

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

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

**CIV-2017-485-270
CIV-2017-485-272**

UNDER	the Marine and Coastal Area (Takutai Moana) Act 2011
IN THE MATTER	of an application by MURIWAI MAGGIE JONES on behalf of NGAI TAI for an order recognising customary marine title and protected customary rights
IN THE MATTER	of an application by MURIWAI MAGGIE JONES on behalf of RIRIWHENUA HAPŪ for an order recognising customary marine title and protected customary rights

On the papers:

Counsel: E Rongo for Applicants

Minute: 14 April 2020

MINUTE (NO. 3) OF CHURCHMAN J

[1] On 19 March 2020, Ms Rongo in respect of Ngai Tai and Ririwhenua Hapū sought and was granted an extension of three weeks within which to file her client's evidence in this matter.

[2] On 7 April 2020, Ms Rongo sought to have her obligation to file evidence deferred until such time as the central and southern parts of the North Island were at COVID-19 status level 2.

[3] At this stage no-one knows when that status is likely to be achieved.

[4] Postponing the obligations for Ngai Tai and Ririwhenua Hapū to file any evidence until that indeterminate point is likely to severely disadvantage other applicants and possibly lead to

the abandonment of the hearing scheduled for August in the Whakatōhea matter. I am not prepared to run that risk.

[5] Ms Rongo has known for a very long time what the timetable was for the filing of her clients' evidence. It is inconceivable that substantial progress would not already have been made in compiling that evidence.

[6] I accept that during the current COVID-19 level 4 status, it would be more difficult to communicate with clients. However, we all have to adapt, and it is far from impossible for the briefing of evidence to be completed.

[7] Ms Rongo will be able to communicate with her clients by telephone and the postal system still functions should any clients not have telephones. It may also be possible that Ms Rongo is able to communicate with witnesses by Skype, Zoom or some other form of audio-visual means should the witnesses have access to a computer.

[8] Accordingly, I direct that the evidence on behalf of Ngai Tai and Ririwhenua Hapū will be filed in accordance with the amended timetable.

[9] Should there be additional evidence that Ms Rongo is unable to file and unable to communicate with her proposed witnesses about, then I reserve leave to her to make an application to the Court to file that part of her evidence out of time. However, the Court will need to be satisfied that appropriate efforts to finalise and file that evidence were in fact made.

Churchman J