

11 October 2021

Applications under the Marine and Coastal Areas Act 2011 by:

Colin Francis Reeder and Ngā Pōtiki ā Tamapāhore Trust on behalf of	
Ngā Pōtiki	(CIV-2011-485-793)
Ngāi Te Rangi Settlement Trust	(CIV-2017-485-244H)
Ngāti Pūkenga	(CIV-2017-485-250)
Ngā Hapū o Te Moutere o Motītī	(CIV-2015-485-767)
Koromatua Hapū of Ngāti Whakaue	(CIV-2017-404-568H)
Te Rūnanga o Ngāti Whakaue ki Maketū Inc	(CIV-2016-485-770)
Ngāti Makino and Ngāti Pikiao	(CIV-2017-485-291)
Te Uri a Tehapū	(CIV-2017-404-562)
Ngāti He Hapū	(CIV-2017-485-219H)
Ngāti Whakahemo	(CIV-2017-485-223)
Te Rūnanga o Ngāti Awa	(CIV-2017-485-196)

Case history synopsis

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the court. It does not represent the views of the judge hearing the case.

Background

The High Court is currently considering applications by the applicants named above for customary marine title ("CMT") over parts of the foreshore and seabed in the Bay of Plenty. The applications are brought under the Marine and Coastal Area Act 2011 which replaced the controversial Foreshore and Seabed Act 2004, and the Act provides a mechanism for the recognition of customary rights in the Common Marine and Coastal Area.

Between the various applications the applicants are seeking CMT along the coast from just to the east of Mauao (Mount Maunganui) to Te Tumu, extending out to the limits of the territorial sea. The area applied for includes Motiti and Motunau islands and associated reefs including Otaiti (Astrolabe Reef), well known as the site of the Rena shipwreck 10 years ago. The applications have priority because one of the applications before the court had been filed under the Foreshore and Seabed Act.

To prove CMT an applicant group must show that they hold the area in question in accordance with tikanga and have exclusively used and occupied the area without substantial interruption since 1840.

As well as the applicants there are a number of other parties seeking to be heard on the applications including the Crown.

High Court

The hearing, before Justice Grant Powell, commenced on 28 September 2021 and is set down for six weeks. The hearing is taking place at the Papamoa Sport and Recreation Hall in Papamoa. The hearing is open to the public and is also being streamed live. To make an application for in-court media coverage and or to access the live stream:

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