

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

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

**CIV-2011-485-789**

IN THE MATTER OF     the Marine and Coastal Area  
                                  (Takutai Moana) Act 2011

IN THE MATTER OF     an application for an order recognising  
                                  customary marine title and protected  
                                  customary rights

BY                             CATHERINE MARJORIE  
                                  CLARKSON AND OTHERS

Teleconference:     19 June 2020

Counsel:             C M Clarkson in person for Applicants

Minute:             19 June 2020

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**MINUTE (NO. 5) OF CHURCHMAN J**

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[1] Further to the Court's minute in this matter of 12 June 2020,<sup>1</sup> Ms Clarkson has now filed a new address for service. She indicated that she intends to arrange for a Wellington barrister to be instructed to represent the applicants. She needs to get on to this without delay. Once she has had the opportunity to conclude those arrangements, she is to advise the Court confirming the appointment of counsel.

[2] By minute of 4 May 2020,<sup>2</sup> the Court varied the timetable order for the filing of evidence in this matter.

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<sup>1</sup> In the matter of an application by Catherine Marjorie Clarkson & Ors under the Marine and Coastal Area (Takutai Moana) Act 2011, CIV-2011-485-789 Minute (No. 4) of Churchman J, 12 June 2020.

<sup>2</sup> In the matter of an application by Catherine Marjorie Clarkson & Ors under the Marine and Coastal Area (Takutai Moana) Act 2011, CIV-2011-485-798 Minute (No. 3) of Churchman J, 4 May 2020.

[3] The date fixed in that minute for the filing of evidence in response to that of the applicants was 1 June 2020. Only two of the cross-applicants have complied with that direction.<sup>3</sup> That is unacceptable.

[4] There have been no applications by the other applicants to further vary the timetable order, and in the absence of good grounds for such an application, the Court expects directions to be complied with.

[5] This priority application has been set down for hearing to commence on 2 November 2020. Prompt compliance with the timetable directions is essential if that hearing date is to be preserved.

[6] There could well be costs implications for parties who have failed to comply with the timetable directions given by the Court particularly if that results in the hearing being jeopardised.

**Churchman J**

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<sup>3</sup> Te Hika o Pāpāuma (CIV-2017-485-481) and Rangitāne Tu Mai Ra Trust (CIV-2017-485-224).