

**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: A K Irwin for Taranaki Iwi, Ngāti Mutunga and Te Atiawa
 (Taranaki)
 J Inns for Ngāti Ruanui
 D Bullock for Ngāti Haua hapu of Ngaruahinerangi Iwi
 M Wikaira for Te Kaahui o Rauru Trust
 T Bennion for Ngāti Tamaahuroa and Titahi Hapu
 E Rongo for Robinson and Anor, Okahu Inuawai hapū and
 Kanihi-Umutahi hapū
 L Black for Araukuuku Hapu and Ngāti Tu Hapu
 D Edmunds for Te Korowai o Ngaruahine Trust
 C Hirschfeld for Te Rangi Kaiwhiria Kemara and Ngāti Hako

Minute: 23 July 2025

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

Schedule

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| CIV-2017-485-212 | Taranaki Iwi |
| CIV-2017-485-215 | Ngāti Mutunga |
| CIV-2017-485-310 | Te Atiawa (Taranaki) |
| CIV-2017-485-282 | Ngāti Ruanui |
| CIV-2017-485-293 | Ngāti Haua hapu of Ngaruahinerangi Iwi |
| CIV-2017-485-183 | Te Kaahui o Rauru Trust |
| CIV-2017-485-300 | Ngāti Tamaahuroa and Titahi Hapu |

CIV-2011-485-797 Robinson & anor
CIV-2011-485-803 Okahu Inuawai hapū
CIV-2011-485-814 Kanihi-Umutahi hapū
CIV-2017-485-210 Araukuuku Hapu
CIV-2017-485-213 Ngāti Tu Hapu
CIV-2017-485-243 Te Korowai o Ngaruahine Trust
CIV-2017-404-526 Te Rangikaiwhiria Hemara

CIV-2017-485-212 (Taranaki Iwi); CIV-2017-485-215 (Ngāti Mutunga) and CIV-2017-485-310 (Te Atiawa (Taranaki))

[1] A joint memorandum was filed in respect of these three applicants. It indicates that the applicants have been unable to make progress because of the inability to obtain funding. They seek no directions. Counsel's attendance at the 31 July 2025 CMC is excused. The applications are adjourned to be called again at the 2026 CMC.

CIV-2017-485-282 (Ngāti Ruanui); CIV-2017-485-293 (Ngāti Haua hapu of Ngaruahinerangi Iwi) and CIV-2017-485-183 (Te Kaahui o Rauru Trust)

[2] These applications and others in the South Taranaki area were set down for hearing to commence February 2025. At the request of the applicants that hearing was adjourned due to uncertainty arising from the proposed amendment to the legislation. The applicants seek no direction. Counsel's attendance at the 31 July 2025 CMC is excused unless counsel wishes to oppose the application by the three priority applicants for the allocation of a fixture.

CIV-2017-485-300 (Ngāti Tamaahuroa and Titahi Hapu)

[3] This application has not been able to be progressed as a result of funding constraints and no directions are sought. Counsel's attendance at the 31 July 2025 CMC is excused.

CIV-2011-485-797 (Ngāti Manuhiakai); CIV-2011-485-803 (Okahu Inuawai hapū); CIV-2011-485-814 (Kanihi-Umutahi hapū)

[4] The applications of these three applicants are all "priority" applications. Under s 125(3)(a) of the Marine and Coastal Area (Takutai Moana) Act 2021 (MACA) the Court is required to give them priority over all other applications.

[5] These applications, along with a number of other overlapping or adjacent applications, were set down for hearing in February/March of this year. At the request of all of the applicants involved, that hearing was vacated as a result of uncertainty generated by proposed legislative changes to MACA. The applicants now want a fixture to be allocated. The other applicants who were scheduled to participate in the February/March 2025 hearings do not want their applications to be set down for hearing. That creates a problem. It is preferable to set down all applications seeking orders in respect of the same area for hearing at the same time. The application for the allocation of a hearing will therefore need to be discussed at the CMC.

CIV-2017-485-210 (Araukuuku Hapu); CIV-2017-485-213 (Ngāti Tu Hapu) and CIV-2017-485-243 (Te Korowai o Ngaruahine Trust)

[6] These applicants were all scheduled to participate in the February/March 2025 hearing. They oppose the setting down of a hearing for the three priority applications. They will need to attend the CMC to explain their position.

[7] The 31 July 2025 CMC will proceed by way of VMR only. Unless otherwise specified, all applications are adjourned to be called at the 2026 CMCs.

Interested party

Attorney-General

[8] 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.

[9] 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.

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

Discussion

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

[12] 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.

[13] 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:

Kāhu Legal, Wellington for Taranaki Iwi, Ngāti Mutunga and Te Atiawa (Taranaki)

Ocean Law, Nelson for Ngāti Ruanui

Lee Salmon Long, Auckland for Ngāti Haua hapu of Ngaruahinerangi Iwi

Whāia Legal, Wellington for Te Kaahui o Rauru Trust