

**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**

UNER	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: G Melvin for Attorney-General
R Siciliano and C Mataira for Ngā Hapū o Mokau ki Runga

Minute: 12 August 2026

MINUTE OF HARVEY J

[1] I refer to my minute of 25 May 2026 and counsels' submissions which I have now considered, taking account of the risk of any appearance of conflict. I am satisfied that any risk can be appropriately mitigated as set out in my previous minutes.

[2] I now appoint Professor Wiremu Doherty as pūkenga for this proceeding, per s 99(1)(a) of the Marine and Coastal Area (Takutai Moana) Act 2011. I direct the registrar to liaise with Professor Doherty to finalise his appointment terms as soon as possible.

[3] I invite counsel to consider the questions that Professor Doherty might consider for his pūkenga report and file a memorandum setting out their views within 10 working days from the date of this minute.

[4] Those questions might include:

- (a) What tikanga does the evidence establish or support in the application area?
- (b) What aspects of tikanga should influence the assessment of whether or not:
 - (i) the area in question, or any part of, is held in accordance with tikanga;
 - (ii) there is a distinction between holding an area in question or any part of it, in accordance with tikanga, and using that area or its resources in accordance with tikanga.
- (c) In respect of the application areas:
 - (i) which applicant group or groups hold the relevant areas in accordance with tikanga?
 - (ii) does it accord with relevant tikanga for the area to be held on a shared basis by the relevant groups?

[5] I also note that the upcoming annual case management conference is to be held within the next three weeks where further interlocutory and procedural matters can be discussed including for example the presentation of evidence.

Harvey J

Copy of minute to be issued all counsel and Professor Doherty.