

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

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

CIV-2017-485-160
CIV-2017-485-214
CIV-2017-485-229
CIV-2017-485-254
CIV-2017-485-273
CIV-2017-485-511
CIV-2017-485-261
CIV-2017-485-248
CIV-2017-485-258
CIV-2017-485-260
CIV-2017-485-211

GROUP N, STAGE 1(a) and STAGE 1(b)

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

IN THE MATTER OF applications for orders recognising
Customary Marine Title and Protected
Customary rights

Continued...

Hearing: On the papers

Counsel: Listed below

Minute: 6 March 2024

**MINUTE OF GRICE J
(Application by interested party (Rangitāne O Manawatu Settlement Trust) to
appear and be heard)**

AND William James Taueki on behalf of Ngāti
Tamarangi hapū of Muaūpoko iwi (CIV-
2017-485-160)

AND Margaret Morgan-Allen on behalf of the
David Morgan Whānau (CIV-2017-485-
214)

AND Rachael Ann Selby on behalf of Ngāti Raukawa ki te Tonga (CIV-2017-485-229)

AND Christopher Henare Tahana and Ors on behalf of Te Patutokotoko (CIV-2017-485-254)

AND Patrick Seymour on behalf of Te Whānau Tima (Seymour) and Te Hapū o te Mateawa (CIV-2017-485-273)

AND Chris Shenton on behalf of Te Runanga o Ngā Wairiki Ngāti Apa (CIV-2017-485-511)

AND Muaūpoko Tribal Authority Incorporated on behalf of Muaūpoko (CIV-2017-485-261)

AND Trustees of Te Ātiawa ki Whakarongotai Charitable Trust on behalf of Te Ātiawa ki Whakarongotai (CIV-2017-485-248)

AND Tiratu Williams and Patricia Grace on behalf of the owners of the Hongoeka Blocks (Ngāti Toa Rangatira) (CIV-2017-485-258)

AND Te Ātiawa ki te Upoko o te Ika a Māui Pōtiki Trust (CIV-2017-485-260)

AND Tupoki Takarangi Trust (1999) on behalf of owners of Parangarahu 2B1 and 2C and their descendants (CIV-2017-485-211)

Counsel:

A K Irwin for Ngāti Tamarangi Hapū
No appearance for David Morgan Whānau
T K A Walker and N R Coates for Ngāti Raukawa ki te Tonga
L L Black for Te Patutokotoko
B R Lyall for Te Whānau Tima (Seymour) and Te Hapū o Te Mateawa
C Shenton for Te Runanga Ngā Wairiki Ngāti Apa (self-represented)
T H Bennion and E A Whiley for Muaūpoko Tribal Authority Incorporated
T N Ahu and A J Samuels for Te Ātiawa ki Whakarongotai
E K Rongo for owners of Hongoeka Blocks

M Houra for Te Ātiawa ki Te Upoko o Te Ika a Maui Potiki Trust
T N Hauraki for Tupoki Takarangi Trust (1999)

Interested parties: E K Rongo for Ngāti Toa Rangatira (Crown engagement)
MAC-01-12-021
D A Ward for Attorney General
F R Wedde for Manawatū-Whanganui Regional Council,
Greater Wellington Regional Council and Kāpiti Coast District Council

Interested Party: C F Finlayson KC for Rangitāne O Manawatu Settlement Trust

[1] I refer to my minute of 8 February 2024 dealing with issues raised at a conference largely relating to case management for the Group N, Stage 1(a) of the proceedings. The proceedings relate to the determination of seven applications for various orders recognising customary marine title (CMT) and/or protected customary rights (PCRs) under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act), within the hearing area.

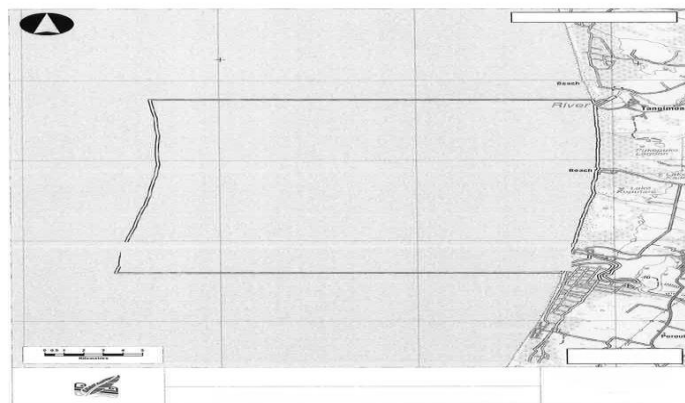
[2] At that conference, Mr Finlayson KC for the Rangitāne O Manawatu Settlement Trust (the Trust) indicated an application would be filed seeking the Trust be joined as an interested party. Mr Finlayson accepted there is no scope to vary the hearing timetable at this stage and he would adhere to the timetable. He noted that the Trust's involvement would be limited.

[3] Following directions made at the conference an application was made. The other parties responding in accordance with the timetable indicated that they abided the decision of the court on the application. The Crown in its memorandum of yesterday confirmed that it abided the court's decision on the application.

[4] Section 104 of the Marine and Coastal Area (Takutai Moana Act) 2011 provides for an interested person to be heard on a recognition order provided it has filed a notice of appearance by the required date. Given that the Trust did not do so it now applies for leave to appear.

[5] In its application dated 13 February 2024 the Trust states that it is the post settlement governance entity established to receive the settlement entered into between Rangitane o Manawatu Iwi including Ngāti Hinaute, Ngāti Mairehau, Ngāti Rangitepaia, Ngāti Rangiaranaki, Ngāti Te Kapurangi Manawatu and Ngāti Tauria Hapū of Rangitāne o Manawatu. It had applied for recognition of customary interests but did not commence a proceeding in the High Court for recognition of its customary interests. It notes that entities which have sought recognition of their customary interests by way of direct negotiation with the Crown are also able to be recognised as interested parties in any proceeding for recognition.

[6] In an affidavit supporting the application, Danielle Pikihuia Harris, a trustee of the Trust, says that the particular area of interest for the Trust lies from the northern bank of the Rangitikei River to the southern bank of the Manawatu River. Ms Harris attests to the historical interests that Rangitāne has on the specified parts of the coastline. This is the mapped area as follows:



[7] Ms Harris says that the Trust now recognises that it should have applied to be recognised as an interested party to ensure its views were made known. Ms Harris notes that the Trust's delay in making this application is due to various administrative issues and the fact that it did not have legal advisers at the material times. She notes the limited capacity of the Trust in the face of considerable Crown policy changes which have demanded its attention.

[8] Importantly, Ms Harris reiterates Mr Finlayson's assurances that the Trust would comply with existing directions and its involvement would be limited and focus solely on bringing to the attention of the Court the interests that Rangitāne has in the coastline. Ms Harris specifically confirms:

- (a) That limited, focused evidence would be provided to the Court on behalf of Rangitāne by Professor Jon Proctor of Massey University. Professor Proctor is also giving evidence on behalf of one of the applicants, Muaūpoko. Professor Proctor is aware of the issues in the proceeding, has had a long association with Rangitāne, and his evidence will be simply to bring to the attention of the Court the specific interests of Rangitāne.
- (b) Rangitāne does not intend to have representatives present throughout the entire trial. It will have very limited cross-examination and make only very brief submissions. I understand and believe that is consistent with the role of an interested party.
- (c) As already noted, I have been made aware by counsel of directions that have already been made for the hearing of this matter. Rangitāne accepts that it must comply with those directions if an order is made that it be recognised as an interested party. As a latecomer to the proceeding, I accept that Rangitāne has no right to vary or seek to vary any of the directions. The only matter where slightly more time may be required relates to finalising the evidence of Professor Proctor. His evidence can be provided very soon after the making of any order. As I have said, Professor Proctor is very well aware of the issues as he is also giving evidence on behalf of Muaupoko, which is one of the Kurahaupo Iwi in this area.

[9] I am satisfied that the delay in filing is explained and was due to genuine oversight. In the circumstances I consider it is in the interests of justice that the application be granted on the limited basis upon which it is sought. Given the historical association with the particular part of the coast indicated, I consider it would assist the Court in its consideration of the issues in the proceedings to hear from the Trust as proposed. It is relevant there is no opposition to the Trust's involvement and importantly that its involvement will not prejudice the other parties to the proceedings nor cause any delay to the timetable.

[10] Accordingly, I grant the application to appear and be heard in relation to the identified coastal area on the basis that its involvement will be limited to that outlined

in the confirmation by Ms Harris set out above. I will leave the parties to discuss the interpolation of the Trust in the existing timetable.

Grice J