

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

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

**CIV-2017-404-526
CIV-2017-485-216**

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

IN THE MATTER OF an application by Ngā Hapū o Mokau ki Runga Regional Management Committee (North) on behalf of Ngā Hapū o Mokau ki Runga

AND an application by Te Rangikaiwhiria Kemara on behalf of Ngā Tini Hapū o Maniapoto

Hearing: On the papers

Counsel: R Siciliano and C Mataira for Ngā Hapū o Mokau ki Runga
C Hirschfeld and H Clatworthy for Ngā Tini Hapū o Maniapoto

Date of Minute 23 April 2026

MINUTE OF HARVEY J

[1] On 13 April 2026, counsel for Te Rangikaiwhiria Kemara and Ngā Tini Hapū o Maniapoto filed a memorandum seeking admission of the affidavit the late Stephen Rewi Walsh who was to have been a witness in this proceeding but passed away on 2 September 2020. Counsel invokes ss 16 and 18 of the Evidence Act 2006 in support of the request. I understand from the Registrar that there is no opposition to this and the application is accordingly granted.

[2] Then on 15 April 2026, counsel for Ngā Hapū o Mōkau ki Runga filed a memorandum regarding confidentiality to the brief of evidence of Ngātai Rauputu entitled “Wāhi Tapū and Sites of Significance – Ngā Hapū o Mōkau”. To that end, counsel seek an order per s 52(4) of the Evidence Act 2006 on the grounds set out in the memorandum. In short, counsel seek directions that they:

- (a) file unredacted and redacted version of Appendix A for the purposes of the Court;
- (b) serve an unredacted version of Appendix A on counsel for the other applicants, interested parties and the Crown and their witnesses and clients for hearing purposes only; and
- (c) serve a redacted version of Appendix A on counsel for the overlapping parties, interested parties and the Crown for the purposes of their respective clients and the public.

[3] As to presentation of the evidence, counsel seek leave that the presentation of unredacted evidence be carried out in a closed Court including cross-examination of such evidence along with any direct reference to such evidence by other parties’ witnesses and cross-examination. As to a definition of closed Court, counsel submitted that this can be discussed at a case management conference. I understand from the Registry that there is no opposition to these proposals and they are accordingly approved, subject to further refinement in due course.

[4] By memorandum dated 16 April 2026, counsel for Ngā Tini Hapū o Maniapoto confirmed that on 13 April 2026, several documents relevant to tangata whenua evidence and the historian evidence for Stage One had been filed along with appendices and exhibits the following day. Counsel now seeks leave to file the affidavit of Hine Stewart-Waenga. I understand from the Registrar that there is no objection to this late filing. Accordingly, leave is granted.

Harvey J