

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

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

CIV-2011-485-821

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:

Counsel: R N Smail and E A James for Ngāti Pāhauwera Development
Trust (CIV-2011-485-821)
M K Mahuika, L A V Underhill-Sem and T W Afoa for
Ngāti Pārau (CIV02917-485-246)
D C F Naden, S M Yogakumar and L K Millington for
Ngāi Tahu ō Mōhaka Waikare (CIV-2017-485-235)
K M Anderson and M J Dicken for Maungaharuru-Tangitū
Trust (MTT) (CIV-2017-485-241)

Interested parties:

B Lyall for Mana Ahuriri Trust
H P Harwood for Hawke's Bay Regional Council
M Williams for Pan Pac Forest Products Limited
A Williams for Seafood Industry Representatives
R Roff and S Gwynn for Attorney-General

Minute: 19 April 2023

**MINUTE OF CHURCHMAN J
[Slip rule]**

[1] In the decision in this matter dated 19 April 2023, in [10](d), I recorded that the Court have not received any comments from any other parties in support of or against the stay application. I had not been advised that counsel for Maungaharuru-Tangitū Trust (MTT) had filed a memorandum dated 24 March 2023 supporting the

stay application. The memorandum relied on the same broad grounds as those advanced by the two applicants for stay.

[2] The paragraph in which the error occurred was discussing whether there were any objections from third parties to the stay application which would have provided a reason to decline the stay. My conclusion that there was no reason, on the basis of the possible effect on third parties of declining the stay. Nothing in the memorandum filed on behalf of MTT suggests that there were in fact third parties whose interests were adversely affected so as to provide a reason decline the stay.

[3] However, it is necessary to correct the factual error. In accordance with r 11.10 of the High Court Rules 2016, I correct the error by replacing the sentence in [10](d) which reads “However, the Court has received no comments from any other parties either in support of or against the stay application.” with the following sentence “The only other memorandum received by the Court was from Maungaharuru-Tangitū Trust. They supported the stay application.”

[4] I direct that the decision in [2023] NZHC 826 be amended and reissued accordingly and that copies of this minute and the amended decision be distributed to all counsel.

Churchman J