

**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

On the papers:

Counsel: R Siciliano for Rangitāne Tū Mai Rā Trust
 L Watson for Ngāti Kere MACA Working Party
 C Hirschfeld for Te Hika a Pāpāuma
 J Ferguson and J Judge for Ngāti Kahungunu ki Wairarapa Tamaki
 Nui ā-Rual Settlement Trust
 G Melvin for Attorney-General

Minute: 3 July 2020

MINUTE (NO. 6) OF CHURCHMAN J

[1] On 10 February 2020, I directed the parties to file and serve memoranda regarding the appointment of a pukenga under s 99 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the Act) by 1 May 2020. I subsequently extended that timeframe to 15 May 2020.

[2] Memoranda have been filed on behalf of the following parties to the hearing of this priority application:

- (a) the Trustees of the Rangitāne Tū Mai Rā Trust;

- (b) Ngāti Kere MACA Working Party;
- (c) Te Hika a Pāpāuma;
- (d) the Trustees of the Ngāti Kahungunu ki Wairarapa Tamaki Nui ā-Rua Settlement Trust; and
- (e) the Attorney-General.

[3] No memorandum has been filed on behalf of the applicant (C Clarkson) nor has the applicant interacted with the other parties on the topic of appointment of a pukenga.

[4] Various potential pukenga have been nominated although some have indicated that they are unable to accept appointment or the party that nominated them no longer supports them.

[5] The latest memorandum to be filed is dated 25 May 2020 and was filed by Ms Siliciano on behalf of Rangitāne Tū Mai Rā Trust. That memorandum nominated:

- (a) Wati Ngamane who had confirmed his availability and indicated he did not consider there would be any conflict of interest that would preclude him from being appointed;
- (b) Professor Taiarahia Black and Associate Professor Te Hakautu Maxwell (neither of whom had confirmed availability or conflict of interest issues).

[6] Counsel indicated in the memorandum that she hoped to file further details shortly. Nothing further has been received from counsel.

[7] The Court is left in the situation where only Mr Ngamane has confirmed his availability. No party has objected to his appointment.

[8] Ms Siliciano is directed to promptly file and serve on all parties a copy of Mr Ngamane's CV. The parties will have five working days from receipt of it to make such further submissions as they wish to in relation to the appointment of a pukenga.

Churchman J