

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

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

**CIV-2017-404-481
CIV-2017-485-221
CIV-2017-485-224
CIV-2017-485-232
CIV-2017-485-259
CIV-2017-485-260
CIV-2017-485-267
Group M Stage 1(a)**

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

IN THE MATTER OF an application for orders recognising
Customary Marine Title and Protected
Customary Rights

On the Papers

Minute: 18 October 2023

**MINUTE OF GWYN J
(Timetable for closing submissions; amended applications)**

[1] The Court has received email correspondence from the applicants and, separately, from the Seafood Industry Representatives (SIR), about the timetable for the filing and delivery of closing submissions. In addition, counsel for the Attorney-General has filed a memorandum regarding amended applications.

Closing submissions

[2] Counsel advise that the Court of Appeal will release its decision on the *Re Edwards* appeal at 2.00 pm tomorrow (19 October 2023). In light of that, and the adjusted timeframe for the delivery of, and questioning on, the Pūkenga report, counsel for the applicants propose an amended timetable for closing submissions. Counsel for SIR is broadly in agreement with the proposed revised timetable, but notes

the uncertainty around the content of the Court of Appeal decision and its potential impact on the applicants and interested parties in this case.

[3] In light of the changed circumstances I direct the following amended timetable:

(a) Written closing submissions are to be filed and served by **10.00 am on Tuesday, 24 October**.

(b) Closing submissions are to be presented (in the order set out in my minute of 6 October 2023) from **10.00 am on Wednesday, 25 October**.

[4] If necessary, the Court will consider applications for further directions as to supplementary written submissions.

Amended applications

[5] In my minute of 6 October 2023 I directed that amended applications, to reflect agreement between the parties as to shared interests, be filed prior to the filing of closing submissions.

[6] The Attorney-General's memorandum of 18 October 2023 also addresses the question of amended applications.

[7] As counsel for the Attorney-General correctly note, the amended applications must clearly identify those hapū on whose behalf recognition orders are sought¹ and, to the extent relevant information is not already before the Court, confirm that the applicant has been appointed as a representative by the relevant iwi, hapū or whanau groups.²

[8] In light of the amended timetable for submissions set out above, and the need for the Court and all parties to know the nature of any amended applications before closing submissions are finalised and delivered, I direct that amended applications are to be filed and served no later than **10.00 am on Friday 20 October 2023**.

¹ Marine and Coastal Area (Takutai Moana) Act, 2011, s 9(1)(a).

² Section 9(1)(b).

Te Hika o Pāpāuma

[9] In my minute of 6 October 2023 I directed that the boundary of Group M Stages 1(a) and (b) be adjusted, so as to include the Whareama River mouth in the Stage 1(b) hearing. The effect of that adjustment is that Te Hika o Pāpāuma's application area (from the southern bank of the Whareama River to Poroporo) is now all within Stage 1(b). Accordingly, I confirm that Te Hika o Pāpāuma is not required to file or present closing submissions in this hearing.

Gwyn J