

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

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

**CIV-2017-419-084
CIV-2017-404-526
CIV-2017-404-575
CIV-2017-419-080
CIV-2017-419-081
CIV-2017-419-082
CIV-2017-419-083
CIV-2017-419-085
CIV-2017-485-202
CIV-2017-485-207
CIV-2017-485-209
CIV-2017-485-216
CIV-2017-485-250**

IN THE MATTER OF an application for recognition orders under the
Marine and Coastal Area (Takutai Moana) Act 2011

BY Waikato-Tainui CIV-2017-419-084
Ngā Tini Hapū o Maniapoto CIV-2017-404-526
Ngaati Mahuta ki te Hauaauru CIV-2017-404-575
Kawhia Tangata, Aotea Whenua, Whaingaroa
Moana CIV-2017-419-080
Ngāti Te Wehi CIV-2017-419-081
West Coast Iwi and Hapū ki Marokopa Marae
CIV-2017-419-082
Tainui Hapū o Tainui Waka CIV-2017-419-083
Te Tokanganui-A-Noho Regional
Management Committee
CIV-2017-419-085
Te Rūnanganui o Ngāti Hikairo
CIV-2017-485-202
Ngāti Apakura CIV-2017-485-207
Ngā Hapū o Mokau ki Runga
CIV-2017-485-209 and CIV-2017-485-216
Ngāti Pukenga CIV-2017-485-250

On the papers:

Counsel: J Ferguson for CIV-2017-419-84
C Hirschfeld and B Tupara for CIV-2017-404-526
R Siciliano and C Ratapu for CIV-2017-404-575
C Terei-Tipene for CIV-2017-419-080

D Stone, C Leuga, H Clatworthy and M Kennelly for CIV-2017-419-081
B Loader for CIV-2017-419-082
J Cole and A Sykes for CIV-2017-419-083
J Pou for CIV-2017-419-085
V Morrison-Shaw for CIV-2017-485-202
T Bennion for CIV-2017-485-207 and Ngāti Pukenga CIV-2017-485-250
K Katipo and C Ratapu for CIV-2017-485-209, and
CIV-2017-485-216

Interested parties:

A Green and T Greensmith-West for Hauraki and Waikato District Councils
R Siciliano and C Ratapu for Ngāti Whakamarurangi
G Melvin for Attorney-General

Minute: 13 June 2023

MINUTE OF CHURCHMAN J
[Case Management Conferences 2023 – Hamilton]

CIV-2017-419-084 – Ngaa Hapuu me ngaa marae o te takutai moana o Waikato-Tainui

[1] Counsel’s application to attend the 20 June 2023 Hamilton CMC by AVL is granted.

[2] In counsel’s memorandum dated 23 May 2023 at [8] there is reference to Ngaati Uakau who are a Crown engagement only applicant but wish to participate as an interested party in the inner Aotea Harbour hearing which has been set down to commence on 17 June 2024. Counsel’s memorandum says that Ngaati Uakau remain unrepresented and that:

...counsel considers that it will be important for that to be formalised sooner rather than later in order to avoid or minimise any impact on the timetable moving forward and to enable Ngaati Uakau to participate in the manner that [it] desires.

[3] It is not clear whether Ngaati Uakau are a hapū of Waikato-Tainui and whether Waikato-Tainui intend to act on behalf of Ngaati Uakau to advance a claim. It would be helpful if counsel can clarify that at, or prior to, the Hamilton CMC.

CIV-2017-404-526 – Ngā Tini Hapū o Maniapoto

[4] Counsel's memorandum refers to the amended application and map filed on 23 May 2023. That has been the subject of a separate minute.

[5] Counsel's application to be excused from appearing at the 2023 Hamilton CMC is refused but the request to appear via AVL is granted.

[6] Matters that the Court wish to hear from counsel on at the CMC, include the comment in the memorandum of Ms Morrison-Shaw on behalf of Ngāti Hikairo CIV-2017-485-202, to the effect that no response has been received from Ngā Tini Hapū o Maniapoto in relation to attempts to discuss overlaps.

[7] The attention of counsel is also drawn to the memorandum filed on behalf of Ngā Hapū o Mokau ki Runga CIV-2017-485-216. This claim overlaps with that of Ngā Tini Hapū o Maniapoto and the applicant is seeking a fixture in Q3 2025.

[8] The Court anticipates that counsel will advise the Court whether or not Ngā Tini Hapū o Maniapoto, in respect of the overlapping parts of their claim, will be ready to participate in a hearing in Q3 2025.

CIV-2017-419-080 – Ngā Tai o Kāwhia

[9] Counsel's memorandum records that historical research should be completed early in 2024 and that preparation of tangata whenua evidence is underway. There are regular discussions with overlapping applicants.

[10] A 12-month adjournment to the 2024 Hamilton CMC is granted. Counsel's attendance at the 20 June 2023 CMC is excused.

[11] The updating details of counsel acting is noted.

*CIV-2017-419-083 – Tainui Hapū o Tainui Waka
Ngāti Mahanga and Ngāti Whakamarurangi (interested parties)*

[12] A joint memoranda dated 19 May 2023 and 9 June 2023 have been filed on behalf

of these three parties.

[13] The memorandum records that Tainui Hapū o Tainui Waka intended filing an amended application in advance of the 20 June 2023 Hamilton CMC. That has not yet been filed and counsel is encouraged to file that ahead of the Hamilton CMC if possible.

[14] The memorandum of 9 June 2023 indicates that proposed timetable orders will be provided at the 20 June 2023 CMC. If those proposed timetable directions are available prior to then, it would be helpful if they could be circulated.

CIV-2017-419-085 – Te Tokanganui-A-Noho Regional Management Committee

[15] No memorandum has been received from this applicant. Counsel is directed to file a pre-CMC memorandum updating the Court on progress without further delay. Counsel is required to attend the 20 June 2023 Hamilton CMC in person.

CIV-2017-485-202 – Te Runanganui o Ngāti Hikairo

[16] Counsel's memorandum records that a draft historical report has been prepared and that iwi research is well advanced. Discussions have been undertaken with a number of overlapping claimants although attempts to make contact with the counsel and the applicant Ngā Tini Hapū o Maniapoto have been unsuccessful.

[17] Ngāti Hikairo is also engaged in direct negotiation with the Crown although the Crown's position is reported as being that direct engagement is only recommended where agreement has been reached with all overlapping claimants.

[18] The request for a 12-month adjournment to the 2024 Hamilton CMC is granted and counsel's attendance at the 2023 Hamilton CMC is excused.

CIV-2017-485-207 – Ngāti Apakura

[19] Counsel's request to attend the 20 June 2023 Hamilton CMC by VMR is granted.

CIV-2017-485-209 and CIV-2017-485-216 – Ngā Hapū o Mokau ki Runga

[20] Counsel for both of these applicants filed separate memoranda. The memorandum for CIV-2017-485-209 sought leave to attend the 21 June 2023 New Plymouth CMC by AVL.

[21] The memorandum in relation to CIV-2017-485-216 indicated that counsel will be appearing in person in the Hamilton High Court for the 20 June 2023 Hamilton CMC. Instead of counsel having to attend by VMR on 21 June 2023 for the New Plymouth CMC, it will be more convenient for counsel to address matters relating to CIV-2017-485-209 at the Hamilton CMC along with matters relating to CIV-2017-485-216.

CIV-2017-485-250 – Ngāti Pukenga

[22] Counsel's request to attend the 2023 Hamilton CMC by VMR is granted.

Hauraki and Waikato District Councils (interested parties)

[23] Counsel's request to attend the 2023 Hamilton CMC by VMR is granted.

Churchman J