

**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: M Bradley-Clark for Ngāti Hei and Ngāti Huarere ki Whangapoua
and Ngāti Pu
B Lyall and H Swedlund for Ngāti Porou ki Hauraki
J Koning for Ihakara Tangitu Reserve
M Sinclair and M Sharp for Ngāti He
P Rawiri for Ngāti Tara Tokanui
C Leauga for Te Whanau a Te Harawaka
J Kahukiwa for Ngāti Whakaue
T Bennion for Ngāti Pūkenga, Ngāti Patumoana and Ngāi Te
Hapu
K Feint KC and I Peters for Nga Hapu O Te Moutere O Motiti
A Grant for Ngāti Ranginui
M K Mahuika and N R Coates for Te Whanau a Apanui
C Hirschfeld for Ngāti Hako and Hiwarau, Turangapikitoi and
Ohiwa of Whatatohea
J Mason for Te Runanga O Ngāti Whakaue ki Maketu Inc
T Castle for Ngāi Taiwhakaea Hapu
H K Irwin-Easthope for Ngāti Awa
J Koninig for Ngāti Whakahemo
L H Watson for Ngāti Hikakino, Ngāti Te Rangihouhiri II, Te
Tawera
J Pou for Ngāti Makino, Ngāti Pikiāo and Whakatohea Maori
Trust Board
T Hauraki for Trustees of Rurima Island Maori Reservation
J Mason for Manu Paora Whanau and Tangihia Hapu
J Gear for Ngā Hapū o Ngāi Te Rangi
T Sinclair and B Cunningham for Edwards on behalf of Te
Whakatohea v The Crown, Te Uri A Tehapu, Whakatohea
Pakowhai and Whanau A Apanui Hapu
B Lyall for Te Upokorehe
C Panoho-Navaja for Ngāi Tamahaua
M Sharp for Ngāti Muriwai

K Feint KC for Ngāti Ira o Waioweka Rohe
C Ratapu for Whakatohea Rangātira Mokomoko
C Panoho for Te Hapu O Titoko Ngāi Tama

Minute: 14 July 2025

MINUTE OF CHURCHMAN J
[Rotorua and Tauranga Case Management Conference scheduled for
5 August 2025]

Schedule

CIV-2017-404-480	Ngāti Hei
CIV-2017-404-482	Ngāti Huarere ki Whangapoua
CIV-2017-404-483	Ngāti Pu
CIV-2017-404-556	Ngāti Porou ki Hauraki
CIV-2017-485-195	Ihakara Tangitu Reserve
CIV-2017-485-219	Ngāti He
CIV-2017-485-222	Ngāti Tara Tokanui
CIV-2017-485-238	Te Whanau a Te Harawaka
CIV-2017-404-568	Ngāti Whakaue
CIV-2017-485-250	Ngāti Pūkenga
CIV-2017-485-253	Ngāti Patumoana
CIV-2015-485-767	Nga Hapu O Te Moutere O Motiti
CIV-2017-485-294	Ngāti Ranginui
CIV-2017-485-318	Te Whanau a Apanui
CIV-2017-404-528	Ngāti Hako
CIV-2016-485-770	Te Runanga O Ngāti Whakaue ki Maketu Inc
CIV-2017-485-185	Ngāi Taiwhakaea Hapu
CIV-2017-485-196	Ngāti Awa
CIV-2017-485-223	Ngāti Whakahemo
CIV-2017-485-227	Ngāti Hikakino, Ngāti Te Rangihouhiri II, Te Tawera
CIV-2017-485-291	Ngāti Makino and Ngāti Pikiāo
CIV-2017-485-317	Trustees of Rurima Island Maori Reservation

CIV-2017-485-513	Manu Paora Whanau
CIV-2017-485-514	Tangihia Hapu
CIV-2017-485-244	Ngā Hapū o Ngāi Te Rangi
CIV-2011-485-793	Ngā Potiki
CIV-2011-485-817	Edwards on behalf of Te Whakatohea v The Crown
CIV-2017-404-562	Te Uri A Tehapu
CIV-2017-485-201	Te Upokorehe
CIV-2017-485-257	Ngāi Te Hapu
CIV-2017-485-262	Ngāi Tamahaua
CIV-2017-485-264	Whakatohea Pakowhai
CIV-2017-485-269	Ngāti Muriwai
CIV-2017-485-270	Ngāi Tai
CIV-2017-485-272	Ririwhenua Hapu
CIV-2017-485-278	Whanau A Apanui Hapu
CIV-2017-485-292	Whakatohea Maori Trust Board
CIV-2017-485-299	Ngāti Ira o Waioweka Rohe
CIV-2017-485-355	Whakatohea Rangātira Mokomoko
CIV-2017-485-375	Hiwarau, Turangapikitoi and Ohiwa of Whakatohea
CIV-2017-485-377	Te Hapu O Titoko Ngāi Tama

[1] All but one of the applicants whose applications are to be called in the Tauranga / Rotorua Case Management Conference (CMC) on 5 August 2025 are either:

- (a) Awaiting further hearings following their applications having already been heard.
- (b) Have their applications timetabled to hearing or have been unable to make progress as a result of the unavailability of funding.

[2] The one exception is CIV-2017-485-244 (Ngā Hapū o Ngāi Te Rangi). Counsel is directed to file a memorandum updating the Court as to the applicant's current position. Such memorandum to be filed no later than 4 August 2025.

[3] All applications by counsel to be excused attendance at the 5 August 2025 CMC are granted. The CMC will proceed solely by way of VMR hearing.

Hearing interested party

Attorney-General

[4] 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.

[5] 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.

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

Discussion

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

[8] 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.

[9] 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 Ltd, Auckland for Ngāti Hei, Ngāti Huarere Ki Whangapoua, Ngāti Pū

McCaw Lewis, Hamilton for Ngāti Tara Tokanui

Corban Revell Lawyers, Auckland for Ngāti Whakaue

Bennion Law, Wellington for Ngāti Pūkenga, Ngāti Patumoana, Ngāi Te Hapu

Kāhui Legal, Rotorua for Ngāti Ranginui

Brookfields Lawyers, Auckland for Hauraki District Council