

**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-2017-485-273
CIV-2017-485-511; CIV-2017-485-261
CIV-2017-485-248**

GROUP N, STAGE 1(a)

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

AND applications for orders recognising Customary Marine Title and Protected Customary rights

Continued...

Case Management 13 June 2025
Conference :

Counsel: (Listed below)

Minute: 13 June 2025

MINUTE OF GRICE J (Re 28 July - 8 August 2025 hearing)

[1] A number of parties filed a memorandum dated 12 June 2025 in anticipation of this hearing seeking an adjournment.¹ Others including Mr Taueki and the Crown advised they will abide by the decision of the Court in that regard.

[2] The parties have not been advised whether they will be funded for the next parts of the hearing stage (or for the preparation). The funding now managed through the Crown office of Te Tari Whakataua, is awaiting the decision of the responsible Ministers for the 2025/2026 year. Those decisions will not be likely made until

¹ Ngāti Raukawa, Muaūpoko, Ngāti Tamarangi, Te Ātiawa ki Whakarongotai and Ngāti Toa Rangatira.

1 July 2025 at the earliest. This means that the parties are unfunded for the two-week hearing currently set to commence on 28 July 2025. In the time available, the parties are unable to meet a timetable allowing sufficient leeway for them to have the evidence before the Court for that hearing date.

[3] The matters that require further hearing time are:

- (a) Wāhi Tapu — this will involve all parties that will receive CMTs, however not all will be involved in relation to the same locations.
- (b) Process machinery for determination of the form of CMT orders – again this involves CMT holders but for instance for Te Ātiawa will also involve Ngāti Toa in relation to shared areas.
- (c) Punahau/Hōkio Stream – the survey of the stream mark that delineates ownership of the Hōkio Stream bed.
- (d) In addition, following the issue of the decision on PCRs, there will be a need for the parties to definitively map the PCRs and any restrictions in view of the responsibilities of the local authorities.

[4] Mr Bennion and Mr Lyall indicated that based on their experience with the determination of wāhi tapu in other cases, the hearing time likely would be days rather than weeks in this case. The process in earlier cases had been in the following steps:

- (a) First the applicants marked their wāhi tapu claim areas on Google maps;
- (b) Secondly, once the Court had delivered a decision on those, a second depiction of the sites was transposed to more exact locations; and
- (c) Finally a survey was done.

[5] The above steps required Court intervention at each stage. Mr Scott suggested (who had also been involved) that the lessons learnt from that protracted process was the steps might be truncated to save costs and time.

[6] Some suggestions for more efficient use of resources included:

- (a) Use of the same surveyor for all surveys required. A degree of expertise in the requirements for the MACA legislation had been built up by the surveyors retained by the parties in the Wairarapa hearing. Mr Bennion, Mr Lyall and Mr Scott noted that Spencer Holmes Ltd (Mr Moody, a Cadastral Surveyor) were used. The survey works in relation to that case were being completed and had required considerable liaison with third parties such as the Surveyor-General. Some details such as the addition of longitude and latitude (for more precision for fishers in relation to seaward sites) were needed.
- (b) Ms Wedde for the Councils noted some time is required for them to consider the applicants' evidence on wāhi tapu to enable them to liaise with counsel and hopefully resolve any issues. She noted the lack of appropriate timeframes had created difficulties in earlier cases.
- (c) That matters which related to the same parties be all dealt with together – eg shared areas and title holding.

[7] It is apparent that given the funding constraints, it is futile to retain the present hearing dates. Accordingly, I grant the application for adjournment and vacate the fixture for two weeks commencing the 28 July 2025. In view of the fact that counsel will cooperate to ensure hearing time is efficiently used (noting that Mr Neas and Ms Coates may need to make arrangements as they are not available for the full time), I allocate a new fixture commencing 29 September 2025 for two weeks which is a firm fixture.

[8] All parties are anxious to finalise this matter and to ensure the time to hearing is well used. Therefore, I allocate a further conference for the week of 30 June 2025

to confirm a timetable. This should allow counsel sufficient time to liaise on the issues discussed at the conference. It would be useful if counsel formulated a jointly agreed timetable, or if that is not possible memoranda (on timetable and any other issues that arise), and filed and served those memorandum/memoranda at least two days before the conference.

[9] Any timetable should be done by reference to specific dates rather than counting back from the scheduled hearing date. The Registrar will liaise with counsel to set a suitable timetable. The time set for hearing can be used to accommodate the outstanding issues (summarised above). It may not be necessary for all parties to be present for the entire hearing.

Grice J

Solicitors/Barristers

O T H Neas for Ngāti Tamarangi hapū of Muaūpoko iwi

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

B R Lyall for Patrick Seymour on behalf of Te Whānau Tima (Seymour) and Ngā Ahi Kā o Te Hapū o Te Mateawa

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

A M Cameron 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 O Kleinsman 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