui – CIV-2017-485-294; and
- (c) Ngāti Tara Tokanui Trust – CIV-2017-485-222.

[152] In addition to those applicants, it appears that there may be as many as 13 claimant groups who are seeking direct engagement with the Crown in respect of Tauranga Moana and do not have any applications before the Court.

[153] Mr Gear, counsel for Ngā Hapū o Ngāi Te Rangi and (as agent for Mr Koning) for Ihakara Tangitu Reserve supported the application for a fixture, as did Mr Tapsell for Ngāti Ranginui. However, all counsel acknowledged the need for further discussions between the applicants, particularly in relation to the proposed northern boundary.

[154] Mr Bennion undertook to facilitate this and to report back to the Court with either a joint memorandum or individual memoranda from each of the overlapping applicants. Such a memorandum/memoranda should be filed as soon as the discussions between the applicants

are concluded and I will timetable this matter for a CMC (likely to be by way of VMR or teleconference) in approximately six months' time to revisit the issue.

*Ngāti He Hapū Trust (CIV-2017-485-219)*

[155] Ngāti He was a successful applicant in the Rangataua part of the Ngā Potiki priority application proceedings. Its application also covers the western Tauranga coastal area and Te Awanui/Tauranga Harbour as far as the harbour mouth.

[156] To that extent, it is also affected by the Ngāti Pukenga proposal for a fixture to be allocated. Mr Bennion should therefore liaise with Mr Sharp in relation to details of the proposed hearing.

[157] Counsel's application for an adjournment for 12 months is granted.

*Ngāti Hei (CIV-2017-404-480), Ngāti Pu (CIV-2017-404-483),  
Ngāti Hako (CIV-2017-404-528, and Ngāti Huarere ki Whangapoua (CIV-2017-404-482)*

[158] Mr Tupara appeared on behalf of Mr Hirschfeld in relation to these four applicants. Present in Court was Dr Chalmers, a representative of Ngāti Pu who detailed progress made towards a hearing.

[159] Mr Tupara explained that the illness of counsel had hampered evidence preparation and progress in initiating discussions with overlapping applicants. In respect of Ngāti Hei, Ngāti Hako, and Ngāti Huarere, some historical research had been completed and tangata whenua evidence was being gathered.

[160] Counsel undertook to provide comprehensive updates detailing progress on these various matters and readiness for hearing at the 2024 Tauranga CMC.

*Ngāti Tara Tokanui Trust (CIV-2017-485-222)*

[161] Mr Ratapu submitted that Crown engagement remained this applicant's preference although it intended appearing as an interested party in any hearing relating to Tauranga Moana.



*Ngāti Porou ki Hauraki (CIV-2017-404-556)*

[162] This applicant's preference remains direct engagement and some progress is being made to advance this. Discussions with overlapping applicants are ongoing.

[163] The application is adjourned for 12 months until the 2024 Tauranga CMC.

*Ngāti Awa (CIV-2017-485-196)*

[164] Ms Tarawhiti reiterated the comments that had been made in counsel's written memorandum to the effect that this applicant had already participated in the priority hearings to the south-east and north of their application area (*Re Edwards (Te Whakatōhea)* and *Re Reeder (Ngā Potiki)*) but the bulk of its claim area would be addressed in the hearing set down to commence Monday 5 May 2025.

[165] Counsel's submission was that as a large proportion of the May 2025 hearing would relate to Ngāti Awa claims (including those by Ngāti Awa hapū and whānau applicants), it would be appropriate, at a minimum, to hear the evidence of Ngāti Awa applicants in either Whakatāne or at the Te Mānuka Tūtahi Marae.

[166] While the Court is always prepared to be flexible to try and accommodate the preferences and needs of applicant groups in relation to hearing venues, there are both logistical and cultural issues in relation to having a hearing on one applicant's marae where there are a significant number of cross-applicants who have no connection with that marae.

[167] At the moment the venue for the proposed 10-week hearing is Bay Park Arena, Mt Maunganui. It may be possible for at least some of the tangata whenua evidence to be heard at another venue. However, before making such a decision, the Court will need to be aware of the response of the various applicant groups whose applications overlap with that of Ngāti Awa in order to assess the effect of holding all or part of the hearing at a venue other than the scheduled one.

[168] Ms Tarawhiti undertook to confer with other counsel and to file a memorandum on this point by 30 June 2023.

*Hauraki, Thames-Coromandel and Whakatāne District Councils (Interested parties)*

[169] Mr Greensmith-West indicated a wish to have some discussion with Mr Bennion and the other counsel involved in a consideration of the northern boundary of the proposed Tauranga Moana hearing. Exactly where the boundary was sited would affect which Councils would be involved.

[170] Mr Bennion was encouraged to contact Mr Greensmith-West to further those discussions.

*Port of Tauranga*

[171] Ms Murphy indicated that her client intended to participate as an interested party in any hearing involving Tauranga Moana.

*Attorney-General*

[172] Mr Melvin expressed a wish to have some involvement in the discussions about the timetable in respect of the Tauranga Moana proposed application. He supported the proposal for all remaining Tauranga Harbour applications to be heard at the same time. He also noted that as far as he was aware there were nine Crown engagement only applicants just within the remaining Tauranga Harbour area. Mr Bennion is encouraged to liaise with Mr Melvin in this regard.

**Hamilton CMC**

*Tainui Hapū o Tainui Waka (CIV-2017-419-083)*

[173] This applicant had filed some three separate memoranda dated 19 May 2023, 9 June 2023, and 16 June 2023 with an amended application for recognition orders of the same date.

[174] The 9 June 2023 memorandum was a joint memorandum also filed on behalf of Ngāti Mahanga, Ngāti Whakamarurangi and Ngāti Tamainupō. Ngāti Mahanga is, along with Tainui Hapū o Tainui Waka, part of the Whāingaroa Moana Collective; Ngāti Whakamarurangi does not have its own High Court action but seeks to participate in

the Inner Aotea Harbour hearing under the Korowai of the Waikato-Tainui application (CIV-2017-419-084) and Ngāti Tamainupō is an interested party in the Inner Aotea Harbour hearing and has close whakapapa links to Tainui Hapū o Tainui Waka. It does not, itself, have either a High Court application or an application for direct engagement.

[175] All of these parties support what has become known as the Whāingaroa Moana Collective. Their agreements have resulted in an amendment to the Tainui Hapū o Tainui Waka application.

[176] The 9 June 2023 memorandum was also a joint memorandum on behalf of the same four parties. The memorandum focused on a draft report which Te Arawhiti had circulated in relation to the western harbours including Whāingaroa. The memorandum complained that the draft report did not indicate whether the Crown intends raising an argument of substantial interruption as a basis for opposing the applications for customary marine title (CMT). The memorandum raised the possibility that a judicial settlement conference could be usefully convened following the preparation and filing of applicant evidence

[177] The 16 June 2023 memorandum was filed by counsel in CIV-2017-419-083 acting on behalf of the Whāingaroa Moana Collective. It proposed a tentative hearing date for the hearing of the Whāingaroa applications of three weeks after July 2024 and set out indicative timetable directions.

[178] The 16 June 2023 amended application amended the application in CIV-2017-419-083. It referred specifically to the Tainui Hapū o Tainui Waka and Ngāti Tamainupō as being “the applicant group” in respect of this application. It filed a revised map which did not enlarge the claim area. The map contained one error in that it showed the seaward boundary as being 200 nautical miles rather than 12 nautical miles. Counsel agreed to amend that error.

[179] The application also referred to both CMT and PCR. Counsel accepted that some further clarification as to the precise PCR orders being sought was required and undertook to file an amended map and an affidavit from Ms Greensill within four weeks of the date of this minute, providing clarity around the exact PCR orders sought.

[180] Ms Cole also spoke to these matters. She confirmed that no direct negotiations had yet taken place between the Crown and Ngāti Mahanga.

*Ngāti Whakamarurangi and Ngā Uri o Mahanga (Interested parties)*

[181] Ms Siciliano had filed a separate memorandum and appeared at the CMC on behalf of these applicants. The memorandum recorded that historical research was underway and that there were discussions with Waikato-Tainui to see what evidence it may be able to provide which complemented that of Ngāti Whakamarurangi and Ngāti Te Wehi, and minimised unnecessary duplication. There were also ongoing discussions with Ngāti Te Wehi in relation to a collaborative approach to the Inner Aotea Harbour hearing.

[182] Ngāti Mahanga intended filing evidence and participating as an interested party in the Inner Aotea Harbour hearing. They also wanted to be participants in any judicial settlement conference.

[183] Ms Siciliano undertook to file an updated memorandum within eight weeks of the date of the CMC advising the outcome of the various discussions presently underway with other parties involved in the Inner Aotea Harbour hearing.

*Ngāti Tamainupō (Interested party in the CIV-2017-419-083 application)*

[184] Ms Peters indicated that a further affidavit outlining her client's position would be filed within two weeks of the date of the CMC.

*Waikato-Tainui (CIV-2017-419-084)*

[185] Mr Ferguson confirmed that Waikato-Tainui would actively support the approach outlined by Ms Sykes and Ms Cole in relation to Whāingaroa. In relation to the position of Ngāti Uakau that had been queried in the Court's minute of 13 June 2023, Mr Ferguson reported that Ngāti Uakau are a direct engagement only applicant and have what he described as a dual application with Ngāti Patupō who claimed interests in the Inner Aotea Harbour as well as in a rectangular area extending to the 12 nautical mile limit off the coast.

[186] While Mr Ferguson explained he was not authorised to act for either Ngāti Uakau or Ngāti Patupō, they were hapū of Waikato-Tainui and he would use his best endeavours to provide them with a copy of this minute and encourage them to take appropriate steps to advance their claims. The Court is grateful for his assistance in that regard.

*Ngā Hapū o Mokau ki Runga (CIV-2017-485-209), Ngā Hapū o Mokau ki Runga (CIV-2017-485-216)*

[187] The Ngā Hapū o Mokau ki Runga application has been split into northern and southern areas. Mr Ratapu indicated that his client wished to have the applications set down for hearing. They overlapped with applications by Ngā Tini Hapū o Maniapoto; Ngāti Tama; Ngāti Mutunga o Wharekauri and Ngā Hapū o Poutama.

[188] Work needs to be done by way of discussion between these parties before the fixing of a date for a hearing can be undertaken. The matter is to be adjourned to a hearing date to be notified in December 2023. Two weeks prior to the date of the December CMC, Mr Ratapu is to file a memorandum (preferably jointly with counsel for the overlapping parties) indicating what discussions have occurred between all affected parties and what, if any, agreements have been reached.

[189] The memorandum of counsel proposed separate hearings for each of the two Ngā Hapū o Mokau ki Runga applications. The memorandum filed by counsel prior to the December 2023 CMC will need to specifically set out the level of support amongst the cross-applicants in relation to the proposal to split the hearing into two, and for each of the proposed hearings to be set down.

*Ngā Tini Hapū o Maniapoto (CIV-2017-404-526)*

[190] Mr Tupara indicated that there was a willingness on behalf of his client to interact with the relevant cross-applicants. In relation to the lack of communication with Ngāti Hikairo, he indicated that there had been a breakdown in lines of communication which he said had now been remedied.

[191] Mr Tupara indicated that this applicant's claim was for PCR only and not CMT. While this matter will be adjourned for 12 months, in view of the difficulties in making progress to

date, I direct that no later than 15 December 2023, Mr Tupara will file a memorandum detailing exactly what has occurred by way of communication with other overlapping applicants, and whether or not this applicant will be in a position to participate in a hearing if one is scheduled for Q3 2025.

*Ngāti Te Wehi (CIV-2017-419-081)*

[192] Mr Clatworthy reported that this applicant is on track in its preparations for participation in the Inner Aotea Harbour hearing. Ngāti Te Wehi had recently held a productive hui with Ngāti Whakamarurangi and dialogue is ongoing. Discussions had also been had with Ngāti Uakau.

*West Coast Iwi and Hapū ki Marokopa Marae (CIV-2017-419-082)*

[193] Ms Loader reported that, notwithstanding this applicant's preference for direct engagement, it was continuing to prepare traditional and expert evidence which should be completed by the end of 2023.

[194] Counsel was granted leave to amend the name of the applicant to "iwi me hapū ki Marokopa me Kiritehere.

*Ngāti Apakura (CIV-2017-485-207)*

[195] This applicant is an interested party in the Inner Aotea Harbour hearing and is on track to comply with the timetable directions.

*Ngāti Pūkenga (CIV-2017-485-250)*

[196] This part of Ngāti Pūkenga's application relates to Manaia Harbour on the western side of the Coromandel Peninsula. There are at least seven overlapping applications.

[197] Mr Bennion submitted that all applications involving the western Coromandel Peninsula should, if possible, be dealt with in one hearing. He sought orders that the various parties listed in [4] of his memorandum of 20 May 2023 be directed to confer and provide a

draft hearing timetable for the western Coromandel area within six months of the date of the CMC.

[198] This matter will be adjourned to a CMC to be notified in December 2023. The Court directs that no later than two weeks prior to the date set for the CMC, Mr Bennion will file a memorandum (preferably joint with all cross-applicants) indicating what discussions have been held between the cross-applicants and what the position is of the various applicants to the proposed setting down of a hearing, either in respect of Manaia Harbour alone or the west coast of the Coromandel Peninsula. If a joint memorandum is not possible, then counsel for all overlapping parties are to file individual memoranda addressing these issues.

[199] Mr Bennion is requested to liaise with counsel for all of the applicants whose applications overlap that of Ngāti Pūkenga in order to ensure that they are aware of this aspect of the Court's minute.

*Ngaati Mahuta ki te Hauaauru (CIV-2017-404-575)*

[200] This applicant's preference is the Crown engagement pathway but if a hearing is to be set down in relation to applications which overlap their claimed area, they will participate in that hearing.

[201] They are an interested party in the Inner Aotea Harbour hearing. Their preparation towards that hearing is on track.

*Te Tokanganui-A-Noho Regional Management Committee (CIV-2017-419-085)*

[202] No pre-CMC memorandum was filed by this applicant despite reminders. Counsel is directed to file and serve an updating memorandum within one month of the date of this minute. If counsel is unable to get instructions from the applicant group, details of that will need to be set out in the memorandum.

*Hauraki and Waikato District Council (interested parties)*

[203] Mr Greensmith-West indicated that his clients intended filing a memorandum in relation to any settlement conference proposal and wish to be involved in any such settlement conference.

[204] His client was preparing evidence in relation to its participation in the Inner Aotea Harbour hearing.

*Attorney-General (Interested party)*

[205] Mr Melvin expressed the preliminary view that the proposed amendment in relation to the Tainui Hapū o Tainui Waka application did not seem to extend that application and was therefore unobjectionable but reserved the Attorney-General's position until seeing the final version of the amended application.

[206] He noted that, in relation to the proposed timetable to hearing, some steps fell within Court holidays or non-working days and suggested that the timetable commence on the first Monday after 15 January 2024.

[207] In relation to the issue of whether the Crown would be raising an argument of substantial interruption, he said that the Attorney-General's position would be reserved until it had an opportunity to view all of the evidence that had been filed. He noted that the Attorney-General would not advance any arguments that were not supported by evidence. He indicated that if a judicial settlement conference was scheduled, the Attorney-General was likely to participate on a constructive basis.

[208] Mr Melvin undertook to provide details to Mr Bennion of engagement only applications which overlapped that of Ngāti Pūkenga.

*General*

[209] This minute is to be read in conjunction with the Court's pre-CMC minute of 13 June 2023.



[210] All matters that are not adjourned to a specific date are adjourned for 12 months to the next Hamilton CMC.

### **New Plymouth CMC**

#### *Ngā Hapū o Mokau ki Runga (CIV-2017-485-209)*

[211] Mr Ratapu spoke to his memorandum and confirmed the position he had outlined at the Hamilton CMC. His client sought a hearing of each of its two separate applications. In respect of the southern application (CIV-2017-485-209), there were three overlapping High Court pathway groups:

- (a) Ngā Tini Hapū o Maniapoto – CIV-2017-404-526;
- (b) Ngāti Tama – CIV-2017-404-534; and
- (c) Ngāti Mutunga o Wharekauri – CIV-2017-485-309.

[212] In addition, there was one overlapping engagement only application, MAC-01-10-002, Ngā Hapū o Poutama.

[213] While Mokau ki Runga has reached out to the overlapping applicants, a response was still awaited.

[214] Mr Ratapu sought an adjournment for six months to enable further discussions with overlapping parties.

[215] This matter will be adjourned to a CMC to be scheduled for early December 2023. No later than two weeks prior to the date fixed for the CMC, all counsel affected by the application for a timetable towards fixture, are to file memoranda setting out their client's position and detailing their state of progress towards hearing.

*Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui (CIV-2017-485-301)*

[216] This application extends from the Kai Iwi River north of Whanganui to the Whangaehu River south of Whanganui. The application overlaps with two proposed hearings: the southern Taranaki area north of the Kai Iwi River and the Manawatū/Horowhenua area south of the Rangitikei River (Group N Stage 1(a)) hearing.

[217] There are three overlapping applications proceeding on the High Court pathway (Te Patutokotoko CIV-2017-485-254; Te Kaahui a Rauru CIV-2017-485-183; Ngā Wairiki Ngāti Apa CIV-2017-485-511) and a number of Crown engagement only applicants: Rakautaua Whenua Tōpū Trust MAC-01-10-020; Rakautaua 1C Māori Reservation MAC-01-10-012; Ngā Poutama Nui a Awa, Aohehu and Ngāti Taanewai MAC-01-11-003, and Ngā Hapū o Himatangi MAC-01-11-004.

[218] Various of the overlapping applicant groups are affiliated with either Whanganui iwi, Ngā Wairiki Ngāti Apa or Ngāti Raukawa ki te Tonga.

[219] The applicants in CIV-2017-485-301 have been involved in hui in an attempt to address issues with overlapping claimants. Counsel has also had discussions with counsel in CIV-2017-485-183 and CIV-2017-485-511.

[220] Counsel reported that the strong preference of all parties, given their close relationships, was to proceed by way of direct engagement with the Crown rather than litigation.

[221] Counsel sought an adjournment for 12 months with a direction that a joint memorandum along with applicants with interests between the Kai Iwi River and the Rangitikei River be filed within six months.

[222] This matter is to be adjourned to a further CMC on a date to be set in early December 2023. No later than two weeks prior to that CMC, counsel for the applicant in CIV-2017-485-301 will file a memorandum (preferably a joint memorandum with counsel for all overlapping applicants) detailing the nature of the discussions between the overlapping applicants, the

outcome of those discussions and outlining any consequential amendments to the applications.

*Ngāti Tama (CIV-2017-404-534)*

[223] Ms Morrison-Shaw has just taken over the representation of this applicant. There are relationships between this applicant and Ngāti Mutunga (CIV-2017-485-215), Te Atiawa ki Taranaki (CIV-2017-485-310), and Taranaki Iwi (CIV-2017-485-212). They are attempting to jointly progress their respective claims.

[224] This applicant has not, until recently, attempted to progress funding through Te Arawhiti. There does not seem to be any obvious issue why funding should not be provided in the normal way. Counsel is encouraged to continue their engagement with Te Arawhiti which apparently commenced last week.

[225] Counsel has also recently engaged in discussions with counsel for Ngā Hapū o Mokau ki Runga. Given that this applicant is seeking timetabling towards a fixture, it is important that those discussions continue to attempt to identify those matters that may be agreed and which might assist in confirming the extent of the hearing.

*Ngāti Manuhiakai (CIV-2011-485-797), Okahu Inuwai Hapū (CIV-2011-485-803) and Kānihi Umutahi me ētahi Hapū (CIV-2011-485-814)*

[226] Ms Rongo filed a memorandum and amended applications in respect of each of these applicants. The amendment sought was to amend the application from being applications for PCR to being applications for CMT.

[227] These three applications are unusual in that all were originally filed under the Foreshore and Seabed Act 2004 with the Māori Land Court seeking a customary rights order under s 48 of that Act.

[228] In 2011, the Foreshore and Seabed Act 2004 was repealed and replaced with the current Act. The Act provides that all applications made under the Foreshore and Seabed Act

to the Māori Land Court for customary rights orders which had not been finally determined were to be transferred to the High Court.<sup>7</sup>

[229] Under the Act, the High Court is to treat applications seeking customary rights orders under the Foreshore and Seabed Act as if they were applications for orders recognising PCR.<sup>8</sup>

[230] Counsel's memorandum records that the applicants considered that their interests in the takutai moana are best reflected as supporting an application for all CMT and PCR. On that basis, amended applications have been filed seeking a determination that they are entitled to CMT.

[231] The applicants rely on s 107 of the Act. That provision says that if the Court considers that an application for recognition of PCR is more appropriately decided as an application for recognition of CMT, it may treat it as an application for CMT.

[232] The applicants' reliance on s 107 is misplaced. That section does not authorise an applicant to amend their pleadings seeking a different type of recognition order. It is a provision solely directed to the flexibility that the Court has to treat an application for one form of recognition order as if it were an application for the other form of order.

[233] Accordingly, the filing of amended applications is not appropriate. Counsel will be free to submit, at any hearing, that this is an appropriate case for the applications to be treated as if they were applications for CMT. If the presiding Judge is satisfied that the statutory test has been made out on the basis of the evidence that has been put before the Court, then they will be able to exercise their discretion under s 107. However, that decision can only be made once the evidential basis for it has been established.

[234] The applicants also note that Te Korowai o Ngāruahine Trust has made an application for both CMT and PCR. The three priority applicants are hapū of Ngāruahine and fall under the umbrella of the Ngāruahine application. They obviously have the option of allowing Ngāruahine to advance their claim under the umbrella of its claim rather than pursuing it separately themselves.

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<sup>7</sup> Marine and Coastal Area (Takutai Moana) Act 2011, s 125(1).

<sup>8</sup> Section 107(1).

*Attorney-General*

[235] Mr Melvin reported that the Attorney-General would be in a position to participate fully in the hearing sought by counsel for Ngā Hapū o Mokau ki Runga.

[236] Counsel noted that amended applications have been filed in CIV-2011-485-797, CIV-2011-485-803 and CIV-2011-485-814. He had not yet had time to properly review these applications and sought leave to file written submissions on the issue as to whether the amendments were permissible within 10 working days of the date of this CMC. That leave is granted.

[237] Mr Melvin also confirmed that in relation to the remaining Taranaki priority applicants who sought direct engagement, that discussions were at a reasonably advanced stage.

[238] Mr Melvin has filed two post-CMC memoranda, one on 27 June 2023 and the other on 13 July 2023. In the 27 June memorandum, he stated that Kānihi Umutahi me ētahi Hapū (CIV-2011-485-814), Okahu Inuwai Hapū (CIV-2011-485-803) and Ngāti Manuhiakai (CIV-2011-485-797) had a preference to engage directly with the Crown rather than seek recognition of their customary interests in the High Court.

[239] His 13 July 2023 memorandum confirmed that this is not the correct position and that while these applicant groups wish to continue to learn about the Crown engagement process, they intend to remain on the High Court pathway for the time being.

*General*

[240] All applications are adjourned to the 2024 New Plymouth CMC unless otherwise directed.

[241] This minute is to be read alongside the Court's minute in this matter of 9 June 2023.

[242] The Registrar is requested to obtain a date in early December 2023 for those matters that have been adjourned to a CMC in December of this year.

**Churchman J**

## **APPENDIX**

### **CASE MANAGEMENT CONFERENCES – 2024**

9 July – Whangarei

10 July – Auckland

11 July – Hamilton

16 July – Tauranga

17 July – Rotorua

18 July – New Plymouth

23 July – Dunedin

24 July – Nelson

26 July – Wellington

30 July – Napier

31 July – Gisborne