

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

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

**CIV-2017-404-481
CIV-2017-485-193
CIV-2017-485-220
CIV-2017-485-221
CIV-2017-485-224
CIV-2017-485-226
CIV-2017-485-232**

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

IN THE MATTER of an application by Rebecca Harper on
behalf of the Pirere whānau for orders
recognising Customary Marine Title and
Protected Customary Rights

and others

Hearing: 29 September 2026

Appearances: H J Fletcher for Ngāi Tūmapūhia-a-Rangi Hapū and Pirere
Whānau
C M Mataira for the Trustees of the Rangitāne Tū Mai Rā Trust
T I Hautapu for Pāpāuma Marae Trustees and Ngāti Kahungunu ki
Wairarapa Tāmaki-nui-a-Rua
C B Hirschfeld for Te Hika o Pāpāuma Mandated Iwi Authority
L Watson for Ngāti Kere Hapū
B R Lyall and H L Swedlund for Ngāi Tūmapūhia-a-Rangi ki
Motuwairaka Incorporated and Ngāi Tūmapūhia-a-Rangi ki
Ōkautete Incorporated
J M Prebble and D Kleinsman for Attorney-General
B A Scott for Seafood Industry Representatives

Minute: 29 September 2026

MINUTE OF GWYN J
[Rehearing - Case management conference]

Timetable to rehearing

[1] I am grateful to counsel for the parties for their memorandum of 28 September 2026, setting out an agreed proposed timetable leading up to the rehearing. Although Mr Watson, counsel for Ngāti Kere Hapū, was not able to get instructions in order to sign the memorandum he indicated that his client abides by the proposed timetable.

[2] Accordingly, I direct the following timetable:

Applicants to file supplementary evidence (9 weeks before Rehearing)	14 December 2026
Interested parties to file evidence (4 weeks before Rehearing)	18 January 2027
Pūkenga to file evidence/report (2 weeks before Rehearing)	2 February 2027
Applicants to file any reply evidence (2 weeks before Rehearing)	2 February 2027
All parties to file notices of cross-examination (including for any witnesses required to be recalled) (6 days before Rehearing)	9 February 2027
All parties to file opening submissions (6 days before Rehearing)	9 February 2027
Rehearing commences	15 February 2027

Expert evidence

[3] I invited counsel to consider what, if any, further expert evidence will be filed. Some parties anticipate supplementary evidence from the experts who gave evidence in the earlier hearing. Ms Mataira, counsel for the Rangitāne Tū Mai Rā Trust, indicated that her client may wish to file expert evidence for the rehearing, since it did not do so in the earlier hearing. Once the extent of expert evidence is clear it may be necessary to discuss whether the experts give evidence sequentially, as Grice J has directed in the Group N, Stage 1(a) matter (although noting that different issues, as between the applicants, arise in that proceeding).

Hearing dates

[4] As recorded in my minute of 11 September 2026, three weeks hearing time have been allocated, being the weeks of 15 and 22 February 2027 and the week of 5–

9 April 2027. As noted in that minute, Ngāti Kere Hapū earlier expressed a view that five weeks hearing time will be necessary. I discussed this with counsel at the CMC and it was agreed that the parties have leave to raise the question of additional hearing time again, if necessary, once all evidence has been filed.

Appointment of Pūkenga

[5] I confirm the appointment of the Pūkenga from the earlier hearing, Dr Robert Joesph, as continuing for the rehearing.

[6] I discussed with counsel whether it will be necessary to put revised questions to the Pūkenga. I referred to the revised questions directed to the Pūkenga in the Group N, Stage 1(a) rehearing, currently being heard by Grice J. I am grateful to Mr Hautapu, who is also involved as counsel in that hearing, who has indicated that he will circulate those revised questions to counsel for all parties in this hearing. I invite the parties to discuss the revised questions and come back to the Court by **20 October 2026** with their views on the revised questions, including any amendments or additions.

Other matters

Appearance by VMR

[7] I confirmed that it will be possible for counsel to appear at the rehearing by VMR but ask that if counsel intend to do so they advise the Court in advance.

Interested party

[8] Mr Lyall advised that Ms Sue Taylor, who was the named party on behalf of Ngāi Tūmapūhia-ā-Rangi ki Mōtūwairaka Incorporated in the earlier hearing, has passed away since that hearing. His client will therefore make an application to make an appropriate change to the interested party.