

**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 Te Hika o Pāpāuma and Te Atianga O Nga
Uri O Wharekauri
H Ammunson for Ngāti Kahungunu
H Richards Coxhead for Rangitāne
H Fletcher for Pirere Whānau, Ngai Tūmapūhia a Rangi and
Tukōkō and Ngāti Moe
Kudrat for Ngāti Hinewaka, Muaūpoko Tribal Authority and
Hunau of Tame Horomona Rehe
L Watson for Ngati Kere
A Cameron for Te Atiawa Ki Whakarongotai
B Lyall for Te Whanau Tima and Te Hapu O Te Mateawa
T Hauraki for Tupoki Takarangi Trust
D Edmunds for Hongoeka Block Owners (Williams)
M van Alphen-Fyfe for Te Atiawa ki te upoko o te Ika a Maui
Potiki Trust
E Rongo for Ngāti Toa Rangātira
T Castle for Ngāti Mutunga o Wharekauri
C Griggs for Morimori Imi Iwi
J P Ferguson for Te Awa Tupua and Ngā Hapū me Ngā Uri o Te
Iwi o Whanganui
A Irwin for Ngāti Tamarangi
C Beaumont for David Morgan Whanau
P Walker and T Hautapu for Ngāti Raukawa ki te Tonga
L Black for Te Patutokotoko
K Dixon for Nga Wairiki Ngāti Apa

Minute: 25 July 2025

MINUTE OF CHURCHMAN J
[Wellington Case Management Conference
scheduled for 12 August 2025]

Schedule

CIV-2017-404-481	Te Hika o Pāpāuma
CIV-2017-404-479	Te Atianga O Nga Uri O Wharekauri
CIV-2017-485-221	Ngāti Kahungunu
CIV-2017-485-224	Rangitāne
CIV-2017-485-226	Pierre Whānau
CIV-2017-485-232	Ngai Tūmapūhia a Rangi
CIV-2017-485-267	Tukōkō and Ngāti Moe
CIV-2017-485-259	Ngāti Hinewaka
CIV-2017-485-261	Muaūpoko Tribal Authority
CIV-2017-485-217	Hunau of Tame Horomona Rehe
CIV-2017-485-193	Ngati Kere
CIV-2017-485-248	Te Atiawa Ki Whakarongotai
CIV-2017-485-273	Te Whanau Tima and Te Hapu O Te Mateawa
CIV-2017-485-211	Tupoki Takarangi Trust
CIV-2017-485-258	Hongoeka Block Owners (Williams)
CIV-2017-485-260	Te Atiawa ki te upoko o te Ika a Maui Potiki Trust
Gp N Interested Party	Ngāti Toa Rangātira
CIV-2017-485-309	Ngāti Mutunga o Wharekauri
CIV-2017-485-316	Morimori Imi Iwi
CIV-2017-485-301	Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui
CIV-2017-485-160	Ngāti Tamarangi
CIV-2017-485-214	David Morgan Whanau
CIV-2017-485-229	Ngāti Raukawa ki te Tonga
CIV-2017-485-254	Te Patutokoko
CIV-2017-485-511	Nga Wairiki Ngāti Apa

CIV-2017-404-481 (Te Hika o Pāpāuma); CIV-2017-485-221 (Ngāti Kahungunu); CIV-2017-485-224 (Rangitāne); CIV-2017-485-226 (Piere Whānau); CIV-2017-485-232 (Ngāi Tūmapūhia a Rangi); CIV-2017-485-267 (Tukōkō and Ngāti Moe); CIV-2017-485-259 (Ngāti Hinewaka); CIV-2017-485-261 (Muaūpoko Tribal Authority); CIV-2017-485-193 (Ngāti Kere); CIV-2017-485-248 (Te Atiawa Ki Whakarongotai); CIV-2017-485-275 (Te Whanau Tima and Te Hapu O Te Mateawa)

[1] All of these applications are post-hearing and the applicants seek no directions. Counsel are excused from attending the case management conference (CMC) on 12 August 2025. The applications are adjourned to be called again at the 2026 CMC.

CIV-2017-404-479 (Te Atianga O Nga Uri O Wharekauri); CIV-2017-485-216 (Hunau of Tame Horomona Rehe); CIV-2017-485-309 (Ngāti Mutunga O Wharekauri); CIV-2017-485-316 (Moriōri Imi Iwi)

[2] These applicants have been unable to proceed further with preparations towards hearing because of the unavailability of funding. Counsel are excused from attendance at the 12 August CMC and the applications are adjourned to be called again at the 2026 CMC.

CIV-2017-485-211 (Tupoki Takarangi Trust); CIV-2017-485-258 (Hongoeka Block Owners (Williams)); CIV-2017-485-260 (Te Atiawa ki te upoko o te Ika a Maui Potiki Trust); Interested Party (Ngāti Toa Rāngātira)

[3] These applications prefer Crown engagement rather than proceeding to hearing. They have been unable to make progress due to lack of funding. Counsels' request to be excused from attendance at the 12 August 2025 CMC is granted. The applications are adjourned to be called again at the 2026 CMC.

CIV-2017-485-301 (Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui)

[4] This application covers an area extending from the Kai Iwi river north of Whanganui to the Whangaehu river south of Whanganui. It overlaps with the applications of four applicants who have both High Court and direct engagement applications, as well as four further groups who have only sought direct engagement. The applicant's preference is to proceed by way of direct engagement rather than

litigation. It has been unable to make progress because of funding issues. The applicant seeks the following orders:

- (a) Adjourning application CIV-2017-485-301 to the 2026 Wellington CMC;
- (b) Directing the CIV-2017-485-301 applicants to file a memorandum of counsel no later than 20 working days before the next Wellington CMC providing a further update to the Court;
- (c) Excusing counsel from attending the Wellington CMC on 12 August 2025.

[5] Those applications are granted.

CIV-2017-485-160 (Ngāti Tamarangi); CIV-2017-485-201 (David Morgan Whanau); CIV-2017-485-222 (Ngāti Raukawa ki te Tonga); CIV-2017-485-252 (Te Patutokotoko); CIV-2017-485-511 (Nga Wairaki Ngāti Apa)

[6] These applications are all post-hearing (Gp N 1(a)) they do not seek any orders, they are adjourned until the 2026 Wellington CMC and counsels' attendance at the 12 August CMC is excused.

[7] The 12 August CMC is vacated.

Hearing 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

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