

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

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

CIV-2017-404-522

UNDER

The Marine and Coastal Area (Takutai
Moana) Act 2011

IN THE MATTER

of an application by Te Ihutai Ki Orira and
others as per schedule

Minute: 21 August 2025

**MINUTE OF CHURCHMAN J
[Case Management Conferences 2025]**

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General observations

[1] This minute covers all of the annual Case Management Conferences (CMCs) held in respect of all outstanding applications for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act). Because of the effect of funding constraints, the Court has attempted, wherever practicable, to hold the CMCs by way VMR. The Court has also encouraged all applicants and Interested Parties to file memoranda in advance of the scheduled CMC dates outlining what directions are required and detailing what progress has been made since the last CMC.

[2] As a result of this approach the majority of applications were able to be dealt with on the papers and the attendance of counsel at the CMCs dispensed with entirely. In other instances, a small number of applicants were required to appear. This was generally because one of the overlapping applicant groups had sought the allocation of a fixture and the Court needed the input of all affected parties to determine the number of applications that could be considered at the fixture and whether it was appropriate for a fixture to be allocated. In a small number of instances counsels' appearance was required because they had failed to file any updating memorandum.

[3] In some instances, the CMCs were able to be vacated and in other instances a small number of applicants were required to attend the CMC.

[4] This minute is a combination of the various individual minutes issued prior to the dates for each of the scheduled CMC along with new minutes relating to each of the CMCs that were not vacated.

[5] Two features have dramatically affected the progress that the Court has been able to make in setting applications down for hearing and disposing of those applications. The first is the changes to the funding of applications. The second is the uncertainty that has been generated by proposals to change aspects of the Act.

[6] The amount of funding available to the applicants has been significantly reduced with the result that only a small number of the applications that are ready for hearing have been able to be allocated fixture dates.

[7] If present funding levels remain, then it is estimated that it will take at least until 2046 for all current Court applications to be disposed of. That is assuming that there is also some progress with resolution of the direct engagement applications (many of which also have applications in the High Court). It is also without factoring in the need for rehearing of cases already decided should the current proposed amendments to the Act require that.

[8] As to the legislative uncertainty, some applicants whose hearings had been allocated have applied to have those adjourned on the basis that, if the amending legislation is passed in the proposed form, all or some of the applications may need to be reheard.

[9] The other major development over the past 12 months is the issue by the Supreme Court of its two decisions in relation to the *Re Edwards* (Whakatōhea) series of cases. Subject to any legislative amendment, applicants and interested parties now have guidance from the highest judicial level as to interpretation of many of the significant provisions of the Act.

[10] At the end of this minute is a proposed schedule for the 2026 CMCs. The Court will again endeavour to facilitate participation by applicants and interested parties by way of VMR in the expectation that some of the CMCs will be able to be vacated if all applicant groups have filed memoranda outlining what progress has been made and what directions they require from the Court and, in cases where in person CMCs are required, only the attendance of a small number of applicant groups and interested parties will generally be required. Counsel's updating memoranda are required to be filed and served no later than 14 days prior to the CMC that they relate to.

Whangārei CMC – 29 July 2025

Counsel: D C F Naden and H J Fletcher for Rōpu o Rangiriri

M Brady-Clark for Te Ihutai ki Orira

B R Lyall, H L B Swedlund and L L Black for Nga Hapu o Taiamai ke te Marangāi

C R Leauga for Ngāti Manu, Ngāti Rangi and Ngāti Rahiri Hapū

H Fletcher for Te Whānau-o-Rātāroa, Ngāti Tara and Ngāi Tūpango

M Sharp for Nga Hapu o Ngāti Wai Iwi

T Sinclair and B Cunningham for Ngāti Kahu, Te Rarawa and Te Uriohina

T Castle for Ngāti Kura
J P Kahukiwa for Te Waiariki, Ngāti Korora, Ngāti Takapari Hapu/Iwi,
Hapu of Niu Tirenī and Ngāti Torehina ki Mataka
E Rongo for Te Hikutu Hapū
B Loader for Ngāti Tu ki Ngāpuh
G Erskine and T Afeaki for Nga Hapu o Tangaroa
S E Wroe for Ngāti Kuri Trust Board
C M Hockly for Te Whakapiko hapu of Ngāti Manaia, Reweti and Rewha
Whanau and Te Parawhau
H Jamieson for Ngāti Kawa, Ngāti Raahiri and Te Kapotai
M M Piripi for Ngāpuhi/Ngāti Kahu ki Whaingaroa and Te Rarawa
B R Lyall and H L B Swedlund for Te Rae Ahu Whanua Trust – Panoho
Whanau
M P Cherrington for Te Aupōuri

General

[11] The 29 July 2025 Whangārei Case Management Conference (CMC) will proceed by way of VMR. All counsel who have filed updating memoranda and sought excusal from attendance are excused. All counsel for applicants who have failed to file updating memoranda are required to either file such memoranda or attend by VMR. Unless otherwise specified all applications are adjourned until the 2026 Whangārei CMC.

CIV-2017-404-442 (Ropu o Rangiriri)

[12] Evidence preparation is underway but hampered by funding issues as have been discussions with overlapping applicants. This applicant intends to withdraw its application for Customary Marine Title (CMT) and to seek Protected Customary Rights (PCR) only. An amended application is to be filed promptly. No directions are required.

CIV-2017-404-522 (Te Ihutai ki Orira)

[13] This applicant seeks no directions.

CIV-2017-404-523 (Nga Hapu o Taiamai ke te Marangāi)

[14] Because of delays in the Crown confirming the Takutai Moana Act funding scheme, this applicant is unable to progress its application and does not seek directions.

CIV-2017-404-525 (Ngāti Manu and Ngāti Rangi) and CIV-2017-404-535 (Ngāti Rahiri Hapū)

[15] No directions are sought in respect of either matter.

CIV-2017-404-529 (Te Whānau-o-Rātāroa), CIV-2017-404-578 (Ngāti Tara) and CIV-2017-485-233 (Ngāi Tūpango)

[16] All three of these applicants have High Court hearings timetabled for 2027 and 2028 and seek no further directions.

CIV-2017-404-554 (Nga Hapu o Ngāti Wai Iwi)

[17] This applicant participated in the Whangārei Harbour hearing in respect of which judgment is awaited. No directions are sought.

CIV-2017-404-559 (Ngāti Kahu, Te Rarawa and Te Uriohina)

[18] This applicant has made no progress and seeks no direction.

CIV-2017-404-565 (Ngāti Kura)

[19] Funding for this application has not been confirmed and the applicant seeks no orders.

CIV-2017-404-566 (Te Waiariki, Ngāti Korora, Ngāti Takapari Hapu/Iwi, Hapu of Niu Tireni)

[20] This application has been heard and counsel seek no directions.

CIV-2017-404-570 (Te Hikutu Hapū)

[21] This application seeks no directions.

CIV-2017-404-572 (Ngāti Torehina ki Mataka)

[22] As a result of funding uncertainty this applicant is unable to progress to order fixture and therefore no orders are sought.

CIV-2017-404-573 (Ngāti Tu ki Ngāpuhi)

[23] This applicant seeks no direction.

CIV-2017-404-579 (Nga Hapu o Tangaroa)

[24] This applicant participated in the Whangārei hearing and requires no directions from the Court.

CIV-2017-485-208 (Ngāti Kuri Trust Board)

[25] This applicant seeks no directions.

CIV-2017-485-228 (Te Whakapiko hapu of Ngāti Manaia) and CIV-2017-485-352 (Reweti and Rewha Whanau)

[26] These applicants do not seek any directions.

CIV-2017-485-231 (Ngāti Hine), CIV-2017-485-265 (Ngāti Kawa and Ngāti Raahiri) and CIV-2017-488-026 (Te Kapotai)

[27] These applicants have been unable to make progress and seek no orders.

CIV-2017-485-236 (Ngāpuhi/Ngāti Kahu ki Whaingaroa) and CIV-2017-485-290 (Te Rarawa)

[28] These applicants seek no directions.

CIV-2017-485-237 (Parengarenga A Incorporation and Iwi)

[29] This applicant has been unable to make progress and seeks no directions.

CIV-2017-485-239 (Te Rae Ahu Whanua Trust – Panoho Whanau)

[30] These applicants participated in the Whangārei hearing which is waiting a decision and seek no directions.

CIV-2017-485-240 (Te Aupōuri)

[31] This applicant has made no progress and seeks no directions.

CIV-2017-485-245 (Te Iwi ō Te Rarawa ki Ahipara)

[32] In December 2023 this applicant sought to have its application and those of other cross applicants set down for hearing. The applicant has invested considerable resources in engaging with overlapping groups about the hearing proposal including negotiations over proposed boundaries and time frames. The applicant's proposal has widespread support from overlapping applicant parties.

[33] In December of 2023 the Court requested the Registrar to set down a 10 — 12 week hearing for the area between Ahipara and Hokianga Harbour no earlier than the third quarter of 2026.

[34] Since then, as a result of the amendments to the Te Tari Whakatau's Takutai Moana Financial Assistance Scheme, counsel for the applicant filed a memorandum of counsel seeking that concrete dates be set for the hearing proposal in order to enable the applicant to access funding. At that stage the Court was not in a position to allocate a specific date. That difficulty is the direct result of the restrictions on funding. The funding now available is now insufficient to fund all applications that are ready for hearing and seek hearing dates. There is also a limit on how far out in the future the Court can allocate a hearing date. As soon as the Court is in a position to do so this matter will be allocated a firm hearing date.

CIV-2017-485-249 (Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngātupango)

[35] This application is set to proceed to hearing on 1 May 2028 and no directions are sought.

CIV-2017-485-250 (Ngāti Pukenga)

[36] This applicant participated in the Whangārei Harbour hearing and is awaiting a decision. No directions are sought.

CIV-2017-485-252 (Te Popoto ki Otirei)

[37] A lack of funding means that this applicant is unable to progress its application. The applicant seeks no directions.

CIV-2017-485-256 (McGee Whanau)

[38] This application is presently unfunded and therefore unable to proceed to hearing. The applicant seeks no orders.

CIV-2017-485-268 (Ngā Hapu o Ngāti Kahu)

[39] A consent is granted to the application to amend the named applicants. If the applicant needs to replace the named applicants who have resigned it can do that simply by filing a memorandum. The applicants are making good progress with tangata whenua and historical research. The application has been timetabled to hearing. The Court notes the applicant's concerns about funding and proposals to amend s 58 of the Act. The Court is not in a position to comment on the allegations of breach by the Crown of its various obligations.

[40] The Court is not, at a Case Management Conference able to direct that the "Crown immediately, fully and fairly resource the proceedings as guaranteed and uphold the Crown's mana".

CIV-2017-485-271 (Te Whanau Moana me te Rorohuri)

[41] This applicant seeks no directions.

CIV-2017-485-277 (Ngāti Manu)

[42] Due to funding constraints this application has made no progress towards hearing and no directions are sought.

CIV-2017-485-279 (Ngāti Takapari)

[43] A lack of funding has prevented progress toward hearing and the applicants seek no directions.

CIV-2017-485-281 (Patuharakeke Te Iwi)

[44] This applicant is awaiting the release of the Court's decision following the 2024 Whangārei Harbour Stage 1(a) and 1(b) hearing. It seeks no directions.

CIV-2017-485-307 (Ngā Hapu o te Wahapu o Hokianga nui a Kupe)

[45] Lack of funding has stopped progress. This applicant seeks no directions.

CIV-2017-485-438 (Henare Waata Whanau)

[46] Lack of funding has prevented progress and this applicant seeks no directions.

CIV-2017-485-283 (Ngatiwai)

[47] This application was part heard in the two Whangārei hearings which are awaiting decision. Lack of funding has prevented the applicant progressing this applicant in relation to those parts outside the Whangārei hearing area. No directions are sought.

CIV-2017-485-298 (Whakaarara Māori Committee)

[48] This application is set for hearing commencing 1 May 2028 and no directions are sought.

CIV-2017-485-305 (Te Parawhau)

[49] This applicant participated in the Whangārei hearings and is awaiting the decision, and no directions are sought.

CIV-2017-485-306 (Ngātiwai (Whanau of Ohawini)); CIV-2017-485-408 (Nga Uri o Hairama Pita Kino Davies); CIV-2027-485-409 (Whangaroa Ngāiotonga Trust) and CIV-2017-488-029 (Walker – Mokau whanau)

[50] No directions are sought for any of these applicants.

CIV-2017-485-308 (Te Tao Maui and Hoko Keha)

[51] New counsel and a new address for service for the applicants has been notified. This applicant is proceeding towards a hearing in the third quarter of 2026, but relevant funding has not yet been approved adding the possibility that the hearing will not be able to proceed. No adjournment is yet requested.

CIV-2017-485-320 (Ngāi Takoto Iwi)

[52] Part of this applicant's application area is within the hearing area being sought by Te Iwi Ō Te Rarawa ki Ahipara. The applicant abides the Courts decision in respect of the memorandum filed on behalf of Te Iwi Ō Rarawa ki Ahipara and request no directions.

CIV-2017-485-321 (Ngāti Kuta and Patukeha ki te Rawhiti)

[53] Due to funding constraints this application has yet to be timetabled towards hearing. The applicant seeks no directions.

CIV-2017-485-420 (Te Whanau Whero)

[54] This applicant seeks no directions.

CIV-2017-485-510 (Ngāti Mokokohi, Te Tahawai, Te Uri-o-Te-Aho, Ngāti Ruamahu and Ngāti Torehina)

[55] The applicant is a cross-claimant in two hearings that have been scheduled and does not seek any further directions.

CIV-2017-485-799 (Te Parawhau Hapu (Korokota Marae))

[56] This applicant participated in the Whangārei Stage 1(a) and 1(b) hearing and is awaiting judgment, and no directions are required.

CIV-2009-488-205 (Te Uri O Hau Settlement Trust)

[57] This applicant has not filed a memorandum and counsel is directed to attend by VMR the 29 July 2025 CMC and provide an update.

CIV-2017-404-537 (Nga Puhi nui tonu)

CIV-2017-404-577 (Ngāti Rahiri and Ngāti Kawa)

CIV-2017-485-398 (Ngāti Kawau and Te Waiariki Korora)

[58] No directions are sought for any of these applicants.

CIV-2017-404-539 (Ngāti Kauwau and Ngāti Awa)

[59] Counsel has not filed a memorandum. He is directed to appear by VMR at the 29 July 2025 CMC and provide an update.

CIV-2017-404-540 (Ngāti Torehina Ki Mataure o Hau)

[60] This self-represented applicant has not filed a memorandum. They are directed to attend by VMR at the 29 July 2025 CMC.

CIV-2017-404-555 (Te Whanau o Hone Papita Raua Ko Rewa Ataria Paama)

[61] This self-represented applicant has not filed a memorandum and is directed to attend by VMR at the 29 July 2025 and provide an update.

CIV-2017-404-558 (Ngāitawake)

[62] This applicant has not filed a memorandum and counsel is directed to attend by VMR the 29 July 2025 CMC and provide an update.

CIV-2017-404-563 (Te Tunanga o Ngāti Whatua)

[63] No directions are sought.

CIV-2017-404-577 (Ngāti Rahiri and Ngāti Kawa)

[64] No directions are sought.

Interested parties

Channel Infrastructure Limited, Port Nikau Joint Venture; Langs Beach Society Inc and Northport Limited, Marsden Cove Canals Management Limited and Fletcher Concrete and Infrastructure Limited

[65] Counsel are excused from attendance at the 29 July 2025 CMC.

Te Roroa Whatu Ora and Manawhenua Trusts

[66] No orders are sought.

Ngāti Rehia

[67] No orders sought.

Ngā Uri o Tohu Kākahi; Sailor Morgan on behalf of Ngāti Ruamahue Hapu and Waitaha Executive Grandmother Council

[68] Counsel for these applicants have not filed an updating memorandum. They are directed to attend by VMR the CMC on 29 July 2025.

Attorney-General

[69] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[70] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[71] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[72] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[73] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[74] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

CIV-2017-485-245 (Te Rarawa ki Ahipara)

[75] Te Rarawa ki Ahipara seek the allocation of a hearing date. This application for a hearing date was the subject of a minute issued on 14 December 2023. In that minute the Court indicated that the registrar was requested to set a fixture no earlier than the third quarter of 2026. That direction made the allocation of a fixture expressly subject to resolution of exactly where the southern boundary of the hearing area would be.

[76] This area was potentially relevant because of the claim being advanced by Te Roroa (MAC-01-01-01-129). The area of overlap between the two claims was very small and existed only because of the way the boundary lines of the claim had been drawn out to the 12 nautical mile limit. The Court noted that if the parties could reach an accommodation on this point, this would avoid the necessity for Te Roroa to be drawn into the hearing.

[77] Leave was granted to the parties to file a memorandum updating the Court on progress and, if a resolution was reached, to file amended maps showing the coordinates of the respective applications; particularly those out to the 12 nautical mile limit. Contrary to the Court's anticipation, no memorandum resolving the boundary area for the proposed hearing has been provided.

[78] Mr Fletcher undertook to liaise with Mr Lyall in an endeavour to produce an agreed southern boundary to the claim. I encourage him to do that promptly.

[79] Subject to the southern boundary of the hearing area being clarified, a hearing is allocated for 12 weeks to commence on 29 April 2030. That hearing will include all overlapping claims.

[80] In relation to Ngāti Kauwau and Ngāti Awa and Ngāitawake, Mr Fletcher indicated that he had not been able to obtain instructions, then he would be likely to seek leave to withdraw.

[81] If he is to withdraw as counsel, he is encouraged to arrange for these two applicants to file a new address for service and details of their new counsel.

Interested parties

The Attorney-General

[82] Mr Melvin noted that, in respect of CIV-2017-485-256 McGee Whanāu, counsel had advised the Court that this claim was unfunded and that accordingly the applicant was unable to seek orders from the Court. Mr Melvin noted that funding was in fact available to this applicant and some of that funding had been utilised. He noted that the available funding was intended to support the costs of research and other costs incurred in preparing the matter for hearing. He indicated that he would contact counsel directly.

Auckland CMC – 30 July 2025

Counsel: L Thornton for Aotea

T M Ruruhwe for Mahurangi and Ngāti Rongo o Mahurangi

H J Fletcher for Ngāti Taimanawaiti, and Ngāti Rehua–Ngāti Wai ki Aotea

J W J Graham and R M S Jones for Ngāti Whatua Orakei

B Lyall, M Sreen and H L B Swedlund for Ngāti Awa Ngapuhi

T Castle for Te Taou

J M Pou for Ngāti Manuhiri

H P Richards-Coxhead for Ngāi Tai Ki Tamaki

J Kahuikiwa for Ngāti Te Ata

K Dixon, L Tothill and T Talamaivao for Otakanini Topu Māori
Incorporation

J Cheong for Te Whanau-a-Haunui

L Black for Taumata B Block Whanau and Bouchier

General

[83] The Case Management Conference (CMC) scheduled to take place on 30 July 2025 will proceed by VMR. All applications for counsel to be excused are granted.

[84] Unless otherwise specified in this minute, all applications are adjourned to be called again at the 2026 Auckland CMC.

CIV-2017-404-574 (Aotea) and CIV-2017-485-378 (Mahurangi)

[85] These applicants have no funding and are therefore unable to progress their case. They seek no orders.

CIV-2017-404-518 (Ngāti Taimanawaiti)

[86] This applicant has made limited progress as a result of funding constraints. It has not yet commenced engagement with overlapping applicants. They seek no directions from the Court.

CIV-2017-404-529 (Ngāti Whatua Orakei)

[87] Te Kawerau Ā Maki (a Crown engagement only applicant) has sought to be an interested party in these proceedings. I grant the direction sought by counsel for Ngāti Whatua Orakei that Te Kawerau Ā Maki serve them (and any other applicant that their direct engagement claim overlaps with) copies of all documents they have filed in the High Court.

CIV-2017-404-524 (Parker on behalf of Ngāti Awa Ngapuhi)

[88] No directions sought.

CIV-2017-404-542 and CIV-2017-404-567 (Te Taou)

[89] Counsel does not have instructions and seeks an indication as to whether he can seek leave to withdraw as counsel by filing a memorandum of counsel. I approve such an application by way of memorandum.

CIV-2017-404-545 (Ngāti Manuhiri)

[90] No directions are sought.

CIV-2017-404-564 (Ngāi Tai Ki Tamaki)

[91] This applicant's preference is to proceed by way of Crown engagement and seeks no orders.

CIV-2017-404-569 (Ngāti Te Ata)

[92] This applicant has nothing to update and will be adjourned until 2026.

CIV-2017-404-580 (Ngāti Rehua–Ngāti Wai ki Aotea)

[93] This applicant has made progress in engaging with overlapping applicants however its progress to being ready for allocation of a hearing has been hindered by funding difficulties. This applicant wishes to have its application heard as soon as possible, ideally in 2027.

[94] This matter will be called at the VMR hearing at 10 am on 30 July 2025. The applicant and any overlapping or interested parties are requested to contact the Registrar to make arrangements for them to participate in the hearing by way of VMR.

CIV-2017-404-581 (Otakanini Topu Māori Incorporation)

[95] This applicant seeks no orders from the Court.

CIV-2017-404-582 (Te Whanau-a-Haunui)

[96] As a result of lack of funding this applicant seeks no orders.

CIV-2017-485-187 (Taumata B Block Whanau)

[97] Lack of funding has stopped the progress of this application. This applicant does not oppose the direction sought by Ngāti Rehua–Ngāti Wai ki Aotea (CIV-2017-404-580) in relation to their application for a hearing date. Counsel are not required to attend the VMR hearing in respect of that application on 30 July 2025.

CIV-2017-485-188 (Bouchier)

[98] No directions are sought.

CIV-2017-485-276 (Ngāti Rongo o Mahurangi)

[99] No directions are sought for this applicant.

Interested parties

Te Roroa Whatu Ora and Manawhenua Trusts

[100] This applicant is an interested party but seeks no orders from the Court.

Te Kawerau a Maki MAC-01-02-007

[101] Te Kawerau a Maki (referred to above) are an interested party in the Ngāti Whatua Orakei application. As noted above they have been directed to serve all overlapping parties.

Hauraki District Council

[102] This interested party wishes to attend by VMR and such leave is granted. However, unless they are interested in the Ngāti Rehua–Ngāti Wai ki Aotea application (discussed above) they may be excused from attendance.

Gibbs Foundation

[103] This party is interested in five applications (CIV-2017-404-537; CIV-2017-404-542; CIV-2017-404-563; CIV-2017-404-558 and CIV-2017-485-398). They seek no directions from the Court.

Attorney-General

[104] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[105] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[106] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[107] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[108] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[109] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Hamilton/New Plymouth CMC – 31 July 2025

Counsel: T R Kemara for Nga Tini Hapu o Maniapoto

B J Loader and S Henderson for Marokopa me Kiritehere

R A Siciliano and C M R Ratapu for Ngāti Mahuta ki te Hauaaauru

C B Hirschfeld for Ngāti Hako

V N Morrison-Shaw for Ngāti Tama

H M Jamieson for Kawhia Tangata, Aotea Whenua and Whaingaroa

| Moana

C R Leauga for Ngāti Te Wehi

J Cole for Whaingaroa Moana Collective

J P Ferguson for Waikato–Tainui

J Pou for Te Tokanganui-A-Noho Regional Management

T H Bennion for Ngāti Apakura and Ngāti Pukenga

P R B Rawiri for Nga Hapu o Mokau ki Runga and interested party Ngāti Whakamarurangi

Interested parties

C M R Rapatu for Ngāti Maahanga (MAC01-03-005)

E S Greensmith-West for Hauraki District Council

[110] The Hamilton/New Plymouth Case Management Conference (CMC) on 31 July 2025 will proceed by way of VMR hearing only. All counsel who have sought to be excused from attendance have that request granted. Unless otherwise specified, all applications are adjourned to be called again at the 2026 Hamilton/New Plymouth CMC.

CIV-2017-404-526 (Nga Tini Hapu o Maniapoto)

[111] As a result of funding difficulties progress towards hearing has been limited. Tangata whenua evidence is to be filed by 13 March 2026. The historical report is presently on hold awaiting release of funding. Engagement with overlapping applicants is continuing. No orders are sought.

CIV-2017-419-082 (Marokopa me Kiritehere)

[112] Lack of progress with this applicant's Crown engagement application has resulted in them wishing to proceed with their High Court application. The applicants wish to proceed to a hearing with other overlapping applicants and want a fixture allocation as soon as possible in 2027. Following discussion with Nga Hapu o Maniapoto they jointly propose a hearing covering:

- (a) Southern boundary: Tirua Point (northern limit of the Mokau ki Runga hearing) and
- (b) Northern boundary: Arawhati (Anaputa Rock).

[113] Counsel advise that work is proceeding by way of discussions with overlapping applicants but notes there are minimal overlapping applications. Counsel should attend the 31 July 2025 hearing by way of VMR.

CIV-2017-404-575 (Ngāti Mahuta ki te Hauaauru)

[114] This applicant has both a High Court application and a Crown engagement application but prefer to proceed in the High Court. The applicant wishes to have their application set down for a fixture. The evidence preparation is well advanced as is their historical report. Lack of funding has inhibited engagement with other applicants. Counsel indicates that there are seven overlapping applicants who have High Court proceedings and one Crown engagement applicant.

[115] Currently there is no agreement as to the boundaries of the proposed hearing. Counsel seek a hearing time with an estimated duration of six to eight weeks. Counsel

is to discuss the proposed hearing timetable at the CMC. Counsel should appear by way of VMR at the CMC on 31 July 2025.

CIV-2017-404-528 (Ngāti Hako)

[116] A fixture date for this matter and for CIV-2017-485-250 (Ngāti Pukenga) has been set for three weeks to commence on 11 May 2026 in the High Court in Hamilton. Counsel have advised that funding cuts have affected the applicant's ability to complete its preparation for the hearing. Counsel reports that, as a result of funding cutbacks, their historian, Tony Walzl has been unable to complete the historical report. Funding difficulties have also impeded attempts at engagement with overlapping applicants.

[117] The applicant asks for this matter to be adjourned to a call over in two month's time when it is likely the funding position will be more certain.

[118] Counsel should attend the 31 July 2025 CMC by VMR. At the CMC, unless there is opposition from any other party, it is likely this matter will be timetabled for a further CMC in the future.

CIV-2017-404-534 (Ngāti Tama)

[119] Again, lack of funding has resulted in this applicant seeking an adjournment. Should any overlapping claimant seek a hearing date, leave is reserved to this applicant to file a brief response to such an application with that response to be received by the Court prior to 31 July 2025.

CIV-2017-419-080 (Kawhia Tangata, Aotea Whenua and Whaingaroa Moana)

[120] This applicant seeks no directions.

CIV-2017-419-081 (Ngāti Te Wehi)

[121] The Stage 1 hearing for this application has already been completed and the Stage 2 hearing scheduled to occur 17—21 November 2025. No directions are sought.

CIV-2017-419-083 (Whaingaroa Moana Collective)

[122] As the Whaingaroa Harbour hearing is scheduled to commence on 20 July 2026 in the High Court at Hamilton, no orders are sought.

CIV-2017-419-084 (Waikato–Tainui)

[123] This application is a “korowai” application intended to ensure that the interests of Waikato–Tainui hapū are protected. This applicant is involved in the Stage 2 hearing in relation to the Aotea Inner Harbour scheduled to commence on 17 November 2025. It is also involved in the Whāingaroa hearing scheduled to commence on 20 July 2026.

[124] This applicant is directed to file a memorandum of counsel no later than 20 working days prior to the 2026 CMC advising the Court on progress.

CIV-2017-419-085 (Te Tokanganui-A-Noho Regional Management)

[125] As a result of funding unavailability no orders are sought.

CIV-2017-485-202 (Te Runanganui o Ngāti Hikairo)

[126] Again, lack of funding is constraining progress to hearing. Counsel is granted leave to file a brief memorandum should any overlapping applicant seek a fixture. Such memorandum to be filed and served prior to 31 July 2025.

CIV-2017-485-207 (Ngāti Apakura)

[127] As a result of funding difficulties no orders are sought.

CIV-2017-485-250 (Ngāti Pukenga)

[128] This applicant is involved in the Manaia Harbour hearing and does not require any further directions from the Court.

CIV-2017-485-209 (Nga Hapu o Mokau ki Runga) and CIV-2017-485-216

[129] The northern application (CIV-2017-485-216) is proceeding to a hearing in October 2026 and no directions are required. There has been no significant progress in relation to the southern application (CIV-2017-485-209) and no directions are required there.

Interested party

Ngāti Maahanga (MAC01-03-005)

[130] This interested party wishes to participate as an interested party in the Whāingaroa Harbour hearing set down to commence in July 2026. Unless notice of opposition to that application is received prior to the 31 July 2025, the Court will grant that application.

Ngāti Whakamarurangi

[131] This applicant participated in the Aotea Harbour hearing under the korowai of the Waikato–Taniui application (CIV-2017-419-84). It will participate in the Stage 2 hearing scheduled for November 2025, no directions are required.

Hauraki District Council

[132] Council's request to participate by VMR is granted.

Attorney-General

[133] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[134] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[135] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[136] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[137] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[138] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

CIV-2017-404-575 Ngaati Mahuta, CIV-2017-419-082 Marokopa

[139] These applicants seek hearings. There is a very small overlap between the two claims. If that overlap was resolved, the applicants would not have to participate in each other's claim. Counsel agreed that this was a desirable outcome. There is ongoing discussion between the applicants about the issue of overlap.

[140] The matter is adjourned to a date to be fixed by the registrar in two months to see what progress has been made in resolving the overlaps.

[141] Counsel are to file and serve memoranda no later than three working days prior to the date fixed for the case management conference. The memoranda will update the Court on progress regarding the overlaps.

[142] If amended applications are to be filed, maps showing the amended boundaries need to be filed along with the amended applications themselves.

CIV-2017-404-528 Ngāti Hako

[143] This application has been set down for hearing to commence on 11 May 2026. The timetable requires applicant evidence to be filed six months in advance of hearing.

[144] Mr Hirschfeld reported that funding uncertainties had impacted evidence preparation specifically in relation to the preparation of the report by the professional historian. Mr Hirschfeld sought leave to file the professional historian's evidence a month after tangata whenua evidence was filed.

[145] Mr Melvin for the Attorney-General sought the opportunity to get instructions as to this application and to check what the effects of the one-month delay in filing the historian's evidence would be.

[146] Leave is reserved to Mr Melvin to file a memorandum no later than 30 September 2025 on this topic. If after obtaining instructions, he has no opposition to the variation to the timetable sought by Mr Hirschfeld, he should advise Mr Hirschfeld and the Court.

[147] This application is adjourned to be called again at a case management conference to be held by VMR in approximately two months' time. At least three working days prior to the allocation of the CMC, counsel are to file a memorandum updating the Court as to developments.

CIV-2011-485-797 Robinson v R; CIV-2011-485-803 Okahu Inuawai Hapū; CIV-2011-485-814 Kanihi-Umutahi Hapū; CIV-2017-485-243 Te Korowai o Ngaruahine Trust; CIV-2017-485-210 Araukuuku Hapū

[148] The three South Taranaki priority applicants represented by Ms Rongo seek a fixture. Most of the overlapping applicants do not oppose that. One does. Counsel were reminded that the Court is required to give the three priority applicants priority over all other applications. If some of the overlapping applicants do not participate in any hearing allocated, and one or more of the three priority applicants are found to be entitled to Customary Marine Title, then any overlapping applicant who has not participated in the hearing will lose the opportunity to obtain CMT for the overlapped area.

[149] Counsel advised that discussions between the overlapping applicants were ongoing. They agreed for the case management conference to be adjourned, to be called in approximately two months' time. The registrar is to arrange for that to happen.

[150] Counsel are to file memoranda no later than three working days prior to the date fixed for the adjourned CMC, providing the Court with an update.

Tauranga/Rotorua CMC – 5 August 2025

Counsel: T H Bennion for Ngāti Pūkenga
C L Lipinski for Port of Tauranga
G L Melvin for Attorney-General

CIV-2017-485-244 Ngā Hapū o Ngāi Te Rangi

[151] Ngā Hapū o Ngāi Te Rangi have applied for a fixture date for the Tauranga Harbour hearing. This hearing covers the area between Mount Maunganui (including Tauranga Harbour other than Rangataua Bay (in the south up to Waihi Beach)

[152] In 2023, Ngāti Pūkenga sought a hearing. In a minute of 12 December 2023, the Court set out a timetable order and requested the Registrar to arrange a 12-week hearing for the first available date after 1 February 2026.

[153] The Registrar has now been able to set the matter down for a 12-week hearing to commence on 9 April 2029. The fixing of that date will now allow the parties to apply the timetable directions set out at [16] of the December 2023 minute.

CIV-2017-485-250 Ngāti Pūkenga

[154] Mr Bennion queried whether, if the scope of the hearing was reduced from 12 weeks to something in the order of five weeks, it might be possible to obtain a hearing date earlier than 2029. The answer to that question is that shorter hearing dates are always easier to accommodate than longer hearing dates. However, the Court is satisfied that this hearing will take the 12 weeks that it has been set down for.

Interested parties

Port of Tauranga Ltd

[155] Mr Lipinski indicated that Port of Tauranga is likely to participate in the hearing.

Attorney-General

[156] Mr Melvin advised the Court that an announcement was expected shortly on the legislation to amend the Marine and Coastal Area (Takutai Moana) Act that has been before Parliament for some time.

CIV-2017-485-244 Ngā Hapū o Ngāi Te Rangi

[157] Ngā Hapū o Ngāi Te Rangi have applied for a fixture date for the Tauranga Harbour hearing. This hearing covers the area between Mount Maunganui (including Tauranga Harbour other than Rangataua Bay (in the south up to Waihi Beach)

[158] In 2023, Ngāti Pūkenga sought a hearing. In a minute of 12 December 2023, the Court set out a timetable order and requested the Registrar to arrange a 12-week hearing for the first available date after 1 February 2026.

[159] The Registrar has now been able to set the matter down for a 12-week hearing to commence on 9 April 2029. The fixing of that date will now allow the parties to apply the timetable directions set out at [16] of the December 2023 minute.

[160] Mr Bennion queried whether, if the scope of the hearing was reduced from 12 weeks to something in the order of five weeks, it might be possible to obtain a hearing date earlier than 2029. The answer to that question is that shorter hearing dates are always easier to accommodate than longer hearing dates. However, the Court is satisfied that this hearing will take the 12 weeks that it has been set down for.

Interested parties

Port of Tauranga Ltd

[161] Mr Lipinski indicated that Port of Tauranga is likely to participate in the hearing.

Attorney-General

[162] Mr Melvin advised the Court that an announcement was expected shortly on the legislation to amend the Marine and Coastal Area (Takutai Moana) Act that has been before Parliament for some time.

Nelson/Dunedin CMC – 6 August 2025

Counsel: J L Inns for Te Whanau o Topi and Raupuke Island Group

J A Riddell for Ngāi Tu-ahu-riri and Ngāi Tahu Whanui

T Castle for Te Runganga o Rangitane o Kaituna

A K Irwin for Ngāti Koata

M Radich for Rangitane O Wairau

L Black for Tahuaroa-Riwaka Houra Whanau, Tahuaroa-Watson Whanau and

Henare Tahuaroa-Watson Whanau

Self represented Te Atiawa o Te Waka-a-Maui

Interested parties

J Inns for Ngati Rarua

CIV-2017-485-295 (Te Whanau o Topi) and CIV-2017-485-296 (Ruapuke Island Group)

[163] The Stage 1 hearing in relation to these applications is completed and a decision is awaited. The applications are adjourned to be called again at the 2026 Case Management Conferences (CMC). Counsel attendance is excused.

CIV-2017-485-266 (Ngāi Tu-ahu-riri); CIV-2017-485-280 (Ngāi Tahu Whanui); CIV-2017-485-167 (Te Runganga o Rangitane o Kaituna) and CIV-2017-485-251 (Rangitane O Wairau)

[164] Given legislative and funding uncertainty these parties seek no directions.

CIV-2017-485-218 (Ngāti Koata)

[165] This applicant has both direct Crown engagement and High Court applications. It has been unable to make any progress with its direct engagement application and indicates that when the matter is next called it may seek a hearing to be allocated in respect of these proceedings.

CIV-2017-485-171 (Tahuaroa-Riwaka Houra Whanau); CIV-2017-485-172 (Tahuaroa-Watson Whanau); CIV-2017-485-182 (Henare Tahuaroa-Watson Whanau) and CIV-2017-485-365 (Te Atiawa o Te Waka-a-Maui)

[166] These applicants have not filed an updating memorandum. If they do not do so prior to 5 August 2025 they are required to attend the 6 August 2025 CMC by way of VMR.

[167] All applicants who have sought to have their attendance excused are excused attendance at the 6 August 2025 CMC. The CMC will proceed by way of VMR only.

Interested parties

Ngāti Rarua

[168] The Ngāti Rarua Settlement Trust is Crown engagement only applicant but on 26 May 2023 was granted leave to appear in five over-lapping applications. Its preparation towards hearing has been hampered by funding difficulties. Counsel's application to be excused attendance at the 6 August 2025 CMC is excused. This matter will next be called at the 2026 CMC.

Attorney-General

[169] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[170] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[171] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[172] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[173] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to

seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[174] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Napier/Gisborne CMC – 7 August 2025

Counsel: C Hockly for Tangiora & anor v The Crown (Rongomaiwahine Iwi)
M K Mahuika and T N Hauraki for Ngāti Kurupakiaka and Ors
C Leauga for Ngāti Oneone
H Irwin-Easthope for Ngāi Tamanuhiri Iwi
H Fletcher for Nga Hapu o Tokomaru Akau and Ngāi Tahu O Mohaka-Waikare
B Lyall for Ngā Whānau o Hauiti and Te Rauhina Marae and Hapu
J Miles for Rongowhakaata Iwi
R A Siciliano and C T A Mataira for Te Whanau a Ruataupare
M K Mahuika and N R Milner for Whangaokena ki Onepoto Takutai Kaitiaki Trust, Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust, Whānau Hapū of Te Aitanga a Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust, Ngā Hapū o Waipiro Takutai Kaitiaki Trust and Ngāti Wakarara - Ngāti Hau Takutai Kaitiaki Trust

General

[175] All applications are adjourned to be called again at the 2026 Gisborne CMC. Counsel's attendance at the 7 August 2025 CMC is excused and the CMC is vacated.

CIV-2011-485-794 (Tangiora & anor v The Crown (Rongomaiwahine Iwi))

[176] This application has been set down for hearing in May 2026. As a result of three matters the applicant seeks an adjournment of that hearing. The matters are:

- (a) the Government has proposed and introduced an Amendment Bill which remains before Parliament;
- (b) the funding scheme has been reviewed and changed and there remains uncertainty about the funding available for the current 2025/2026 year for most applicants; and

- (c) the Supreme Court has made its initial decision on the *Whakatōhea* and is expected to release a second part of its decision during this calendar year.

[177] The applicant asks that the hearing set down for May 2026 be adjourned to the second half of 2027.

[178] This applicant is also supported by CIV-2017-485-230 Ngāti Kurupakiaka and Ors and MAC0109002 Kahukura Whānau (interested party). The Court accepts that the three matters identified above justify adjourning the 2026 proceeding. However, it is not possible to simply allocate a fixture in the second half of 2027. Accordingly, the 2026 fixture date is vacated and the application will be allocated a replacement fixture date when the Court is able to do that.

CIV-2017-485-230 (Ngāti Kurupakiaka and Ors)

[179] This applicant is also involved in the scheduled May 2026 hearing which has been vacated.

CIV-2017-404-571 (Ngāti Oneone); CIV-2017-485-314 (Ngāi Tamanuhiri Iwi); CIV-2017-485-255 (Ngā Whānau o Hauiti); CIV-2017-485-288 (Te Rauhina Marae and Hapu) and CIV-2017-485-289 (Rongowhakaata Iwi)

[180] These applicants are all unable to progress their application as a result of funding uncertainty. No directions are required.

CIV-2017-485-247 (Nga Hapu o Tokomaru Akau); CIV-2017-485-302 (Te Whanau a Ruataupare) and CIV-2017-485-235 (Ngāi Tahu O Mohaka-Waikare)

[181] These applicants have completed their Stage 1 hearing and no further directions are sought.

CIV-2021-485-302 (Potikirua ki Whangaokena Takutai Moana Trust); CIV-2021-485-303 (Whangaokena ki Onepoto Takutai Kaitiaki Trust); CIV-2021-485-304 (Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai Kaitiaki Trust);

CIV-2021-485-305 (Whānau Hapū of Te Aitanga a Mate Te Aowera and Te Whānau a Hinekehu Takutai Kaitiaki Trust); CIV-2021-485-306 (Ngā Hapū o Waipiro Takutai Kaitiaki Trust) and CIV-2021-485-307 (Ngāti Wakarara - Ngāti Hau Takutai Kaitiaki Trust)

[182] These applications are all covered by Ngāti Porou engagement and require no further directions.

Hearing interested party

Attorney-General

[183] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[184] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:
- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[185] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[186] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[187] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[188] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Wellington CMC – 12 August 2025

Counsel: M Bradley-Clark for Te Hika o Pāpāuma and Te Atianga O Nga Uri O Wharekauri

H Ammunson for Ngāti Kahungunu

R A Siciliano and C T A Mataira for Rangitāne

H Fletcher for Pirere Whānau, Ngai Tūmapūhia a Rangi and Tukōkō and Ngāti Moe

Kudrat for Ngāti Hinewaka, Muaūpoko Tribal Authority and Hunau of Tame Horomona Rehe

L Watson for Ngati Kere

A Cameron for Te Atiawa Ki Whakarongotai

B Lyall for Te Whanau Tima and Te Hapu O Te Mateawa

T Hauraki for Tupoki Takarangi Trust

D Edmunds for Hongoeka Block Owners (Williams)

M van Alphen-Fyfe for Te Atiawa ki te upoko o te Ika a Maui Potiki Trust

E Rongo for Ngāti Toa Rangātira

T Castle for Ngāti Mutunga o Wharekauri

C Griggs for Moriori Imi Iwi

J P Ferguson for Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui

A Irwin for Ngāti Tamarangi

C Beaumont for David Morgan Whanau

P Walker and T Hautapu for Ngāti Raukawa ki te Tonga

L Black for Te Patutokotoko

K Dixon for Nga Wairiki Ngāti Apa

CIV-2017-404-481 (Te Hika o Pāpāuma); CIV-2017-485-221 (Ngāti Kahungunu); CIV-2017-485-224 (Rangitāne); CIV-2017-485-226 (Piere Whānau); CIV-2017-485-232 (Ngāi Tūmapūhia a Rangi); CIV-2017-485-267 (Tukōkō and Ngāti Moe); CIV-2017-485-259 (Ngāti Hinewaka); CIV-2017-485-261 (Muaūpoko Tribal Authority); CIV-2017-485-193 (Ngati Kere); CIV-2017-485-248 (Te Atiawa Ki Whakarongotai); CIV-2017-485-273 (Te Whanau Tima and Te Hapu O Te Mateawa)

[189] All of these applications are post-hearing and the applicants seek no directions. Counsel are excused from attending the case management conference (CMC) on 12 August 2025. The applications are adjourned to be called again at the 2026 CMC.

CIV-2017-404-479 (Te Atianga O Nga Uri O Wharekauri); CIV-2017-485-217 (Hunau of Tame Horomona Rehe); CIV-2017-485-309 (Ngāti Mutunga O Wharekauri); CIV-2017-485-316 (Moriōri Imi Iwi)

[190] These applicants have been unable to proceed further with preparations towards hearing because of the unavailability of funding. Counsel are excused from attendance at the 12 August CMC and the applications are adjourned to be called again at the 2026 CMC.

CIV-2017-485-211 (Tupoki Takarangi Trust); CIV-2017-485-258 (Hongoeaka Block Owners (Williams)); CIV-2017-485-260 (Te Atiawa ki te upoko o te Ika a Maui Potiki Trust); Interested Party (Ngāti Toa Rangātira)

[191] These applications prefer Crown engagement rather than proceeding to hearing. They have been unable to make progress due to lack of funding. Counsels' request to be excused from attendance at the 12 August 2025 CMC is granted. The applications are adjourned to be called again at the 2026 CMC.

CIV-2017-485-301 (Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui)

[192] This application covers an area extending from the Kai Iwi river north of Whanganui to the Whangaehu river south of Whanganui. It overlaps with the applications of four applicants who have both High Court and direct engagement applications, as well as four further groups who have only sought direct engagement. The applicant's preference is to proceed by way of direct engagement rather than litigation. It has been unable to make progress because of funding issues. The applicant seeks the following orders:

- (a) Adjourning application CIV-2017-485-301 to the 2026 Wellington CMC;

- (b) Directing the CIV-2017-485-301 applicants to file a memorandum of counsel no later than 20 working days before the next Wellington CMC providing a further update to the Court;
- (c) Excusing counsel from attending the Wellington CMC on 12 August 2025.

[193] Those applications are granted.

CIV-2017-485-160 (Ngāti Tamarangi); CIV-2017-485-201 (David Morgan Whanau); CIV-2017-485-229 (Ngāti Raukawa ki te Tonga); CIV-2017-485-252 (Te Patutokotoko); CIV-2017-485-511 (Nga Wairaki Ngāti Apa)

[194] These applications are all post-hearing (Gp N 1(a)) they do not seek any orders, they are adjourned until the 2026 Wellington CMC and counsels' attendance at the 12 August CMC is excused.

[195] The 12 August CMC is vacated.

Hearing interested party

Attorney-General

[196] On 4 July 2025 counsel for the Attorney-General filed a memorandum in relation to funding. The memorandum addressed funding under the Financial Assistance Scheme (FAS) for applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

[197] The memorandum advised that the interim 2024/25 FAS settings would remain for the 2025/2026 financial year and that the Crown would continue to prioritise funding for:

- Crown engagement applicant engagement groups who are close to seeking ministerial determination in the current financial year:

- High Court applicant groups who have High Court hearings scheduled in either of the 2025/26 or 2026/27 financial years.

[198] Budgeted work plans for the 2025/26 financial year are required before funding will be provided.

Discussion

[199] The funding available is insufficient to fund all the applications that are ready for hearing and where applicants are seeking fixtures.

[200] The Court's ability to schedule fixtures to take place beyond the end of the 2026/27 financial year is compromised by the fact that such cases have no priority to seek funding and until funding is granted most applicants are not in a position to properly prepare for hearing.

[201] The ability of the Court to ensure the timely and efficient disposal of the cases before it is therefore significantly adversely affected.

Proposed schedule for 2026

25 August 2026	Whangārei CMC
26 August 2026	Auckland CMC
27 August 2026	Hamilton / New Plymouth CMC
31 August 2026	Nelson / Dunedin CMC
1 September 2026	Tauranga / Rotorua CMC
2 September 2026	Napier / Gisborne CMC
3 September 2026	Wellington CMC

Schedule

Whangārei

CIV-2017-485-398 Ngāti Kawau and Te Waiariki Ngati Kororā

CIV-2017-404-537 Ngāpuhi nui tonu, Ngāti Rahiri, Ngā Tāhuhu and Ngāitawake

CIV-2017-485-515 Reti Whanau

Interested Parties

Ngāpuhi Hapu, Ngāpuhi nui tonu and Ngāti Ruamahue Hapū

Auckland

CIV-2017-404-574 Aotea

CIV-2017-485-378 Mahurangi

CIV-2017-404-518 Ngāti Taimanawaiti

CIV-2017-404-529 Ngāti Whatua Orakei

CIV-2017-404-524 Parker on behalf of Ngāti Awa Ngapuhi

CIV-2017-404-542 and CIV-2017-404-567 Te Taou

CIV-2017-404-545 Ngāti Manuhiri

CIV-2017-404-564 Ngāi Tai Ki Tamaki

CIV-2017-404-569 Ngāti Te Ata

CIV-2017-404-580 Ngāti Rehua–Ngāti Wai ki Aotea

CIV-2017-404-581 Otakanini Topu Māori Incorporation

CIV-2017-404-582 Te Whanau-a-Haunui

CIV-2017-485-187 Taumata B Block Whanau

CIV-2017-485-188 Bouchier

CIV-2017-485-276 Ngāti Rongo o Mahurangi

Interested Parties

Te Roroa Whatu Ora and Manawhenua Trusts

Te Kawerau a Maki MAC-01-02-007

Hauraki District Council

Gibbs Foundation

Attorney-General

Hamilton

CIV-2017-404-526 Nga Tini Hapu o Maniapoto

CIV-2017-419-082 Marokopa me Kiritehere

CIV-2017-404-575 Ngāti Mahuta ki te Hauaauru

CIV-2017-404-528 Ngāti Hako

CIV-2017-404-534 Ngāti Tama

CIV-2017-419-080 Kawhia Tangata, Aotea Whenua and Whaingaroa Moana

CIV-2017-419-081 Ngāti Te Wehi

CIV-2017-419-083 Whaingaroa Moana Collective

CIV-2017-419-084 Waikato–Tainui

CIV-2017-419-085 Te Tokanganui-A-Noho Regional Management

CIV-2017-485-207 Ngāti Apakura

CIV-2017-485-250 Ngāti Pukenga

CIV-2017-485-209 Nga Hapu o Mokau ki Runga and CIV-2017-485-216

Interested Parties

Ngāti Maahanga (MAC01-03-005)

Ngāti Whakamarurangi

Hauraki District Council

New Plymouth

CIV-2017-485-212 Taranaki Iwi
CIV-2017-485-215 Ngāti Mutunga
CIV-2017-485-310 Te Atiawa (Taranaki)
CIV-2017-485-282 Ngāti Ruanui
CIV-2017-485-293 Ngāti Haua hapu of Ngaruahinerangi Iwi
CIV-2017-485-183 Te Kaahui o Rauru Trust
CIV-2017-485-300 Ngāti Tamaahuroa and Titahi Hapu
CIV-2011-485-797 Robinson & anor
CIV-2011-485-803 Okahu Inuawai hapū
CIV-2011-485-814 Kanihi-Umutahi hapū
CIV-2017-485-210 Araukuuku Hapu
CIV-2017-485-213 Ngāti Tu Hapu
CIV-2017-485-243 Te Korowai o Ngaruahine Trust
CIV-2017-404-526 Te Rangikaiwhiria Hemara

Nelson/Dunedin

CIV-2017-485-295 Te Whanau o Topi
CIV-2017-485-296 Ruapuke Island Group
CIV-2017-485-266 Ngāi Tu-ahu-riri
CIV-2017-485-280 Ngāi Tahu Whanui
CIV-2017-485-167 Te Runganga o Rangitane o Kaituna
CIV-2017-485-218 Ngāti Koata
CIV-2017-485-251 Rangitane O Wairau
CIV-2017-485-171 Tahuaroa-Riwaka Houra Whanau
CIV-2017-485-172 Tahuaroa-Watson Whanau
CIV-2017-485-182 Henare Tahuaroa-Watson Whanau
CIV-2017-485-365 Te Atiawa o Te Waka-a-Maui

Tauranga/Rotorua

CIV-2017-485-244 Ngā Hapū o Ngāi Te Rangi
CIV-2017-485-250 Ngāti Pūkenga
Interested Parties
Port of Tauranga
Attorney-General

Napier/Gisborne

CIV-2011-485-794 Tangiora & anor v The Crown (Rongomaiwahine Iwi)
CIV-2017-485-230 Ngāti Kurupakiaka and Ors
CIV-2017-404-571 Ngāti Oneone
CIV-2017-485-314 Ngāi Tamanuhiri Iwi
CIV-2017-485-247 Nga Hapu o Tokomaru Akau
CIV-2017-485-255 Ngā Whānau o Hauiti
CIV-2017-485-288 Te Rauhina Marae and Hapu
CIV-2017-485-289 Rongowhakaata Iwi
CIV-2017-485-302 Te Whanau a Ruataupare
CIV-2017-485-235 Ngāi Tahu O Mohaka-Waikare
CIV-2021-485-302 Potikirua ki Whangaokena Takutai Moana Trust
CIV 2021 485 303 Whangaokena ki Onepoto Takutai Kaitiaki Trust

CIV 2021-485-30 Te Papatipu o Uepohatu me te Papatipu o te Ngaere Takutai
Kaitiaki Trust
CIV 2021-485-305 Whānau Hapū of Te Aitanga a Mate Te Aowera and Te Whānau a
Hinekehu Takutai Kaitiaki Trust
CIV-2021-485-306 Ngā Hapū o Waipiro Takutai Kaitiaki Trust
CIV-2021-485-307 Ngāti Wakarara - Ngāti Hau Takutai Kaitiaki Trust

Wellington

CIV-2017-404-481 Te Hika o Pāpāuma
CIV-2017-404-479 Te Atianga O Nga Uri O Wharekauri
CIV-2017-485-221 Ngāti Kahungunu
CIV-2017-485-224 Rangitāne
CIV-2017-485-226 Pierre Whānau
CIV-2017-485-232 Ngai Tūmapūhia a Rangi
CIV-2017-485-267 Tukōkō and Ngāti Moe
CIV-2017-485-259 Ngāti Hinewaka
CIV-2017-485-261 Muaūpoko Tribal Authority
CIV-2017-485-217 Hunau of Tame Horomona Rehe
CIV-2017-485-193 Ngati Kere
CIV-2017-485-248 Te Atiawa Ki Whakarongotai
CIV-2017-485-273 Te Whanau Tima and Te Hapu O Te Mateawa
CIV-2017-485-211 Tupoki Takarangi Trust
CIV-2017-485-258 Hongoecka Block Owners (Williams)
CIV-2017-485-260 Te Atiawa ki te upoko o te Ika a Maui Potiki Trust Gp N

Interested Parties

Ngāti Toa Rangātira
CIV-2017-485-309 Ngāti Mutunga o Wharekauri
CIV-2017-485-316 Morimori Imi Iwi
CIV-2017-485-301 Te Awa Tupua and Ngā Hapū me Ngā Uri o Te Iwi o Whanganui
CIV-2017-485-160 Ngāti Tamarangi
CIV-2017-485-214 David Morgan Whanau
CIV-2017-485-229 Ngāti Raukawa ki te Tonga
CIV-2017-485-254 Te Patutokoko
CIV-2017-485-511 Nga Wairiki Ngāti Apa