

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

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

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

IN THE MATTER OF See schedule below
APPLICATIONS BY

Hearing: On the Papers

Counsel: T R Kemara for Nga Tini Hapu o Maniapoto
B J Loader and S Henderson for Marokopa me Kiritehere
R A Siciliano and C M R Ratapu for Ngāti Mahuta ki te Hauaauru
C B Hirschfeld for Ngāti Hako
V N Morrison-Shaw for Ngāti Tama and Ngāti Hikairo
H M Jamieson for Kawhia Tangata, Aotea Whenua and
Whaingaroa Moana
C R Leauga for Ngāti Te Wehi
J Cole for Whaingaroa Moana Collective
J P Ferguson for Waikato–Tainui
J Pou for Te Tokanganui-A-Noho Regional Management
T H Bennion for Ngāti Apakura and Ngāti Pukenga
P R B Rawiri for Nga Hapu o Mokau ki Runga and
interested party Ngāti Whakamarurangi

Interested parties
C M R Rapatu for Ngāti Maahanga (MAC01-03-005)
E S Greensmith-West for Hauraki District Council

Minute: 14 July 2025

MINUTE OF CHURCHMAN J
[Hamilton Case Management Conference scheduled for 31 July 2025]

Schedule

CIV-2017-404-526 Nga Tini Hapu o Maniapoto
CIV-2017-419-082 Marokopa me Kiritehere
CIV-2017-404-575 Ngāti Mahuta ki te Hauaaauru
CIV-2017-404-528 Ngāti Hako
CIV-2017-404-534 Ngāti Tama
CIV-2017-419-080 Kawhia Tangata, Aotea Whenua and Whaingaroa Moana
CIV-2017-419-081 Ngāti Te Wehi
CIV-2017-419-083 Whaingaroa Moana Collective
CIV-2017-419-084 Waikato–Tainui
CIV-2017-419-085 Te Tokanganui-A-Noho Regional Management
CIV-2017-485-207 Ngāti Apakura
CIV-2017-485-250 Ngāti Pukenga
CIV-2017-485-209 Nga Hapu o Mokau ki Runga and CIV-2017-485-216

Interested parties

Ngāti Maahanga (MAC01-03-005)

Ngāti Whakamarurangi

Hauraki District Council

[1] The Hamilton/New Plymouth Case Management Conference (CMC) on 31 July 2025 will proceed by way of VMR hearing only. All counsel who have sought to be excused from attendance have that request granted. Unless otherwise specified, all applications are adjourned to be called again at the 2026 Hamilton/New Plymouth CMC.

CIV-2017-404-526 (Nga Tini Hapu o Maniapoto)

[2] As a result of funding difficulties progress towards hearing has been limited. Tangata whenua evidence is to be filed by 13 March 2026. The historical report is presently on hold awaiting release of funding. Engagement with overlapping applicants is continuing. No orders are sought.

CIV-2017-419-082 (Marokopa me Kiritehere)

[3] Lack of progress with this applicant's Crown engagement application has resulted in them wishing to proceed with their High Court application. The applicants wish to proceed to a hearing with other overlapping applicants and want a fixture allocation as soon as possible in 2027. Following discussion with Nga Hapu o Maniapoto they jointly propose a hearing covering:

- (a) Southern boundary: Tirua Point (northern limit of the Mokau ki Runga hearing) and
- (b) Northern boundary: Arawhati (Anaputa Rock).

[4] Counsel advise that work is proceeding by way of discussions with overlapping applicants but notes there are minimal overlapping applications. Counsel should attend the 31 July 2025 hearing by way of VMR.

CIV-2017-404-575 (Ngāti Mahuta ki te Hauaaauru)

[5] This applicant has both a High Court application and a Crown engagement application but prefer to proceed in the High Court. The applicant wishes to have their application set down for a fixture. The evidence preparation is well advanced as is their historical report. Lack of funding has inhibited engagement with other applicants. Counsel indicates that there are seven overlapping applicants who have High Court proceedings and one Crown engagement applicant.

[6] Currently there is no agreement as to the boundaries of the proposed hearing. Counsel seek a hearing time with an estimated duration of six to eight weeks. Counsel is to discuss the proposed hearing timetable at the CMC. Counsel should appear by way of VMR at the CMC on 31 July 2025.

CIV-2017-404-528 (Ngāti Hako)

[7] A fixture date for this matter and for CIV-2017-485-250 (Ngāti Pukenga) has been set for three weeks to commence on 11 May 2026 in the High Court in Hamilton. Counsel have advised that funding cuts have affected the applicant's ability to

complete its preparation for the hearing. Counsel reports that, as a result of funding cutbacks, their historian, Tony Walzl has been unable to complete the historical report. Funding difficulties have also impeded attempts at engagement with overlapping applicants.

[8] The applicant asks for this matter to be adjourned to a call over in two month's time when it is likely the funding position will be more certain.

[9] Counsel should attend the 31 July 2025 CMC by VMR. At the CMC, unless there is opposition from any other party, it is likely this matter will be timetabled for a further CMC in the future.

CIV-2017-404-534 (Ngāti Tama)

[10] Again, lack of funding has resulted in this applicant seeking an adjournment. Should any overlapping claimant seek a hearing date, leave is reserved to this applicant to file a brief response to such an application with that response to be received by the Court prior to 31 July 2025.

CIV-2017-419-080 (Kawhia Tangata, Aotea Whenua and Whaingaroa Moana)

[11] This applicant seeks no directions.

CIV-2017-419-081 (Ngāti Te Wehi)

[12] The Stage 1 hearing for this application has already been completed and the Stage 2 hearing scheduled to occur 17—21 November 2025. No directions are sought.

CIV-2017-419-083 (Whaingaroa Moana Collective)

[13] As the Whaingaroa Harbour hearing is scheduled to commence on 20 July 2026 in the High Court at Hamilton, no orders are sought.

CIV-2017-419-084 (Waikato–Tainui)

[14] This application is a “korowai” application intended to ensure that the interests of Waikato–Tainui hapū are protected. This applicant is involved in the Stage 2

hearing in relation to the Aotea Inner Harbour scheduled to commence on 17 November 2025. It is also involved in the Whāingaroa hearing scheduled to commence on 20 July 2026.

[15] This applicant is directed to file a memorandum of counsel no later than 20 working days prior to the 2026 CMC advising the Court on progress.

CIV-2017-419-085 (Te Tokanganui-A-Noho Regional Management)

[16] As a result of funding unavailability no orders are sought.

CIV-2017-485-202 (Te Runanganui o Ngāti Hikairo)

[17] Again, lack of funding is constraining progress to hearing. Counsel is granted leave to file a brief memorandum should any overlapping applicant seek a fixture. Such memorandum to be filed and served prior to 31 July 2025.

CIV-2017-485-207 (Ngāti Apakura)

[18] As a result of funding difficulties no orders are sought.

CIV-2017-485-250 (Ngāti Pukenga)

[19] This applicant is involved in the Manaia Harbour hearing and does not require any further directions from the Court.

CIV-2017-485-209 (Nga Hapu o Mokau ki Runga) and CIV-2017-485-216

[20] The northern application (CIV-2017-485-216) is proceeding to a hearing in October 2026 and no directions are required. There has been no significant progress in relation to the southern application (CIV-2017-485-209) and no directions are required there.

Interested party

Ngāti Maahanga (MAC01-03-005)

[21] This interested party wishes to participate as an interested party in the Whāingaroa Harbour hearing set down to commence in July 2026. Unless notice of opposition to that application is received prior to the 31 July 2025, the Court will grant that application.

Ngāti Whakamarurangi

[22] This applicant participated in the Aotea Harbour hearing under the korowai of the Waikato–Taniui application (CIV-2017-419-84). It will participate in the Stage 2 hearing scheduled for November 2025, no directions are required.

Hauraki District Council

[23] Council’s request to participate by VMR is granted.

Attorney-General

[24] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[25] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[26] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[27] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[28] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[29] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Churchman J

Solicitors:

Te Mata Law, Auckland for Rangikaiwhiria Kemara

Loader Legal, Auckland for Marokopa me Kiritehere

McCaw Lewis, Hamilton for Ngāti Mahuta ki te Hauaauru

Tukau Law Limited, Kaikohe for Kawhia Tangata, Aotea Whanua and Whaingaroa Moana

Brookfields Lawyers, Auckland for Hauraki District Council