

MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

WHANGAREI CASE MANAGEMENT CONFERENCE

21 JULY 2020

Judicial Officer:

The Honourable Justice Churchman

Counsel:

Linda Thornton for CIV-2017-485-239 and CIV-2017-404-523

Cameron Hockly for CIV-2017-485-228, 352 and 305

Season-Mary Downs for CIV-2017-485-231, 265; CIV-2017-488-26 and
CIV-2017-485-240

Tavake Afeaki for CIV-2017-404-579 and CIV-2017-485-258

Interested Parties:

Geoffrey Melvin for Attorney-General

Andrew Golightly for Northport Limited

HEARING COMMENCES ON TUESDAY 21 JULY 2020 AT 10:00 AM

JUSTICE CHURCHMAN:

E ngā mana, e ngā reo, e ngā rau rangatira mā, tēna koutou. E te mana whenua tēna koutou katoa. Nau mai haere mai ki te Kōti Matua o Aotearoa i tēnei rā.

Thank you for you coming. I acknowledge the difficulties many of you will had getting here today given the condition of the roads and I thank you for your perseverance.

In one of the memorandum filed yesterday I was advised of the passing of the Rev Pereniki Tauhara who is the – was the named applicant in the case of Ngā Hapū o Ngāti Kahu so I acknowledge his passing.

There are a number of matters that have happened since last year, some positive some not so positive. Many of the counsel who have filed memorandum have noted the adverse effect of the COVID-19 restrictions and I acknowledge that it is what it is. One of the ways we have tried to deal with that today is to have counsel file memoranda and seek to be excused where they are not seeking directions that impact on anyone else and where it is clear, put it as that they have achieved since the last CMC so that is why our numbers today are much less than they were last year.

In terms of the perhaps not so positive developments, we have had the Crown issue, the draft engagement strategy for direct negotiations for Te Tai Tokerau that I think is 2035 to 2045 which of course will be long after I am no longer with us, but I suspect has caused disappointment and consternation for many.

On the positive side, the Court is now setting down matters other than priority applications so those parties who do not find the prospect of waiting for that length of time to have their direct negotiation have in some cases indicated to the Court they want to proceed through the Court pathway. In some other CMC, I have indicated we may be able to take non-priority cases from as early as the middle of next year. If your clients are in that situation where they are ready to go and there are neighbouring applications also in that situation because the Court is looking at

dealing with natural groupings of applicants rather than force applicants serially to have to appear in all of the cases that overlap with theirs, then I suggest you talk to your clients, get your clients to talk to their colleagues and come to the Court and say, "We'll look for this four or five or six or 10 applicants, it would make sense to hold a joint hearing and we will be setting things down."

In terms of the priority hearings, we have the first of the major ones which is Whakatōhea that is starting in Rotorua in a months' time and it will run for approximately two months. Clarkson will run in Wellington a little later in the year in November, and then Ngāti Pāhauwera on the East Coast will run for seven weeks from the 7th of February. So, the hearings are starting to happen, but I cannot tell you exactly when the decisions will come out but hopefully we will have some guidance on the basic principles certainly well before this time next year.

One of the other matters I want to bring to counsel's attention is the question of mapping. If you look at the website, you will see that there is a draft practice note in relation to mapping. That is designed to assist the parties so that they can prepare maps that are consistent one with the other and which the Court and the other parties can look at and we see exactly where the overlaps are and, indeed in some cases, refining the mapping has allowed parties to understand that in fact there were not overlaps.

The period of time for making submissions in response to that draft practice note is not yet up. If you have any submissions, please make them. The draft practice note itself reflects the good work of the team, Mr Melvin, on behalf of the Attorney-General but also three counsel representing applicants, Ms Sykes, Mr Bennion and Mr Hirschfeld. So, I acknowledge them in producing something that I think is going to be really helpful.

The other matter which has both positives and negatives is we now have the Stage 1 Report of the Waitangi Tribunal Inquiry into funding available that articulates a number of the concerns that counsel raised with me last year. Those concerns are ongoing and the Court, as it has expressed in a number of previous CMCs, is deeply concerned about the issue of funding and the impact it has on allowing these cases to properly be advanced.

In some of the memoranda, counsel have invited the Court to tell the Crown what to do with funding. Unfortunately, the Court's jurisdiction does not run that far. I can express my views, as I have, and I know Mr Melvin takes them on board and reports back on them. I also acknowledge we have today here with us Mr Agnew from Te Arawhiti.

For those of you – and he is seated in the front row – for those of you who do have particular issues on behalf of your clients, and I see in the memoranda there are many, what I would encourage you to do is to talk to Mr Agnew afterwards, as he, at times, has been very helpful and willing to engage with clients.

So, perhaps if we could start now and record appearances Mr Registrar.

REGISTRAR:

Apologies, Sir. If I just go onto one thing I did forget to mention is, for recording introductions, if you can just speak from your seat and when speaking to your application if you can come up to the podium and speak from there.

For CIV-2017-485-239 and CIV-2017-404-523, Te Rae Ahu Whenua Trust and for Ngā Hapū o Taiamai ki te Marangai.

LINDA THORNTON:

Tēna koe, Sir. Counsel is Ms Thornton, I am appearing for Mr Lyall this morning on these two matters.

JUSTICE CHURCHMAN:

Tēna koe, Ms Thornton.

REGISTRAR:

And CIV-2017-485-249 and 256 Ngāti Kawau, Ngāti Kawhiti, Ngāti Haiti and Ngāi Tupango and the McGee Whanau.

LINDA THORNTON:

Tēna koe anō, Sir. Counsel is still Ms Thornton and I have appeared on these matters on my own.

JUSTICE CHURCHMAN:

Tēna koe anō, Ms Thornton.

REGISTRAR:

For CIV-2017-485-228, 352 and 305, Te Whakapiko Hapū of Ngāti Manaia, Reweti and Rewha Whānau and Te Parawhau.

CAMERON HOCKLY:

Tēna koe, Sir. Counsel's name is Hockly.

JUSTICE CHURCHMAN:

Tēna koe, Mr Hockly.

REGISTRAR:

For CIV-2017-485-231, 265, CIV-2017-488-26 and CIV-2017-485-240 Ngāti Hine, Ngāti Kawa and Ngāti Rāhiri, Te Kapotai and Te Aupouri.

SEASON-MARY DOWNS:

Tēna koe, Sir. Counsel's name is Ms Downs and I appear with Ms Terei on behalf of the applicants mentioned. Otirā, koutou katoa, tēna koutou.

JUSTICE CHURCHMAN:

Tēna kōrua Ms Downs, Ms Terei.

REGISTRAR:

For CIV-2017-404-579 and CIV-2017-485-268, Ngā Hapū o Tangaroa ki te Ihu o Manaia tae atu ki Mangawhai and Ngā Hapū o Ngāti Kahu.

TAVAKE AFEAKI:

Tēna koe e te Rangatira me ngā mihi ki a Pereniki Tauhara. I mate atu nō reira he poroporoaki, he aroha ki a ia me te whakamana o tonu ki a ia.

Thank you, Sir. Afeaki is my name appearing, and thank you for the acknowledgement of the Reverend Pereniki Tauhara.

JUSTICE CHURCHMAN:

Tēna koe Mr Afeaki.

REGISTRAR:

And for CIV-2017-404-525, 535, 554 and 559, Ngāti Manu and Ngāti Rangī, Ngāti Rāhiri Hapū, Ngā hapū o Ngāti Wai Iwi and Ngāti Kahu, Te Rarawa and Te Uruhina.

TONY SINCLAIR:

Tēna koe e te Kaiwhakawā, ngā hapū, ngā whanau me ngā hui nui tonu, tēna koutou.

Sir, my name is Sinclair and I am appearing for the applications listed, Sir.

JUSTICE CHURCHMAN:

Tēna koe Mr Sinclair.

REGISTRAR:

For interested parties, Northport Limited.

ANDREW GOLIGHTLY:

May it please Your Honour, counsel's name is Golightly.

JUSTICE CHURCHMAN:

Tēna koe, Mr Golightly.

REGISTRAR:

And for the Attorney-General.

GEOFFREY MELVIN:

Tēna koe e te Kaiwhakawā. I appear for the Attorney-General.

JUSTICE CHURCHMAN:

Tēna koe, Mr Melvin.

Could we just move through the applications in the same order.

REGISTRAR:

For CIV-2017-485-239 and CIV-2017-404-523, Te Rae Ahu Whenua Trust and for Ngā Hapū o Taiamai ki te Marangai.

LINDA THORNTON:

Tēna koe, Sir. I will start with 239. This matter is reasonably prepared. The biggest issue before these applicants is the consultation and consultation with their neighbouring applicants to work out any potential for a joint application, otherwise they do not anticipate a great deal of research and once they get, their research has been done is what I mean to say, pretty much, based on their Waitangi Tribunal processes.

So, Mr Lyall is anticipating the consultation with neighbouring applicants later this year. I think he is tied up with Whakatōhea for the moment. That is the situation with 239.

JUSTICE CHURCHMAN:

Have you commissioned a professional historian?

LINDA THORNTON:

We have had that work already done, Sir, in connection with the Waitangi Tribunal processes. These people have owned their land for a long time, more than 100 years I believe. So, it is not something that is – got a complicated history and it is a very small stretch of area, so it is not – this is one of the simpler questions and Your Honour would likely see him, I am pretty sure.

JUSTICE CHURCHMAN:

So, is this a matter that is likely to be suitable for combining with neighbouring applicants and having a discrete hearing about?

LINDA THORNTON:

I am certain that would be the case.

JUSTICE CHURCHMAN:

Well, it would be helpful to the Court if you would explore, or Mr Lyall would explore, that possibility and if you come to a conclusion or an agreement if you could file a memorandum, so the Court is alerted for what matters might be ready for allocation or fixture from the middle of next year.

LINDA THORNTON:

We will do that, Sir.

JUSTICE CHURCHMAN:

Thank you.

LINDA THORNTON:

On the matter of 523 which is, Ngā Hapū o Taiamai ki te Marangai, this matter is new to our office I have to say, Sir, we have recently just been instructed. We are trying to again engage with the neighbouring groups and it is a larger and more complex case and apparently been granted funding, but we are seeking for a one-year adjournment on this, so we can get further into the real questions of what is going on. We are pretty new to the case, so I cannot really answer a lot of the tabled questions, I am sorry to say. Do you want me to sit down and then come back or?

JUSTICE CHURCHMAN:

Sorry, I probably should have called you earlier, Ms Thornton.

LINDA THORNTON:

That is all right.

REGISTRAR:

But 249 and 256, Ngāti Kawau, Ngāti Kawhiti, Ngāti Hāiti and Ngāi Tupango and for the McGee whānau.

LINDA THORNTON:

Right, thank you. The first matter I will speak to, Sir, is 249 and that is these are Whangaroa claims as is Ms Taniwha. We have recently been granted funding on a

theoretical grant of funding. We have not got any, but we anticipate progress in that matter and are not too concerned on that particular issue. We have begun consultation, client-to-client, concerning how to coordinate the claims and resolve them together. This could also be an area where there would be a benefit of making the application and include the application too Your Honour, for a hearing that would at least encompass some part of the Whangaroa area.

It might be too much to hope to put the whole group together in the same room, but it would be an honourable objective. We have identified research, but we have not been able to commission it and unfortunately during the COVID-19 lockdown the kōrero among the claimants was not able to proceed really. So, we had a bit of a setback, but we anticipate no real problems and that the people are willing to work together for the most part.

JUSTICE CHURCHMAN:

Yes, thank you Ms Thornton.

LINDA THORNTON:

And so, we are looking for a one-year adjournment on matters as well, sorry. I was not meaning to leave you guessing.

The last one for me is 256 and that is the McGee whānau. This is a smaller claim in the sense that it is a smaller area of land. It began as a coordinated group of folks that were making whānau applications. Things may have broken down, but I am hopeful and optimistic that they will be resolved favourably, and the matter can go ahead as an application again where we can all come together to the Court and have a kind of a cluster of hearings at one time. But there is no funding on this at this point. So, another year I guess would be a request, Sir.

JUSTICE CHURCHMAN:

Thank you, Ms Thornton.

LINDA THORNTON:

That wraps it up for me today, thank you.

JUSTICE CHURCHMAN:

Thank you.

REGISTRAR:

For CIV-2017-485-228, 352 and 305, Te Whakapiko Hapū of Ngāti Manaia, Reweti and Rewha Whānau and Te Parawhau.

CAMERON HOCKLY:

Tēna koe, Sir. Hikoi ana ki te mihi ki te maunga me te kaitiaki o Te Rewha me te Reweti Whānau kei kōnei. Ki te whānau o Tautari, ki Whananaki hoki me te maunga, kaitiaki o te Parawhau, kāore e taea ki te noho i te rā nei. Tēna koe, Sir.

Three updates for you and I will proceed from the north at Te Rawhiti and Whangaruru. There has been, the decision was made to deal with the Whangaruru rohe, the southern area of their application and there has been significant progress amongst them. We are in the stage of finalising a joint approach for that rohe with those applicants that are represented by Manaia Legal, Mr McCarthy. Ms Thornton's client is one applicant in that rohe as well that we are hoping to resolve things and then commission research jointly and then progress to a hearing together.

In the northern area there has not been the same amount of progress, I believe because of the workload that people have had but they are wanting to move and deal with those other applicants in that rohe as well. So, research has not been commissioned because the desire there is to resolve the applications so that they can be dealt with together and commission research at the same time through the same historian and the result of those challenging aspects of the act that relate over and amongst them. They simply seek an adjournment for 12 months and their thinking at this stage of the middle of 2022.

JUSTICE CHURCHMAN:

That is for a possible hearing?

CAMERON HOCKLY:

For a possible hearing Sir.

Moving to Whananaki and Te Whakapiko hapū. It has been brought to my attention by my friend for the Crown and I have to acknowledge some poor drafting perhaps on my part. There is a reference in there to funding issues and I do want to confirm that the funding from Te Arawhiti has been provided and the invoices generated have been paid. There is an unresolved issue that related to the ability of the hapū to get funding for hapū hui in order to maintain a mandate and I think that is probably the best way that I could address that.

JUSTICE CHURCHMAN:

Are there issues with the mandate?

CAMERON HOCKLY:

No, there are not issues with the mandate. There is ambiguity in the legislation around what the Court should be looking for in terms of a mandate and the hapū approach is to confirm that mandate each year in hapū hui. In the funding programme is not quite unequivocal on whether that is covered so we are working through that. That is the preference of the hapū to hold those hui, to provide an update to all of the members and to confirm the ability of the representatives and the more active participants to continue to represent the hapū.

JUSTICE CHURCHMAN:

Yes, if I could just respond to that. I do not see it as the Court's role to dictate a mandate and it will only be where, as in the case of the *Tipene*, you might recall the mandate was challenged that the Court then ultimately had to make a decision as to whether or not the mandate had been established but you mentioned the Court's requirements re: mandate, the Court will accept at face value until it's challenged, an assertion by an applicant that they have that mandate.

CAMERON HOCKLY:

Thank you, Sir that is certainly very helpful and that dovetails in quite nicely with the tikanga of the hapū which is to maintain and reaffirm, at least on an annual basis, that authority from the people. The disconnect there is, and hopefully able to be resolved, is with the funding and the process we are part of.

Again, research has not yet been commissioned but that discussion is happening, and they do hope to commission research soon. I guess one of the things that we are alive to at this time and you have mentioned already, Sir, the Crown engagement timing for Te Tai Tokerau. And, I just want to acknowledge Marie Tautari who is sitting here and is one of the main applicants. And, our concerned that – you know, when you make jokes about who is not going to be here when this gets to the High Court, it is something that does give us some concern and I do not know what mechanisms exist to allow that to be evidence brought by her before the rest of the application proceeds but that is something that I am turning my mind too because I am not sure, because of the number of other applications in the area, if we would be able to carve out a hearing earlier.

I know that there have been some indications of reluctance to do that and that is something which we are challenged with, I think, Sir. Because there is knowledge and wisdom and evidence there which is best to come from her and others in that age bracket.

JUSTICE CHURCHMAN:

Well yes, just on that Mr Hockly, the Act prescribes that the priority applications, as defined, with all things considered, being allocated a hearing first. As Justice Collins said, I think, two years ago, that does not mean that applications which are not priority applications, in other words they were not filed before 2011, if they are ready, and particularly if there are a group of such applications in one area, if they are ready, there is no reason why the Court cannot be asked to set down a hearing. In terms of the aspect of preserving evidence, at the very least what I encourage you to do, is to get that evidence in an affidavit and get it filed. There are certain provisions in the High Court rules if the witness passes away in relation to the admission of such evidence so there are some options for you.

CAMERON HOCKLY:

Thank you, Sir. In a morbid subject but I think those indications are very helpful, thank you Sir.

Moving finally to Whangarei, beginning of Te Rarawa on behalf of the application to the Parawhau. There was a boat ride, in fact amongst a number of applicants, in the

harbour and the fundamental positions of the various applications and how they can be resolved or united were actually agreed and my instructions are that simply needs to now be put into some kind of written form or updated to the Court. I am articulating those participants and we all hope to do that very shortly. But then we have an indication of 12 months to make progress and then two years to be ready for a hearing, so tēna koe.

JUSTICE CHURCHMAN:

Tēna koe Mr Hockly, I commend you on your progress. I look forward to receiving your memorandum.

CAMERON HOCKLY:

Thank you, Sir.

REGISTRAR:

CIV-2017-485-231, 265, CIV-2017-488-26 and CIV-2017-485-240 Ngāti Hine, Ngāti Kawa and Ngāti Rāhiri, Te Kapotai and Te Aupouri.

SEASON-MARY DOWNS:

Tēna koe, Sir. Tēna koutou katoa.

So, we filed a memorandum on the 8th of June for the applications that we represent. Te Aupouri had a separate memoranda and Baker Te Kapotai and Ngāti Hine were filed in one as they fall within the same group. So, I will start with Te Aupouri.

Te Aupouri is a far north claim. It is a group who filed in both the High Court and the Crown Engagement Process. Given that they are a post-settlement group, their preference was to proceed through Crown engagement, not the High Court, but because of indications of timing for Crown engagement and no interaction from the Crown regarding their application, they have proceeded down the High Court pathway in the meantime.

The Crown's indication that Crown engagement applications will not be dealt with for their rohe until 2035 to 2045 does pose real issues for how they progress their applications. Like I said, notwithstanding they are starting to engage in the evidence preparation gathering phase, as legal counsel we are assisting them in engaging a

historian. A historian that they have worked with so far and are likely to confirm a term of engagement with is Richard Boast. They are doing that jointly with a neighbouring group, Te Rarawa and that is the extent of the update I can give in terms of the historian.

Do you have questions in relation to Te Aupouri, Sir?

JUSTICE CHURCHMAN:

No, nothing further. Your memorandum is relatively straightforward.

SEASON-MARY DOWNS:

Straightforward and short.

I will move on to Baker, Te Kapotai and Ngāti Hine. They are three groups which are within the Bay of Islands region, slightly more complex in terms of how their applications are proceeding.

I will deal with issues in relation to funding, historians and project management updates. I will deal with an update in relation to overlapping claims and I will also refer back to your point early this morning about readiness to proceed. I will speak off the memorandum as there are a few updates to provide since the memorandum was filed.

One of the biggest issues facing our groups in the Bay of Islands region, and it is likely because of the sheer number of applications and the complex nature of the political legal and historical environment in the Bay of Islands, is how quickly funding has been exhausted for those groups. So, we had foreshadowed when we prepared the application to both the applicants and the Waitangi Tribunal who are inquiring into issues in relation to funding that we thought the funding available for the milestone would not be sufficient. It has turned out that we are now nearing exhausting the funding for evidence gathering and we have not started properly the evidence gathering.

We have raised that, like I said Sir, in both the Tribunal process and direct to Te Arawhiti a number of times. But what it means is that, to appear as counsel on the applications we are doing so with no certainty as to funding. We do not have a

clear pathway forward in terms of what is going to be done. Te Arawhiti is undertaking a review at the moment but the indication in relation to the review, because of delays with COVID and possibly the election and other factors, is that the findings and recommendations of the review are not going to be ready until February next year.

So, what do we do in the meantime as their legal counsel with no certainty as to funding and no sustainable pathway provided from the Crown as yet, despite engagement with the Crown over it? I will refer briefly, Your Honour. You may know that the Waitangi Tribunal has released its report in relation to funding. Have you had the opportunity to read it?

JUSTICE CHURCHMAN:

Yes, I have, and I noted the very issues you are raising. This Stage 1 report has some findings that are reasonably robust.

SEASON-MARY DOWNS:

It is hoped that with those findings, and through the engagement with Te Arawhiti, there will be a durable solution to the funding issue that we are facing. The Tribunal recommended that all reasonable costs be covered in terms of what the applicants will incur in terms of legal representation and other workstreams like historical research and project management. So, the point of the submission really is that there is a live issue there for all of our applicants in the Bay of Islands region. The funding has been exhausted on interlocutories, in trying to deal with overlapping claims and we have still got a significant amount of work to do and no certainty as to the resourcing for it.

There has been an indication that money could potentially be brought forward from the next milestone, but it doesn't really deal with the financial reassurance that claimants need in terms of their applications. So, our position as legal counsel, that we are very careful around what we want to, or might do, right now until we have some clearer pathway in terms of funding.

Moving onto the issue of the matter of engaging historians and project managers. Each group is at a different phase of that. Ngāti Hine has recently appointed a new

project management team and I note **(inaudible 10:44:19)** is here today, **(inaudible 10:44:20)** Sinclair and we are working with Ngāti Hine to look at engaging in a historian to commission historical research.

Te Kapotai is – their application is progressed at a hapū level and through the Māori Committee which is the governance group that represents that tribe and they are dealing primarily at this stage with overlapping claims. They also, like counsel Ms Thornton's applicants, have significant research from the historical claims process and they are assessing what additional research may be needed in terms of MACA.

They are in a unique position of being a group with recognised authority over their coastal area through the Taiāpure which is a committee under the Fisheries Act, so hoping that those types of existing acknowledgements will make the preparation a progression of their evidence gathering a lot easier.

Finally, in relation to the Baker application, they have recently engaged their project manager. As counsel, we have met with her and discussed key workstreams around how to progress the application and priorities. But, I will reiterate that for the Bay of Islands' applicants where there are multiple overlaps and numerous applications, numerous settlement issues and political issues, they are finding it very difficult to reach agreements and even getting in the same room on some of these issues, Sir. Not to say it can't be done, but they are expressing a lot of frustration in regards to trying to navigate the legislation, they are finding it quite complex despite the assistance provided from us.

Moving to overlapping claims. In the last year since the last CMC there have been a number of hapū wananga held in the Bay of Islands. There was one at Te Tii Marae towards the end of last year. We also held one with neighbouring groups for Te Kapotai at the Waikare Marae and, like I said, because of the complex nature of issues, the discussions are happening, but they are very difficult to navigate, and they are having high level discussions and in principle, trying to set down processes to address overlapping claims but also finding that quite challenging because of what is happening in their area.

In relation to the Tribunal's report, again, you would have noted recommendations to the Crown regarding the overlapping claims process, referring the Crown to the Hauraki Tribunal findings around the support needed to assist applicants to actually achieve outcomes hoping that that will be taken into account as part of the Crown's review for funding because a lot of the recommendations were towards the Crown providing more support to applicants in terms of process, space and time and funding.

Just on the last point which was your matter around readiness to proceed, we had presumed, probably incorrectly, that things were going to take a lot longer in the High Court. So, the indication that perhaps the Court is getting ready to sequence additional applications outside of the priority applications isn't something that we have put to the claimants yet and it is something that I would like to go away and put to them.

We had originally sought 12 months in the memorandum filed on the 8th but I think with the indication from you this morning, it is a matter that we should take back and if we get leave – if you would give us leave, we would file in writing afterwards, in relation to the applicant's position on whether or not they could go. Some may be more ready than others. One thing that I would signal, particularly for the areas of high overlap, is caution around proceeding with some groups who are ready, others that are not, without processes and support put in place for applicants who may have an overlapping interest, so appear on those applications. So, that would be funding and proper notification and what not.

Those are my submissions, Sir.

JUSTICE CHURCHMAN:

Well just on that last point Ms Downs, any counsel can file a memorandum of that nature. In other words, updating report on progress and requesting a joint hearing or something of that nature. I do not require you to have leave. You can, any counsel at any stage can, do that. Obviously, there are really complex matters with overlapping claims and one of the Court's objectives is to ensure that parties, where there are multiple overlapping claims, are not faced with having to participate one

after the other in half a dozen separate hearings because that is only going to exacerbate the real and genuine funding issues.

So, by all means talk about that and try and progress that. It is not straightforward. I do want to record that the Court is grateful to counsel, and it is not just counsel, it is other people involved in this process, historians and project managers who have clearly continued to work and to assist the parties and proceed towards a hearing of that case where there is real uncertainty, and in some cases a lack of payment.

So, the Court understands what the Tribunal has said. I note that the second stage of the Inquiry is about to commence shortly. It may be that it will bring progress but to the extent that as I have mentioned already, I cannot tell the Crown what to do but I can indicate to the Crown my personal view is that, particularly in Te Tai Tokerau where there are so many overlapping claims, things like hui and wānanga between the overlapping applicants and an attempt to – if not ultimately present a joint claim, at least present claims where the applicants themselves have agreed on such matters as can be agreed to limit the amount of difference between them. From where I sit as the Judge who is likely to have to hear many of these claims, that is money well spent by the Crown for no other reason than it has a real potential to sufficiently shorten the hearings and the complexity of those hearings which are, as I see it, it is very much in accordance with the obligations on the High Court to see that matters before it are discharged in a way that is efficient and expedient and in the interest of justice.

SEASON-MARY DOWNS:

If I could just respond with a couple of extra points that may provide some further update. In terms of the overlap in those groups that are wanting to go, it is likely that groups will want to go first to avoid delays and so what we anticipate with that is, that will, like you said, could potentially pose a risk where groups are having to appear on a number of applications and that is where I suppose the Tribunal's recommendation into dealing with overlaps at the outset and providing that support financially will assist, so that is certainly what we are looking for in terms of the review.

In terms of the timing of applicants, they will also be taking into account the Stage 2 Inquiry. They were the applicants that commenced that inquiry and have a high

interest in its outcome. So that is something that they will take into account when factoring timing.

And finally, I did have a discussion with Te Arawhiti representative this morning and it was in relation to how to consolidate and fast track the process around commissioning historians and engaging project managers, and one of the issues that is arising across a number of applicants that we represent and I note – sorry, Sir, we also have other applicants now in the Tauranga Moana and in the Waikato areas so more than what we have here today, is that there isn't a lot of information to assist us in assisting the groups to engage people. So, a clear list of historians that may be available template, contract for engaging them would be useful.

So, we raise those issues in an earlier memorandum and I note, like I said this morning, Te Arawhiti has been engaging with us but some real streamlining of that so we can assist our applicants to actually engage and move the workstream forward would be really useful. I think the challenge is how to do that at this phase that we are in now where there isn't necessarily or as clear lines of communication between the Court, Te Arawhiti and ourselves. And some more cohesion there and how we do that is really, I think, what is necessary in order to move applications quicker and not duplicate and exhaust resources unnecessarily.

JUSTICE CHURCHMAN:

Yes, well that raises the difficult constitutional issue of the relationship between the Courts and the executive and I simply cannot tell Te Arawhiti what to do. That would be inappropriate but what I can, and have done, is make it clear where I think there are matters that could assist in the Court process, including ultimately reducing the amount of Crown funds that are required to fund the Court process in respect of steps that are presently either not being funded or not being funded to the extent that the parties require.

SEASON-MARY DOWNS:

And I noted that in an earlier directions which has been helpful, which is why I made that additional submission through. So, thank you.

JUSTICE CHURCHMAN:

Yes, and I would encourage you to, if there are any outstanding matters to talk to either Mr Melvin or Mr Agnew on those points now while you have got this opportunity to be in the same room.

SEASON-MARY DOWNS:

Thank you.

JUSTICE CHURCHMAN:

Thank you.

REGISTRAR:

For CIV-2017-404-579 and 485-268, Ngā Hapū o Tangaroa ki te Ihu o Manaia tae atu ki Mangawhai and Ngā Hapū o Ngāti Kahu.

TAVAKE AFEAKI:

Tēna koe Mr Registrar. Huri noa ngā mihi ki a koutou o Whangarei, o Ngāpuhi nui tonu mai Tēna, mai Tēna pito, Tēna koutou katoa. E tika ana, Sir, mo te mihi ki a Pereniki Tauhara, bring greetings from Mr Tauhara's whānau, his widow and family and hapū and again thank you for the acknowledgement.

It raises a point, maybe I will just jump straight into with all of the applications is the - some of the comments I have had from some of my clients, Sir, about the Crown draft strategy for Tai Tokerau engagement, myself if it takes the longest time, I will be 98 by the time we have finished it, but others of my clients who are in their 60s, 70s, and 80s are not so confident that they will still be around, so your comments about it, Sir, are most welcome.

For Ngā hapū o Ngāti Kahu, that is that first application 268. Just by way of update on the kind of core things. The tangata whenua, Sir, have access to some funding from Te Arawhiti and are conducting tangata whenua research. We have yet to be able to engage in a historian. They are a rare and a precious commodity at the moment. But we are committed to working, to try and find somebody to work with there, Sir.

In respect of overlapping claims and overlapping applications with their relations, they have had some hui with other neighbouring related hapū and so they are looking to progress that as they advance and going back from that to the tangata whenua evidence. They are looking to supplement obviously the technical professional evidence as that becomes available by working with those kaumātua and kuia and the historian in due course. I appreciate the update about the mapping, Sir, and the practice direction for that. That may well be quite useful, and I will have further discussions with the claimants about that.

In terms of likeliness on ability to proceed that is contingent on two things really. It is to continue, trying to find a historian with whom to work and at what timeframe because each time I have ever spoken with one it has gone out to a further, another year. So, it is contingent on getting somebody who is able to come and work with him. They may be able to be ready sometime between next winter and the winter after. But it is more likely to be 2022, Sir, than it is to be 2021. And that also, the gathering of evidence and the ongoing hui between the related hapū will also, what we are looking to do is to work in collaboration with other hapū if we can and that will so inform the consultation of the readiness to proceed in a collective sense, you know, into a hearing phase, Sir. So, that is about all I can really say about that.

I just wanted to ask, am I able to, in terms of the intituling of the claim, the whānau have asked me if we can still retain Reverend Pereniki as a main claimant and just to note that he is the late or just a 'D' by his name, is that –

JUSTICE CHURCHMAN:

Yes, that is perfectly permissible and that is the course currently being followed in the Whakatōhea application of the late Claude Edwards. He's still noted as the claimant notwithstanding he's passed.

TAVAKE AFEAKI:

That is great, okay, thank you, Sir, that is tika.

So, if I can move on to the next claim, Sir, that is the Wai 579 which the claimant is here. I just like to acknowledge that Waimarie Kingi is here. She is the masked lady in the front row.

JUSTICE CHURCHMAN:

Tēna koe.

TAVAKE AFEAKI:

Tēna koe. And so, Nga hapū o Tangaroa ki te Ihu o Manaia tae atu ki Mangawhai. So, in terms of the tangata whenua evidence, we have made progress on that, Sir, and Ms Kingi has and some of her other kaumātua in the hapū. In terms of a historian we have now an agreement and we have been working on this with a gentleman called Dr Des Kahotea. So, he has now agreed to become the historian for this claim and we are yet to really – well then COVID-19 happened. So, we had to really get to some nuts and bolts about that, but we are pleased to be at that stage.

The hapū are a part of Whangārei and it's a complicated area with many different interests and they have had ongoing hui with other applicants that have participated in some of those hui. I believe some of the claimants went on the boat voyage around the harbour with Parawhau and others, pre-COVID lockdown. So, that is an ongoing discussion as well Sir and as the issues in evidence are elucidated, it will flush out some disagreements, but it will also hopefully flush out some areas of common interest that you are usefully encouraging us to look towards.

So, in respect of those claims, if we can, depending on how well we can run again with the same caveat I was saying for the early ones, Sir, if we can get the historian engaged fully in work, and depending on his availability because he is also doing other ones, and we can get that work going with the tangata whenua and with the consultation with overlapping neighbouring hapū, then we might be in a position for mid-21 to look to a hearing but that is also contingent on working with other people and collaborating and cooperating, Sir.

There was another issue Sir, and I have been appointed only because, you know a matter which is to be called in Auckland tomorrow, much to the chagrin of the people of Great Barrier Island of Aotea. They did not want to be Aucklandised per se, but Sir, may I seek leave to excuse myself from that tomorrow, and just raise with you, Sir. I had to put off a medical appointment which I had been waiting for half a year, may I go to that?

And, what I really wanted to say was Justice Palmer appointed me because for that Trust Board Ngāti Rehua, Ngāti Wai ki Aotea and I have filed a memorandum Sir. We hopefully will have a successful new trustee elections by September 26th all going well, and if so, then that lock stock and barrel, including the laptop and all the information will be handed over to the newly elected mandated people who will be thereafter running things, Sir. And, hopefully I will work my way out of a job and get on with these other matters.

So, did Your Honour have any questions, Sir?

JUSTICE CHURCHMAN:

No, thank you. The three memoranda you filed set things out clearly.

TAVAKE AFEAKI:

Lovely Sir. Thank you very much.

JUSTICE CHURCHMAN:

And, I confirm that attendance further today is excused if you need to be gone.

TAVAKE AFEAKI:

Thank you, Sir.

JUSTICE CHURCHMAN:

Thank you.

REGISTRAR:

CIV-2017-404-525, 535, 554 - apologies and 559, Ngāti Manu and Ngāti Rangī, Ngāti Rāhiri Hapū, Ngā Hapū o Ngāti Wai Iwi and Ngāti Kahu, Te Rarawa and Te Uruhina.

TONY SINCLAIR:

Tēna koe Sir.

JUSTICE CHURCHMAN:

Tēna koe Mr Sinclair.

TONY SINCLAIR:

Apologies Sir, for not filing any memorandum for this CMC. It had been completely overlooked by myself that the applicants that I should be representing were unrepresented at this CMC. So, I certainly made it my business to be here this morning, thank you, Sir.

Sir, if I can give briefly an oral overview of the four applications that I am currently representing. In the not too distant future there is an intention to have other legal counsel assisting and working with these applicants, Sir.

JUSTICE CHURCHMAN:

When you say other legal counsel, is that support for you or are you intending to transfer the carriage of the case to other legal counsel?

TONY SINCLAIR:

Possibly transfer Sir. Having said that, an update on the applications so far. The four applications have gone so far as discussing project managers. Application 525 which is Bill Moran have discussed some time ago and are ready to move ahead in terms of progressing their claim such as engaging historians, oral and traditional evidence gathering and so forth.

The applicant 535, Ms Taurua will be project manager for that particular application. It is a Bay of Island application.

Application 554, Ngāti Wai hapū. The project manager is Ms Rata and she is with us here today, Sir.

JUSTICE CHURCHMAN:

Kia ora Ms Rata.

TONY SINCLAIR:

Ms Rata works very closely with her tribe, Ngāti Wai and as the Court is aware they also have a significant kin with the same territory. Sir, discussions and negotiations amongst those two large groups will most certainly be taking place shortly.

The other application is 559 and it's Mr Hector Busby, the late Mr Hector Busby. There are matters that are private and to that particular hapū group, Sir. At this point in time they are still discussing a way forward with this particular application. Sir, the one benefit of, not much more being progressed on these applications is that they have largely got full budgets.

Counsel has spent over, I think going back two years, probably 18 months. I carried out about six seminars in this area, in the Bay of Islands, with all the applicants regarding the Act and the difficulties presented to the tribes through the Act, Sir, and the Court has been well informed about some of the issues the Act has presented, and in terms of discussing the overlapping issues and the integrated issues within various hapū and iwi and for a large part, that is where the bulk of the work needs to be done, in counsel's view. And as Your Honour rightly pointed out, more work can be done in that field then perhaps there is less hearing time taken up.

Sir, that is the finish of my submissions in this matter. I might say Sir, there is one other matter regarding the funding. While Your Honour has no power to direct the Crown in the matter of funding, your influence is certainly appreciated, Sir. From last Tuesday when we raised the matter in Rotorua, to this Tuesday, there has been significant movement, Sir, for the Whakatōhea applications regarding funding and that's been appreciated, Sir.

One matter that has been raised with the historian and it has been raised with MACA recently is that after the historian has prepared the evidence and filed it, there is no funding available for historians to actually prepare for the case and that means reading other evidence filed by other historians through overlapping applications and whilst the historians have agreed that the sum made available for historians to appear at the hearings is adequate, in their view the funds should be allocated prior to hearing in preparation for hearing as well. Because they feel that the fund is probably too extensive for a hearing, for one historian. So, it is just really, Sir, about spreading the funding over a wider timeframe and narrowing it just for appearances and hearings.

JUSTICE CHURCHMAN:

Yes, well with those issues Mr Sinclair, I would encourage you to speak to Mr Agnew here about it if you can take that opportunity because he is someone who has much more influence than I would ever be able to – the practicalities of the – I see him smiling but that's the reality.

TONY SINCLAIR:

Thank you, Sir. One last point in regard to historians. I have spoken to two historians and they are ready to proceed into negotiations with the project managers, Sir. There are matters of conflict of interest as we are all aware in the Bay of Islands – the conflict of interests historians working on several applications. But we are working through those matters, Sir.

Thank you, Sir, that ends my submission.

JUSTICE CHURCHMAN:

Yes, thank you Mr Sinclair and the Court is grateful for your work in conducting the various seminars and hui. The more knowledge that people have about the Act and its processes, the likelihood of success increases significantly, thank you.

REGISTRAR:

The interested parties now, Sir.

JUSTICE CHURCHMAN:

Yes, thank you.

REGISTRAR:

For Northport Limited.

ANDREW GOLIGHTLY:

Thank you, Sir, nothing further to add. Simply watching brief today.

JUSTICE CHURCHMAN:

Thank you, Mr Golightly.

REGISTRAR:

And for the Attorney-General.

GEOFFREY MELVIN:

Tēna koe, Sir. Tēna koutou katoa.

Your Honour, I have heard again your comments in respect of funding issues. I am reporting all your comments back to Te Arawhiti and will do so again following today. There have been useful discussions this morning before the CMC commenced in relation to some of the issues raised in the memoranda, and both Mr Agnew and I are available following this CMC to discuss points further and we would encourage counsel to approach us if there are any issues relating to funding.

So, I will keep my comments to a very general level today, Sir, and they are both matters that were covered in the Attorney-General's memorandum filed on the 25th of June. They related to the review that Te Arawhiti is undertaking of the financial assistance scheme. That review is underway. It had been delayed as a result of the COVID-19 pandemic but it is about to be relaunched and I just encourage all counsel to participate in the process that Te Arawhiti is putting in place, to make submissions on the funding scheme, that would be the best way for Te Arawhiti to understand comprehensively the issues, even though many have been traversed in the Waitangi Tribunal inquiry and through memoranda filed with the Court. But I would encourage participation in that consultation process and we do expect the review to be completed by the end of the March next year.

Similarly, there is a process for consultation on the Crown's draft Crown Engagement Strategy and, again, I would encourage all counsel and their clients to engage in that consultation process so that all views can be taken into account before that draft strategy is finalised, which is expected to take place before the end of this year.

Those are the points I wish to cover, Sir. I am happy to answer questions Your Honour might have.

JUSTICE CHURCHMAN:

No, thank you Mr Melvin, I think we have had our exchanges of the various prior CMCs. I do want to again record the Court's gratitude for your involvement in preparing the template for the draft practice note in relation to the maps, so thank you for that.

GEOFFREY MELVIN:

As Your Honour pleases.

JUSTICE CHURCHMAN:

Right, is there anybody else present in the Court who had wished to address the Court today but has not had the opportunity? Yes, do come forward and introduce yourself.

JOANNE WALTERS:

Te mea tuatahi, tēnei e mihi atu ki a tātou i te ata nei. E tuku atu ahau ki tō tātou nei Atua te mihi me te harikoa i te mea kei konei tonu ana tātou. Ahakoa te urutā kei konei tonu ana. Nō reira e tika ana au ki te mihi atu ki tō tātou nei Atua. Ka huri ahau ki a koutou nei e haere mai ana ki te tautoko i ō koutou nei tono, ki te takutai moana. Tēnei e mihi atu ki a koutou. Ki ngā kaumātua e mihi kau ake ahau ki a koutou rā e noho ana ki waenganui ō tātou, tēna rā koutou.

Ki a koe e te Kaiwhakawā, tēnei e mihi atu ki a koe. Māu anō i whakapuare te wā mōku ki te kōrero atu ki te kaupapa nei. Mēnā e pupuri ana au ki a kōrua i tō kōrua nei mahi hei tautoko ngā kaitono o te takutai moana, nō reira e mihi kau ake ahau ki a koutou. Ki a tātou nei, tēnei e mihi atu, e mihi kau ake.

Nō reira ka huri ahau ki te reo tuarua kia kuhu mai tātou katoa.

Nō reira, Sir. Thank you for this opportunity for addressing the Court this morning today. On behalf of the Te Whānau Whero application. Now, I know that our legal counsel has filed our memoranda last Friday. However, there are some points in there that hasn't been addressed in the memoranda that I want to update the Court today.

First of all, I am the project manager for our application and we've been working along solidly since 2017 when we, like everybody else raced off to the High Court to lay our application in 2017 and we, like the rest of us, we just got our application in, just in time. So, it's been since 2017 the mahi that we've navigated. One of the things I just want to let the Court know is the landscape in which I work in.

Firstly, I'm a trustee of our marae, of two marae. Whakapaumahara Marae which has the hapū of Te Whānau Whero, Ngāti Rehua and Tiakitai. So, those are my hapū where I come from in Whananaki. I am a trustee on the Whakapaumahara Marae and I work within that landscape as a trustee on our marae.

Secondly, I'm also an active member of the Te Whānau Whero hapū and it's in that hapū that I also work for our people wherever we are as Te Whānau Whero. During the time from 2017, 2018, I've travelled extensively to meet with Te Whānau Whero itself. Te Whānau Whero is not just here in Whananaki but they're also in Hokianga, they're in Kaikohe and around all that area. So, I've had many hui and wānanga with our whānau from that end to establish who we are and what we are doing on our coastline.

Following that, as Te Whānau Whero, I have presented to our own people at Whakapaumahara Marae for the past two years, presenting where we are at and updating our whānau where we are at. We too, have many issues but we are working through that with our families as Te Whānau Whero and why I am mentioning this is because of our shared responsibility and obligations on the coastline as hapū. So, Te Whānau Whero has many other whānau and other hapū related to us. We are quite, we are strong, and we are connected, our three hapū out there and our other hapū. So, I work within that space too.

The other marae in which I am a trustee as well, which is my grandmother's side, is Ngunguru Marae. Now Ngunguru is over at Tutukaka. It is out at Ngunguru and it is also an area of Ngāti Takapari, Te Waiariki and Ngāti Korora. And that is who I am on that side and I work in that space as well and within that hapū. I also work within those hapūs as well, on the ground and in that space.

So, I work on a lot of layers and within those layers I am forming, I am encouraged, and my people know who I am, and I know who they are. Alongside with Ngāti Wai Trust Board, it has been up and down that relationship. The Ngāti Wai Trust Board comes in because I am close in there, as well as working on behalf of our hapū. We have issues with our Trust Board in this sense when it comes to resource management issues and who has the mana whenua within our area.

Now, we are working through issues where we've had a project called the gift project which is a joint project between hapū from Hauraki, all the way up to here as far as Mimiwhangata, which they have consulted amongst themselves but not with us. And, so as Te Whānau Whero, we've had to stand up and actually almost go to battle with some of our neighbouring hapū because of that. So, while we are dealing with our marine and coastal application and with our issues coming from all those shared boundaries and grey areas, we are also having to deal with other groups of entities, of trusts and iwi authorities, coming over into our backyard and dealing and doing business within our areas.

So, we are also dealing with our neighbouring hapū as whānaunga to come together and to deal with all our issues and that's Te Uri o Hekeheke, and I'm that too. But it's within the land blocks where we stand, is who we stand as. So, when I'm standing in Te Ruatahi, that boundary has three blocks, the original boundaries. There is a marine reserve within Te Ruatahi number two. It's called Mimiwhangata. We've got another hapū who feels that they are Mimiwhangata. So, they've been doing things in that space without consulting with us, Te whānau Whero, because we have a major interest in there. We are landowners, we're tribal members, and we go there nearly every day. We're living out at Parepare, some of us.

So, this is the type of landscape that I move in as a project manager and I just want to say that we're moving ahead. We've got the mapping sorted finally. Te Arawhiti had offered a mapping training but when COVID came along it sort of went to the side and we haven't heard yet whether that's still coming up because the mapper we had, she couldn't do our mapping. However, on Friday I sat with her and she's able to do our mapping now that she's cleared her agenda of any other mapping. So, we've managed to get a mapper.

The other thing is the historian. The last judicial case management hearing we had, I had indicated that we were getting Peter Burleigh. Well the Crown zapped him up and the Crown has said that they have got thus far to finish off all their Crown historical reports. So, Sir I'm hoping he'll come free, but we are in a position to look for another historian. So, that's where we are at, Sir.

JUSTICE CHURCHMAN:

Yes, well just on that, Mr Harrison, who filed the memorandum for you, indicated that he was exploring a re-engaging with Mr Burleigh. Hopefully that is productive.

JOANNE WALTERS:

Yes, we are hoping that is us Sir. We are pretty much on, we're carrying on with what, we're doing where we first started our kaupapa.

JUSTICE CHURCHMAN:

Yes, thank you very much for that. The discussions you're having, hui you're having with your cross-applicants are important and are likely to be much more effective in resolving these issues in the Court. It will ultimately have to be, if it ends up running through the Courts. So, thank you, tēna koe.

JOANNE WALTERS:

Tēna koe Sir.

JUSTICE CHURCHMAN:

I see one hand being raised at the back. If you would like to come forward, madam.

MARIE TAUPARI:

Tēna koutou katoa. I am Marie Tautari, a part of the claimant group from Te Whakapiko hapū o Ngāti Manaia. My concern is this, we wait so long to get a hearing with the High Court meanwhile I've seen applications come in for moorings from people who have just had a recent contact with, where we have been for hundreds of years. I can't believe that the Crown can think it's fair that we should wait another 20 years for a hearing when other people who have just been here a few years who don't really have a care for the environment like we do, should be

allowed to just come in and constantly make applications for uses of the ocean that we don't agree with, but we cannot say anything about it until it's been established who has the mana of the moana out there. I don't think it's fair.

I was sent some papers because I suppose people saw that I had made an application and I think it must've been the Regional Council. They wanted to know what I thought about something. Another person wanted to put a big mooring in on the north side of the coastline at Whananaki and when I had a look, there had already been a lot of moorings already consented to. So, are we just going to see a constant degradation of the environment that we had when settlers first came here, and we're going to watch it go down, down, down, while other people can make resource consents applications to carry on destroying what we think is so important to keep in its natural state? It's my big concern over all the coastline. Is the environment degradation I've seen in the last 70 years since I understood what that would be too?

And so I'm concerned, and I do think that we ought to be getting together and saying we can't wait until 2035. I can't believe that the Government could, or the Crown could, ever think that we could wait that long. Because what's Taitokerau or what are we going to look like, what is it going to look like with another 20 years of other people deciding we'll have this, and we'll have that, and we'll have this.

It's just not going to be satisfactory and the other thing is, meanwhile people who don't have any historic connection to where we live, where we still occupy, are being able to give their opinion on whether things that we think are going to not be suitable for our area. They get their opinion and let it go forward because the Crown chooses whom they're going to work with in terms of stakeholders until that's time. And, that's just my biggest concern and I'll just leave it at that, but I do want us all to think carefully because 20 years is a long time to be waiting. Thank you, Sir.

JUSTICE CHURCHMAN:

Thank you for your comments. One point, if you just wait there, I will just engage with you for a second. I do not want to detain you. But, just so that you are clear, the 2035–2045 timeframe relates only to the Crown direct engagement and that is, many applicants have sought, as an alternative to coming here to the Court, to have

their discussions directly with the Crown which is what the Act, it provides two pathways. They are quite parallel pathways, they do not cross over. This Court is not saying to people of Tai Tokerau that you have to wait until 2035.

We are saying, if you are in a position, and we know there are so many difficulties with overlapping claimants and the issues that have been spoken about, and relations between hapū have been strained by this Act's process, but what this Court is saying is that we are now, we have got some time from the end of next year onwards, the second half next year, where we will be able to set down applications and address them. But you will get an answer from the Court rather than negotiation or a direct settlement from the Crown, but the important thing is, unlike the Waitangi Tribunal which has recommendatory powers, they can't tell the Government what to do. In terms of this Act, if the Court hears a case and comes to a decision, that is the end of it. The Government cannot say they don't like it. They can always appeal, but beyond that it is a permanent and final resolution. I just wanted to clarify those issues for you.

MARIE TAUPARI:

Does that mean then that the High Court can give us a decision and those people who decided not to come to the High Court but just go to Crown engagement, no-one's going to hear them? We're just going to get a decision from the High Court and we can just live with that and everybody's got to be subjected to that High Court decision?

JUSTICE CHURCHMAN:

Those people who choose to come to the High Court will get a decision from the High Court. Those people who do not come to the High Court, we will not be making any decisions about them. And, if takes until 2045 until they engage with the Crown, that is what it has to be. But look, I think we have probably exhausted, and I do not want to engage in a discussion, I just wanted to clarify that for you.

MARIE TAUPARI:

I'll have to have a chat about that to my daughter. Thank you.

JUSTICE CHURCHMAN:

Thank you for coming forward and expressing your views. Now, I am not going to invite anybody else to come forward.

Nō reira tēna koutou, tēna koutou, tēna koutou katoa.

The Registrar will now adjourn.

HEARING CONCLUDES: