

**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: T Sinclair for Applicant
 K Feint QC for Ngāti Ruatakenga
 J Pou for Whakatōhea Māori Trust Board
 A Sykes for Ngāti Ira o Waioweka Rohe

Minute: 24 July 2020

MINUTE (NO. 19) OF CHURCHMAN J

[1] At the case management conference (CMC) held in Rotorua on 14 July 2020, Mr Sinclair, in his reply submissions, indicated that he opposed the application by Ngāti Ruatakenga to be heard as part of the Whakatōhea Trust Board application. He sought leave to file submissions in opposition. He indicated that he required until the following Tuesday, 21 July 2020.

[2] In response to the Court granting Mr Sinclair such leave, Ms Feint QC, on behalf of Ngāti Ruatakenga, sought leave to respond. The Court granted her 24 hours following the filing of Mr Sinclair's submissions.

[3] On 23 July 2020, Mr Sinclair sought an extension and the Court granted an extension until 5.00 pm, 24 July 2020.

[4] Ms Sykes for Ngāti Ira o Waioweka, indicated to the Registrar by email sent at 9.27 am on 24 July 2020 that she wished to file submissions as well.

[5] By email at 12.54 pm on 24 July 2020, Mr Sinclair sought a further extension to file his submissions at 9.00 am on Monday, 27 July 2020. Mr Pou opposed that, as did Ms Feint.

Analysis

[6] These developments are unsatisfactory. If Mr Sinclair opposed Ngāti Ruatakenga's application, he should have come to the CMC prepared to address the Court on the matter.

[7] The issue of the basis upon which Ngāti Ruatakenga is able to participate in the hearing commencing on 17 August 2020 is a matter that needs to be resolved by the Court prior to that date.

[8] One reason that I gave leave for submissions to be filed this week is because I am scheduled to be away on sabbatical leave for two weeks from 27 July 2020. In order to be able to consider submissions and issue a decision on this point, in time for the parties to prepare for the hearing, I am now going to need to address this matter next week.

[9] I am unaware of the precise nature of the reasons why Mr Sinclair has not been able to comply with the timetable fixed. Any further extension of time inconveniences both the Court and the parties.

[10] I am prepared to grant Mr Sinclair one final extension. He is to have his submissions on this issue filed and served no later than **9.00 am on Monday 27 July 2020**.

[11] Ms Feint, and any other party in opposition, should have their submissions filed and served within 24 hours of that date.

[12] I will endeavour to give a decision on this point such priority as I am able to.

Churchman J