

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

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

CIV-2011-485-817

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 the late Claude Augustin Edwards
 (deceased), Adriana Edwards and
 others on behalf of Te Whakatōhea

On the papers:

Counsel: A M B Green and M Jones for Whakatane District Council,
 Kaipara District Council, Thames/Coromandel District Council,
 Waikato District Council and Hauraki District Council

Minute: 12 June 2020

MINUTE (NO. 16) OF CHURCHMAN J

[1] On 7 May 2020, counsel for Whakatane District Council (WKDC) filed an unsworn affidavit and memorandum seeking orders and directions from the Court.

[2] One of the particular directions sought was that David Christopher Bewley, who had filed the affidavit, be excused from the substantive hearing in this matter if no notice of cross-examination was served by 7 August 2020.

[3] On 25 May 2020, counsel for WKDC refiled the affidavit which had now been sworn.

[4] By memorandum dated 8 June 2020, counsel confirmed that there had been no response from any other party to the 7 May 2020 memorandum and confirmed that a direction was still sought from the Court excusing the attendance of the hearing of Mr Bewley. Counsel also wished to obtain a direction that he reserves the right to file submissions on any matter that may be of interest to WKDC upon receiving the hearing transcripts.

[5] In the absence of any opposition to the directions sought, I make the following orders:

- (a) that, unless a notice of cross-examination is served on counsel by 7 August 2020, David Christopher Bewley is not required to attend at Court during the hearing of this matter;
- (b) leave is reserved to WKDC to file submissions on matters arising from the hearing that are relevant to WKDC once they have had an opportunity of reviewing the hearing transcripts, such submissions are to be filed within 10 working days of receipt by WKDC of the hearing transcripts; and
- (c) should WKDC exercise the right to file written submissions, all applicants and other interested parties affected by those submissions shall have a right to reply to them, such right to be exercised within five working of receipt.

Churchman J