

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

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

**CIV-2017-485-295
CIV-2017-485-296**

IN THE MATTER OF the Marine and Coastal Area (Takutai
Moana) Act 2011

AND

IN THE MATTER OF An application by MELVIN
HUTCHINGSON HERBERT CAIN,
JASMINE KAY WHAITIRI STEWART,
CHRISTIAN WAYNE FIFE and COLIN
WAYNE TOPI on behalf of the landowners
of the Ruapuke Island Group, for an order
recognising Customary Marine Title
Applicants

TE RŪNANGA O NGĀI TAHU,
ATTORNEY-GENERAL and BASIL
WALKER
Interested Parties

Hearing: On the papers

Counsel: J L Inns, K L E Coote and M R M Coote for Applicants
R J B Fowler KC for Te Rūnanga o Ngāi Tahu
G L Melvin for Attorney-General
Basis Walker Self Represented

Minute: 3 November 2025

MINUTE OF CHURCHMAN J

[1] On 22 August 2025 I issued a decision granting an application for Customary Marine Title (CMT) by the applicant group.¹

¹ Re an application by Cain (the Decision) (on behalf of Landowners of Ruapuke Island Group) [2025] NZHC 2400 22 August 2025.

[2] Since that decision the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Act 2025 (Amendment Act) has been passed with the date of 24 October 2025.

[3] Clause (1)(l) of Part 2 of the Amendment Act states that the Decision provides that the Decision has no legal effect and never had legal effect.

[4] Schedule 5(3) of sch 1AA to the Amendment Act provides that the Court may rehear affected applications. Specifically, cl 5(3)(b) authorises the Court to invite and consider related further submissions from all or any parties to, or other participants in, the application.

[5] I wish to make appropriate arrangements to progress this matter and have scheduled a hearing by way of VMR to commence at 10 am on Friday 28 November 2025.

[6] The purpose of that hearing will be to receive the parties' views as to how a rehearing should be conducted.

[7] My preliminary view is that the most efficient way of achieving this would be by way of the parties filing written submissions addressing the impact of the Amendment Act on the application and focusing on the issue of the extent to which the evidence already before the Court meets the amended tests set out in the Evidence Act.

[8] It would be helpful if parties who wish to make submissions file and serve them no later than 5 pm on 21 November 2025.

Churchman J