

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

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

**CIV-2017-404-537
CIV-2017-404-574
CIV-2017-404-580
CIV-2017-404-581
Continued on Schedule
[2025] NZHC 1418**

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

IN THE MATTER OF An application for Customary Marine Title
and Protected Customary Rights by ROBIN
TAUA-GORDON on behalf of TE
KAWERAU Ā MAKI

Hearing: On the Papers

Counsel: M Chen and C Saunders for Te Kawerau ā Maki
R M A Jones for Ngāti Whātua Ōrākei Trust

Judgment: 30 May 2025

JUDGMENT OF CHURCHMAN J

Background

[1] Te Kawerau ā Maki (the applicant) has applied for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) by way of direct Crown engagement.

[2] They have belatedly applied to appear as an interested party to the 25 applications listed in the schedule to this decision.

[3] The applicant acknowledges that it is well out of time for filing an application for interested party status. However, it says that, in the same circumstances, other applicants in a similar position to itself with a direct Crown engagement application which overlaps with applications that are before the Court, the Court has granted interested party status notwithstanding the lapse of time.

[4] An affidavit of Edward Colin Ashby has been filed in support of the application. He deposes that the direct engagement application (MAC 01-02-007) was filed on 3 April 2017. He also notes that the application was for the area of the applicant's Coastal Statutory Acknowledgement Area as set out in the Te Kawerau ā Maki deed of settlement with the Crown dated 22 February 2014 and that the area overlaps with each of the High Court applications referred to in the schedule to this decision.

[5] The affidavit explains the reasons for delay and contends that, as no hearings have been scheduled for those applicants set out in the schedule to this decision, no other party is prejudiced.

[6] The application was served on the applicants whose claims are proceeding by way of litigation. Only one response was received. That was from Ngāti Whātua Ōrāki Trust. It abided the Court's decision.

Analysis

[7] There have been several cases where the Court's have granted applicants who have proceeded solely by way of direct Crown engagement, leave to appear as an interested party in overlapping applications.¹

[8] I accept that the applicant may be adversely impacted if it is not permitted to participate and appear as an interested party in any hearings in the High Court of overlapping applications. I also accept that there is no prejudice to any of the parties

¹ See *Rongomaiwahine Iwi v Attorney-General* [2015] 2 NZLR 66 at [11]; *Re an application by Honetana* [2023] NZHC 745 at [12] and *Re an application by interested party* (Rangitāne O Manawatu settlement trust) to appear and be heard [6 March 2024] at [9].

whose overlapping applications the applicant wishes to appear as an interested party in.

[9] I adopt the reasoning of this Court in *Rongomaiwahine Iwi v Attorney-General*² and *Re an application by Honetana*³ and, for the same reasons as in those cases, I grant the application for leave to appear in the cases set out in the schedule to this decision.

Churchman J

Solicitors:
Lane Neave, Christchurch for Applicant
Chapman Tripp, Auckland for Ngāti Whātua Ōrākei Trust

² *Rongomaiwahine Iwi v Attorney-General* above n 1 at [11].

³ *Re an application by Honetana* above n 1 at [12].

SCHEDULE

CIV-2017-404-537	Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu and Ngāitawake
CIV-2017-404-574	Ngāti Rehua and Ngātiwai ki Aotea
CIV-2017-404-580	Ngāti Rehua Ngāti Wai ki Aotea (amalgamated with CIV-2017-404-546 Ngāti Rehua)
CIV-2017-404-581	Otakanini Tōpu Māori
CIV-2017-404-558	Ngāitawake
CIV-2017-404-570	Te Hikutu Hapū
CIV-2017-404-520	Ngāti Whātua Ōrākei Trust
CIV-2017-485-283	Ngātiwai
CIV-2017-485-378	Ngāti Maraeariki and Ngāti Rongo and Hapū
CIV-2017-404-528	Te Kupenga o Ngāti Hako
CIV-2017-404-545	Ngāti Manuhiri
CIV-2017-404-564	Ngāi Tai ki Tāmaki
CIV-2017-404-567	Te Taou (Waitematā)
CIV-2017-485-187	Taumata B Block whānau owners
CIV-2017-485-276	Ngāti Rongo o Mahurangi
CIV-2017-485-398	Ngāti Kawau and Te Waiariki Kororā
CIV-2017-485-515	Whangaruru, Whāngarei and Whangaroa
CIV-2017-404-524	Mahurangi, Ngāti Awa, Ngāpuhi
CIV-2017-404-542	Te Taou (Kaipara Harbour)
CIV-2017-404-555	Te Whānau o Hōne Pipita Rāua ko Rewa Ataria Pāma
CIV-2017-404-563	Te Rūnanga o Ngāti Whātua
CIV-2017-404-569	Ngāti Te Ata
CIV-2017-419-084	Te Whakakitenga o Waikato Inc
CIV-2017-404-518	Ngāti Taimanawaiti (Ngāti Tai)
CIV-2017-485-188	Pākiri G-Block 308, Omaha 1 & 2, Hauturu, Mahuki Island, Motairehe 2B1 & 4B1, Motutaiko Island