

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

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

**CIV-2017-485-160; CIV-2017-485-214
CIV-2017-485-229; CIV-2017-485-248
CIV-2017-485-261; CIV-2017-485-273
CIV-2017-485-511**

GROUP N, STAGE 1(a)

UNDER the Marine and Coastal Area (Takutai
Moana) Act 2011.

IN THE MATTER OF applications for orders recognising
Customary Marine Title and Protected
Customary rights

Continued...

On the papers 26 August 2025

Counsel: (Listed below)

Minute: 26 August 2025

**MINUTE OF GRICE J
(Wāhi Tapu – pūkenga questions)**

[1] The pūkenga have provided a translation of the karakia Wairea they have suggested for the wāhi tapu hearings set out in the minute of 18 August 2025. It is set out below:

Mai ara ra, mai ara ra Kia tu- Kia oho, kia mataara, - Te hokai Nuku ki te hokai rangi, Kia tau mai te Mauri. Kia whai mai ki ahau Kia whakawatea te ara Kia tau te marama tanga Ki enei tauira, ki enei tauira- Ki a matou te hunga whai i te ara	Rise up, rise up, so you may stand. Be alert, be prepared, from the sky to the earth, so that peace descends and abides with me. so the pathway is cleared so that clarity may emerge to these learners
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<p>Whai I Tukaha Tenei ra kia tau</p> <p>Tawharautia te whakaaro nui Kia whiria ki te Ngakau mahaki Kauparea te mea e huna nei E kite nei, e kitea e rangona, Kia tau te Mauri Kia whakairia ki runga Kia whakamua kia Tina! Hui e Taiki e!</p>	<p>so that all of us who are searching for wellness, searching for strength, searching for the right pathway, and so peace reigns.</p> <p>Continuously seeking higher thought, woven with unconditional positive regard. Address that which is hidden, those that are seen, those that are not seen and those can be heard, so that peace is achieved, in the highest echelon. So that it is done, therefore it is.</p>
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[2] Counsel have confirmed the questions for the pūkenga as follows:

- A) Having regard to the evidence what tikanga is relevant to whether the wāhi tapu and/or wāhi tapu area claimed by the Applicants is a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense?
- B) Having regard to the evidence what tikanga is relevant to the distinction between an area containing inherent and intrinsic tapu that may not necessarily have associated stringent restrictions and a wāhi tapu or wāhi tapu area characterised by a sacred or spiritual element that requires restrictions or prohibitions to protect it?
- C) What aspects of tikanga are relevant to the assessment of:
 - i) Whether or not restrictions or prohibitions are required to protect wāhi tapu?
 - ii) The level/intensity of restrictions or prohibitions required to protect wāhi tapu?
 - iii) Identifying the appropriate parties who are responsible for settling the restrictions, prohibitions and exemptions?
 - iv) The consequences of a failure to protect a wāhi tapu as required?
 - v) Whether any exemptions are appropriate?
 - vi) The determination of the boundaries for and therefore the eventuating area of the wāhi tapu?
- D) In what circumstances are tapu and noa activities incompatible, such that they cannot properly coexist within a wāhi tapu characterised by a sacred or spiritual element?
- E) Having regard to the evidence, is it a requirement at tikanga that wāhi tapu and wāhi tapu areas be set apart from daily life?

[3] Mr Bennion for Muaūpoko points out that the PCR judgment may affect his position on the wāhi tapu issues. That judgment should be released within the next 10 days. That timing should enable the attached timetable to be met.

[4] With the agreement of the pūkenga, the Registrar has been able to reschedule the date for the cross-examination of the pūkenga to the 23rd instead of the 24th of October 2025 to accommodate the commitments of a number of counsel in relation to the Hui-ā-Tau for Te Hunga Rōia Māori o Aotearoa. That is factored into the timetable directions which are made in terms of the attachment to this minute.

[5] The Registrar also awaits confirmation that the translator will not be needed as all the evidence will be in English. That position should be confirmed on or before close of business on 28 August 2025.

Grice J

Counsel

T H Bennion and Kudrat for Muaūpoko Tribal Authority Incorporated (Bennion Law, Wellington)

C F Finlayson KC for Rangitāne o Manawatū Settlement Trust (Innes Dean Lawyers, Palmerston North)

L I S Tohill and T P Talamaivao for Te Rūnanga o Ngā Wairiki Ngāti Apa (Dixon & Co Lawyers, Auckland)

A K Irwin and O T H Neas for Ngāti Tamarangi hapū of Muaūpoko iwi (Te Aro Law Ltd, Wellington)

C M Hockly for Horowhenua 11 (Part) Reservation Trust (Hockly Legal, Auckland)

N R Coates, P Walker and T I M Hautapu for Ngāti Raukawa ki te Tonga (Kāhui Legal, Wellington)

B R Lyall and H L B Swedlund for Patrick Seymour on behalf of Te Whānau Tima (Seymour) and Te Ahikā o Te Hapū Mateawa (Te Pono Legal Limited, Rotorua)

A M Cameron and T N Ahu for Te Āti Awa ki Whakarongotai Charitable Trust (Whāia Legal, Wellington)

E K Rongo for Te Rūnanga o Toa Rangatira Inc (Oranganui Legal Limited, Paraparaumu)

D A Ward, D O Kleinsman and A H Ou for Attorney-General (Crown Law, Wellington)

F R Wedde for Manawatū-Whanganui Regional Council, Wellington Regional Council and Kāpiti Coast District Council (Buddle Findlay, Wellington)

B A Scott for Seafood Industry Representatives (Chapman Tripp, Wellington)

Timetable for wāhi tapu

Timetable directions

Step	Date
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Applicants to file wāhi tapu evidence, and indicative maps	Monday 11 August 2025
Interested parties file reply evidence	Monday 8 September 2025
Applicants file submissions, including draft orders, details of title holders and maps, including CMT maps, PCR maps and wāhi tapu maps	Friday 19 September 2025
Interested parties file submissions All parties to file and serve any notices of cross-examination for witnesses	Wednesday 24 September 2025
Wāhi tapu evidence hearing (with mini-openings)	29 September – 3 October 2025
Additional hearing time on PCRs / mapping / title holding if needed	6 October – 8 October 2025
Pūkenga report to be filed and served	17 October 2025
Notices of cross-examination of pūkenga (if any)	20 October 2025
Pūkenga cross-examination (if required)	23 October 2025
Closing submissions on all matters	30 October 2025