

**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...

Hearing On the papers

Counsel: (Listed below)

Minute: 7 July 2026

MINUTE OF GRICE J

[1] As discussed at an earlier conference, I confirm the appointment of the pūkenga from the first hearing Moe Milne and Robert Joseph as continuing for the rehearing.¹

[2] Counsel provided a list of proposed pūkenga questions which I adopt with two amendments. I have inserted the words “by reference to specified parts of the application area” in [2] and “on tikanga” in [6]. In addition, the parties indicated that the Crown abided. The parties to the joint memorandum proposing the questions were:

¹ Cl 5 of pt 1, Sch 1AA of the Marine Coastal (Takutai) Moana Act 2011 (MACA) refers to rehearing an affected application.

- (a) Ngāti Raukawa ki te Tonga (CIV-2017-485-229);
- (b) Te Whānau Tima (Seymour) and Te Hapū o Te Mateawa (CIV-2017-485-273);
- (c) Te Ātiawa ki Whakarongotai Charitable Trust (CIV-2017-485- 248);
- (d) Muaūpoko Tribal Authority (CIV-2017-485-261);
- (e) Rangitāne o Manawatū Settlement Trust; and
- (f) Te Rūnanga o Toa Rangatira.

[3] The matters to be referred to the pūkenga for advice on tikanga under s 99(2) of MACA are set out in Appendix A (with the amendments as indicated).

Grice J

Counsel

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

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

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

B R Lyall for Patrick Seymour on behalf of Te Whānau Tima (Seymour) and Te Ahikā o Te Hapū Mateawa (Tu 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)

**APPENDIX A: MATTERS FOR ADVICE ON QUESTIONS OF TIKANGA REFERRED TO
PUKENGĀ ON REHEARING (S 99 MARINE AND COASTAL AREA
(TAKUTAI MOANA) ACT 2011**

1. What evidence indicates the intention and ability to control an area of the takutai moana, as a matter of tikanga?
2. What comment would you make on the evidence given as to whether the applicant groups, by reference to specified parts of the application area, have evinced an intention and ability to control the takutai moana since 1840?
3. What is the significance of the following, as a matter of tikanga, to a group's connection to the takutai moana:
 - a. land abutting the takutai moana since 1840;
 - b. the exercise of customary fishing rights since 1840; and
 - c. marae near all or part of the area orders are sought over?
4. What examples of physical activities or uses relating to natural and physical resources, according to tikanga, would support a finding of exclusive use and occupation?
5. What evidence indicates the existence of such physical activities or uses in this application area, as a matter of tikanga?
6. Having regard to the questions originally posed, has anything caused you to change or alter your original opinions on tikanga set out in the pūkenga report dated 25 October 2024; and if so, why?