

**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-2017-485-273
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)

BETWEEN the Marine and Coastal Area (Takutai Moana Act) 2011.

AND applications for orders recognising Customary Marine Title and Protected Customary rights

Continued...

Hearing: On the papers

Counsel: A K Irwin for Ngāti Tamarangi Hapū
T N Ahu and A J Samuels for Te Ātiawa Ki Whakarongotai
D A Ward for Attorney General

Minute: 8 April 2024

**MINUTE OF GRICE J
(Minute re extension of time for filing evidence by Attorney General dated
27 March 2024)**

[1] The Attorney General by memorandum dated 27 March 2024 seeks an extension of time for filing of the affidavits that were due to be filed on 28 March 2024. The extension sought relates to the evidence of Dr Green, Mr Parker and Mr Majorhazi.

[2] The Attorney General circulated the substantive report of Dr Green to all parties on 28 March 2024. She confirmed that Dr Green's affidavit would not contain

any substantive material or analysis and would append the exhibits as already circulated. Dr Green's evidence was filed and served on 5 April 2024.

[3] An extension to 5 April 2024 is sought for filing Mr Parker's evidence. That affidavit has now been filed. The Crown indicated that replies to Mr Parker's evidence may require some consideration.

[4] The evidence of Mr Majorhazi is delayed due to him being unwell and being involved in providing evidence on the Aotea and Whangārei Coast hearing. An extension to 12 April 2024 is sought. The Crown indicated that there is unlikely to be replies required to Mr Majorhazi's evidence.

[5] No objections to the application for the Attorney General's extensions are raised. I grant the extensions sought by the Attorney General in view of the relatively short extensions sought and the reasons given in support of the applications.

[6] However in response, Te Ātiawa ki Whakarongotai and Ngāti Tamarangi Hapū seek extensions for filing their reply evidence. Te Ātiawa ki Whakarongotai seeks an extension for all applicant parties.

[7] The Attorney General submitted that any direction on an extension for the other parties' reply evidence should be made after the remaining Crown evidence has been filed. This is so that parties and the Court are able to better assess whether reply evidence to any particular affidavit is required. It says that the late filing of Mr Parker's evidence should not be grounds for an extension to file evidence in reply to Dr Green, given that the parties had all received Dr Green's substantive report. The Attorney General also queries why the late filing of the Attorney-General's map book (Mr Majorhazi's affidavit) is grounds for a blanket extension of time for all reply evidence, regardless of whether that evidence relates to mapping issues.

[8] In the circumstances, there is no reason for an extension to the reply evidence timetable based on the extension for the filing of the sworn affidavit of Dr Green, given it was circulated in unsworn form according to the timetable.

[9] I am also concerned about any blanket extensions affecting the timetable so close to hearing. The extension would extend the time for the reply evidence to be filed to 23 April 2024 rather than the present date of 16 April 2024. Any such extension would also affect the timely compilation by the Crown of the common bundle comprising some 40-50 volumes (and excess of 40,000 pages) presently due to be filed on 24 April 2024. The Attorney General has pointed out that the preparation and printing of a hard copy of the common bundle will necessarily take some time and needs to be completed before the start of the hearing. For that reason, I decline the response applications for general extensions for filing their reply evidence.

[10] Accordingly, I make the following directions:

- (a) the affidavit of Dr Green is to be filed and served as soon as possible after 2 April 2024 and no later than 10 April 2024;
- (b) the affidavit of Mr Parker is to be filed and served by 5 April 2024; and
- (c) the affidavit of Mr Majorhazi is to be filed and served by 12 April 2024.
- (d) any application for an extension for evidence in reply to the evidence of Mr Parker or Mr Majorhazi will be addressed once the relevant evidence is filed and served. Counsel seeking such extensions should make application if it is necessary at that stage.



Grice J

Solicitors
Whaia Legal, Wellington
Crown Law, Wellington