

IN THE WAITANGI TRIBUNAL

CONCERNING

the Treaty of Waitangi Act 1975

AND

claims concerning the Marine and Coastal Area (Takutai Moana) Act 2011 (Wai 2577, Wai 2579, Wai 2580, Wai 2581, Wai 2582, Wai 2583, Wai 2584, Wai 2585, Wai 2586, Wai 2587, Wai 2588, Wai 2602, Wai 2603, Wai 2604, Wai 2612, Wai 2658, Wai 2661, Wai 2669)

**MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON
ON APPLICATIONS FOR A PRIORITY KAUPAPA INQUIRY INTO TAKUTAI
MOANA CLAIMS**

25 August 2017

Introduction

1. In this memorandum-directions I address applications for an inquiry into claims concerning the Marine and Coastal Area (Takutai Moana) Act 2011 (the MACA Act) and for that inquiry to be given priority in the Waitangi Tribunal's kaupapa inquiry programme.

Background

2. On 21 December 2016, the Tribunal received a statement of claim and application for an urgent hearing concerning the MACA Act from Te Riwhi Whao Reti, Hau Hereora, Romana Tarau, Karen Herbert and Edward Cook on behalf of Te Kapotai. The claimants allege that the Crown has breached the principles of the Treaty of Waitangi by enacting the MACA Act as it erodes Te Kapotai's customary and common law rights and inhibits their ability to exercise rangatiratanga over the takutai moana in their rohe. Sixteen further statements of claim and applications for urgency followed from hapū and whānau across New Zealand, all seeking an urgent Tribunal inquiry into the MACA Act. The claims are listed in **Appendix A**.
3. On 16 March 2016, I declined the applications for an urgent hearing of the MACA claims (Wai 2577, #2.5.5). However, I acknowledged that the claims raised significant issues and invited claimant counsel to make submissions on how the claims should be progressed and the Crown to respond. Following the submissions round, I convened a judicial teleconference on 11 July 2017 to hear oral arguments from counsel for the claimants, interested parties and the Crown. Interested parties who made submissions are listed in **Appendix B**.
4. The submissions of counsel for the claimants and interested parties unanimously support a priority inquiry into the MACA claims, arguing that an early discrete inquiry is both appropriate and feasible. The Crown opposes priority being granted and considers that the claims should be heard in the future natural resources and environmental management inquiry in the Tribunal's kaupapa inquiry programme.
5. The reasons advanced by claimant counsel for granting priority fall under two broad heads of prejudice that they say are likely to arise from:
 - a) inconsistency of the governing legislation with Treaty principles; and
 - b) the Crown's failure to assure access to justice in the process established for Māori to seek recognition of their customary MACA rights.

Treaty consistency of the MACA Act

The position of the claimants and interested parties

6. In their memorandum of 31 March 2017 (Wai 2577, #3.1.21), Ms Downs and Ms Jamieson argue that priority for an inquiry into MACA issues is necessary because all parties require certainty regarding the consistency of the MACA Act with Te Tiriti and because a timely inquiry is needed by claimants who have, against their wishes, made applications to the Court and the Crown for recognition of their MACA rights.
7. On the question of consistency, counsel suggest that prior to determining that the legislation provides claimants with an alternative pathway to remedies, the Tribunal must first establish that the legislation itself is not likely to cause prejudice. They argue that since the legislation is not capable of providing a regime for the recognition of customary rights to the takutai moana that is compliant with Te Tiriti, common law and international law, it would be wrong to require the claimants to continue down a path that would effectively entrench the prejudice that arises from the Act.
8. One example raised by Ms Downs and Ms Jamieson in a joint submission of 14 June 2017 (Wai 2577, #3.1.36) is the absence of provision for compensation under the MACA

Act for any abrogation of Māori customary rights to the takutai moana. This they say is a major concern for the claimants.

9. In their memorandum of 1 May 2017 (Wai 2577, #3.1.26), Mr Naden, Mr Lawless and Mr Kett argue that because the MACA claims concern issues of great importance to Māori and the nation, the Tribunal should hear them without delay. Further, Mr Lyall and Ms Thornton contend in their memorandum of the same date (Wai 2577, #3.1.23) that the MACA claims are discrete and distinct from other kaupapa claims awaiting a hearing and thus amenable to a targeted inquiry. The claims are, they say, likely to require minimal research and are therefore ready to proceed to hearing.
10. Reiterating their views in a joint memorandum of 2 June 2017 (Wai 2577, #3.1.35), Ms Downs and Ms Jamieson say that the MACA claims are distinct from claims that concern environmental issues and should be heard separately rather than as part of a broader kaupapa inquiry into natural resources and environmental management, as currently indicated in the Tribunal's kaupapa inquiry programme. The MACA claims relate, rather, to the treatment of Māori customary rights in terms of the ownership and management of the takutai moana and the regime that the Crown has put in place through the MACA Act to determine those rights.

The Crown's position

11. For the Crown, Mr Melvin and Ms McKay opposed a granting of priority. In their submission of 26 May 2017 (Wai 2577, #3.1.33), counsel say that the claimants have not established there is a need for a priority inquiry into the MACA Act, nor can the claimants' failure to file an application under the Act be used to justify a priority hearing.
12. The matters raised by the claimants should rather be heard as part of the Tribunal's kaupapa inquiry into environmental matters. Counsel note that some of the claims raise issues that overlap with resource management and the general regulatory regime for te takutai moana. A broad approach would avoid duplication of effort and align with the framework for the kaupapa inquiry programme and the Tribunal's preferred approach to considering related matters together, as set out in the memorandum of the Chairperson dated 1 April 2015.¹
13. Crown counsel also doubt the utility of an early inquiry. They point out that it would not be able to draw on precedent from the court and engagement processes now commencing. Nor would any Tribunal findings change the function of the High Court in determining the MACA applications before it.

The funding regime and access to justice

The position of the claimants and interested parties

14. Dr Gilling and Ms Bulow, counsel for eleven claims participating as interested parties, criticise the application processes established under the MACA Act for the recognition of customary MACA interests, through both the High Court and Office of Treaty Settlements (OTS) engagement, as too onerous for the claimants (Wai 2577, #3.1.25). There is, they say, a significant financial burden until reimbursement can be arranged.
15. Counsel consider that there seems to be little connection between the two pathways. In situations where applicants have overlapping interests and have elected to go through different processes, it is unclear how the two processes will work in tandem so that all

¹ Memorandum of the Chairperson Concerning the Kaupapa Inquiry Programme, 1 April 2015.

interests in the applications are considered and given effect to. A further joint submission filed by Ms Downs and Ms Jamieson on 14 June 2017 (Wai 2577, #3.1.36) characterises the processes as prejudicial for lack of central coordination.

16. Ms Downs and Ms Jamieson also consider that funding for those processes is inadequate. Counsel detail problems they have encountered in receiving reimbursement for the preparation, filing and advertisement of MACA applications for their claimants. They state that the Crown's position on the funding regime for the MACA application process is not sustainable in light of the practical difficulties they face.
17. In the conference Ms Mason pointed to a risk of prejudice arising from what she considered to be a lack of independence in the administration of the funding that is available, unlike the provision of other legal aid. She considered this a possible ploy to influence the outcomes of High Court applications, with the Crown's negotiating organisation administering funding for both application pathways, building in an incentive to favour direct engagement.
18. On the question of financial barriers to access to justice, Ms Sykes and Ms Bartlett (Wai 2577, #3.1.28), counsel for three interested parties, point to the absence of a proper legal aid regime to support the engagement process through the Office of Treaty Settlements. This they consider important because some claimants are awaiting the release of a Waitangi Tribunal report on their claims and have not yet been recognised as a large natural group for the purposes of direct negotiation. Other claims are involved in Tribunal inquiries where there are mandate disputes around how and with whom historical claims are to be settled.
19. Even in its preliminary stages, say counsel, the MACA Act's processes are causing financial strain for the applicants. Under the present funding regime, applicants are required to advance funds to pay for filing fees, advertising costs and legal representation to enable the statutory requirements of filing claims to be satisfied. Reimbursement is considered by OTS and only when it processes the applications. This results in extensive delays. Counsel assert that the MACA funding regime is less adequate than legal aid and therefore prejudicial.
20. Counsel advocate a prioritised kaupapa inquiry that includes the issue of Crown funding for MACA Act processes. The Tribunal could, they say, give guidance in respect of developing a Treaty-compliant funding policy and effective implementation of that policy. Access to justice is a fundamental underpinning of the judicial system and this, they submit, has been disturbed by the process established for applications to the High Court.

The Crown's position

21. In their submission of 26 May 2017 (Wai 2577, #3.1.33), counsel for the Crown submit that the funding available to participate in the processes under the MACA Act is substantial and reasonable and that therefore the access to justice issues raised by the claimants do not justify a priority hearing.
22. In support of its position, on 26 January 2017 the Crown filed an affidavit from Ms Rhonda Taylor (Wai 2577, #A4). Ms Taylor states that funding applications are processed through two stages: first, an upper funding limit is determined and approved; second, costs are reimbursed following receipt of certain information from the applicant group.
23. In the third affidavit, filed by the Crown on 7 July 2017 (Wai 2577, #A10), Ms Taylor explains that the delegation of authority to approve allocations of Crown contributions to MACA Act applications to the Director of OTS in May 2017 should allow funding applications to be processed and approved more efficiently. Ms Taylor notes that some 190 applications are currently before the High Court seeking recognition orders under the

MACA Act, and that the Ministry of Justice has approved upper funding limits for 18 applications, for which it is now processing approvals for the release of funds. These applications sit alongside the 381 applications for direct Crown engagement indicated by Ms Taylor on 26 May 2017 (Wai 2577, #3.1.33).

24. For the claimants, their ability to access funding to participate in the High Court and OTS processes is a core concern. Claimant counsel strongly disagree with the Crown that the funding provided is substantial and reasonable. Given their submissions that the issue of funding should be a focus for a priority Tribunal inquiry, I sought further information from the Crown on funding at the judicial teleconference on 11 July. Mr Melvin gave the assurance that all High Court applications would be funded following assessment, but that the flood of late applications was causing some delay.
25. On 21 July 2017, the Crown filed a further affidavit of Ms Taylor (Wai 2577, #A11) providing additional information on the funding process, which includes the following:
 - a) The number of MACA applications before the High Court has increased from 190 to approximately 200;
 - b) In addition to the 18 High Court applications approved for upper funding limits, as of 18 July 2017 the Ministry of Justice had received correspondence about, or requests for funding in relation to, a further 57 High Court applications;
 - c) The process for determining an applicant's upper funding limit is triggered when the Ministry receives the first request for reimbursement. Once the upper funding limit for an application is approved, applicants are able to seek reimbursement of costs. Through the High Court, reimbursement occurs once applicants have publicly notified their application; and
 - d) Any concern that applicants are required to have an established legal entity to receive funding is misplaced. Funding is allocated and paid to a nominated bank account or made directly to a third party, such as legal counsel.

Jurisdictional issues

Proceedings in the High Court

26. The relationship between an early Tribunal inquiry and the High Court's consideration of MACA applications was raised by several claimant counsel in their submissions and at the judicial conference:
 - a) Ms Downs and Ms Jamieson (Wai 2577, #3.1.20) consider that the High Court and Crown engagement processes could be adjourned while the inquiry is underway.
 - b) Mr Naden, Mr Lawless and Mr Kett (Wai 2577, #3.1.26) argue that the MACA claims should be prioritised given the prospect of High Court and Crown determinations on customary marine title in the near future. In the conference Ms Downs suggested the possibility of seeking an adjournment to the proceedings in the Court while these matters are inquired into by the Tribunal.
 - c) In the conference Ms Sykes also suggested that the High Court might be receptive to 'guidance' on its case management of the numerous MACA applications and on Treaty compliance aspects of complex cases before it.
27. In their submissions in response on 26 May 2017 (Wai 2577, #3.1.33), counsel for the Crown describes claimant counsels' expectation that the High Court and Crown engagement processes could be 'paused' or put on hold while the Tribunal inquires into

the MACA claims as unrealistic given the large number of applications to both the Court and OTS.

28. Counsel also points out that the Tribunal cannot make findings of law and that it is for the High Court to make determinations as to whether the applications before it meet the tests prescribed in the MACA Act. They therefore consider claimant counsel's expectation that Tribunal findings could inform the High Court's interpretation of the MACA Act to be overstated.

Previous Tribunal inquiry

29. In their 26 May submission (Wai 2577, #3.1.33), Crown counsel point out that in its decision of 19 December 2013 on an application for an urgent hearing regarding legal aid (Wai 2386, #2.5.13), the Tribunal considered the policy development of the funding regime relating to the MACA Act. On that matter, the Tribunal concluded that the Crown had consulted the claimants reasonably and in good faith. Counsel submits that further consideration is not warranted.
30. In their joint memorandum of 14 June 2017 (Wai 2577, #3.1.36), claimant counsel submit that the Tribunal is not bound by any earlier consideration of these issues. The claims before it now are new and further evidence will be brought to demonstrate that the funding regime is prejudicial.

Timing and form of a priority inquiry

31. In their submission of 1 May 2017 (Wai 2577, #3.1.23), Mr Lyall and Ms Thornton suggest that if given priority, the inquiry could commence in August 2017, go to hearing in April 2018, and complete closing submissions by September 2018. The timetable attracted broad support from counsel for the claimants and interested parties.
32. Given that this timetable would not result in a Tribunal report before 2019 and that claimants were seeking to have their claims determined by the Tribunal ahead of the outcomes of High Court applications, in the judicial conference I asked counsel to give their expectations as to the length of court proceedings. In response, Ms Sykes and Ms Downs considered that the High Court proceedings were likely to be lengthy and that in any case they would be minded to seek adjournments should the inquiry proceed.
33. As to the form of inquiry, there was some support from claimant counsel for a staged inquiry, focusing first on the processes through which the legislation is implemented and then on the substantive issues concerning the legislative framework and the effect of the MACA Act on Māori customary rights to the takutai moana. However, in the conference most claimant counsel who spoke regarded both matters as pressing.

Discussion

Factors affecting the Tribunal's jurisdiction

34. I turn now to jurisdictional matters. First, the Tribunal's decision not to grant urgency to the Wai 2386 claim in 2013 concerning legal aid has no bearing on the MACA claims before us or on the design and implementation of the funding regime now in place for MACA Act applicants. The 2013 decision declined to grant an urgent hearing of the Wai 2386 claim, but it did not determine whether the Treaty breaches alleged by the claimants

are made out, and it is for the Wai 2386 claimants to decide whether to apply to join the current proceedings.

35. Secondly, it would be both inappropriate and futile for the Tribunal to revisit the claim issues already heard and reported on by the Tribunal in its previous inquiry into the Crown's foreshore and seabed policy in 2004, except where needed for context.² Further, for the purposes of the priority inquiry that the claimants seek, the focus should be on current Crown policy, legislation and practice.
36. Thirdly, this Tribunal cannot and will not intervene in the High Court proceedings now underway or pending, whether to offer 'guidance' or for any other purpose. Nor is it appropriate for the Tribunal to stand between applicants and the Crown where they are freely engaging in direct negotiations.
37. To that end, I must state clearly that the Tribunal will not inquire into the substance of applications for recognition of customary marine and coastal area rights lodged with the High Court, or applications for direct engagement with the Crown. That exclusion will not preclude evidence concerning customary takutai moana rights being advanced in support of allegations of Treaty breach and prejudice arising from the MACA Act and Crown policy and practice.
38. Whether any or all of the applicants seek to delay or suspend their applications to the High Court while Tribunal proceedings are under way is entirely a matter for them. Similarly, any account taken by the High Court of the evidence filed on the record of inquiry or of the Tribunal's report on the claims before it will be a matter for the Court alone to decide.

A priority inquiry

39. The claimants' case for granting priority for an early inquiry into the MACA claims centres on a likelihood that future prejudice will arise from a statutory framework that is in breach of the Treaty, with current procedural obstacles an exacerbating factor. They seek remedies aimed at averting the adverse outcomes they anticipate from the dual-track court and Crown engagement processes, rather than addressing actual prejudice after the fact. For Tribunal findings and recommendations to be useful, they argue, an inquiry into the claims should proceed quickly.
40. More precisely, claimant counsel propose that the MACA claims be accorded priority as a specific issue for inquiry within the Tribunal's kaupapa inquiry programme. They request that the inquiry be the next to commence.
41. My memorandum of 1 April 2015, which inaugurated the programme, listed 11 broadly defined thematic inquiries and a provisional order in which they would be heard. Currently, 'foreshore and seabed' issues are listed under the natural resources and environmental management inquiry, which is positioned at seventh and thus not due to begin for several years.
42. As Crown counsel rightly point out, the memorandum states the Tribunal's preference for a broad thematic approach. It does, however, provide a degree of flexibility for setting the scope of issues to be heard in a kaupapa for inquiry:

Sustaining an inclusive approach will require some flexibility in the overall scope of the kaupapa inquiry programme. Future claims may raise new contemporary issues that merit inclusion in the programme and, if sufficiently distinct, a separate inquiry.

² Waitangi Tribunal, *Report on the Crown's Foreshore and Seabed Policy* (Wellington: Legislation Direct, 2004).

43. The memorandum also notes:

This preference does not, however, rule out a more targeted approach where appropriate to the nature of the issue, to the grievances raised and remedies sought, or to circumstances requiring a fast inquiry process for particular claims.

44. It indicates further that 'changing circumstances will sometimes rebalance the relative priorities and require a reordering of the forward inquiry programme'. Together with all other relevant circumstances, the Tribunal would then take into account the six general priority criteria it set out, namely removal of the Tribunal's ability to inquire, the importance of the take to claimants, Māoridom and the nation, the seriousness of the alleged breach or prejudice, and the immediacy of the take or potential remedy.
45. Claimant counsel argue that the circumstances of their claims support the case for calling an early inquiry into the MACA claims. On balance, I am inclined to agree. Although there is no current suggestion that the Tribunal's ability to inquire might be affected, the applications demonstrate a substantial weight of claimant interest in proceeding to an early, focused inquiry. The core issue, concerning the ability of Māori to exercise their claimed customary rights in the marine and coastal environment, raises potentially serious allegations of Treaty breach and potential prejudice. The issue has also been and remains important to Māori coastal communities and to Māori generally, and overlaps with economic and citizen rights of significance to the nation.
46. A principal purpose of convening this inquiry now would be to ascertain at the outset of potentially lengthy court and engagement processes whether the Crown's duty of active protection of Māori customary rights in land and other taonga is likely to be adequately fulfilled under the legislation and access to justice procedures it has put in place. I acknowledge Crown counsels' point that an absence of precedent from court and Crown engagement proceedings under the MACA Act would disadvantage an early inquiry. These proceedings are only just commencing and may take some time to deliver concrete outcomes. The Tribunal must, however, also weigh the risk of future prejudice and especially so where Māori customary interests and rights in land and other taonga protected by the Treaty are alleged to be affected.
47. The claimants also raise current procedural and resourcing deficiencies which they say are prejudicing their ability to progress their applications through the Crown-designated channels. At this early stage, these might be perceived as teething troubles in complex new processes; however, some claimant counsel have pointed to systemic problems. While Māori holders of customary MACA rights are not obliged to seek their recognition under the MACA Act, they risk a loss of protection for their ability to exercise them should they not do so. Allegations of prejudice arising from process and resourcing deficiencies are therefore suitable matters for early inquiry.
48. I reach no conclusions on the merits of the claims as to Treaty breach and prejudice. The question I must consider is whether there is sufficient reason to promote the hearing of the MACA claims to a separate inquiry at the top of the future kaupapa inquiry programme, imposing consequential delay on the claims due next for inquiry. The Crown argues that the MACA claims would best be heard in the later broad inquiry into natural resources and environmental management under which the issue is listed. The issues raised by the applicants do nevertheless have distinct features, immediacy and significance for the resolution of the claims, factors that weigh in favour of an early, focused inquiry.
49. On balance, I agree with claimant counsel that the Tribunal's consideration of the MACA claims is likely to have greater utility if progressed expeditiously in a focused kaupapa inquiry.

Decision

50. For the reasons given, priority is granted for a kaupapa inquiry into the marine and coastal area/takutai moana claims, targeted on the legislative framework and applications process established under the MACA Act.
51. The inquiry will exclude matters previously heard in the Tribunal's inquiry into the Crown's foreshore and seabed policy. Nor will the Tribunal inquire into the substantive applications for recognition of customary marine and coastal area rights lodged with the High Court or for direct engagement with the Crown.
52. The inquiry will address two main questions:
 - a) To what extent, if at all, are the MACA Act and Crown policy and practice inconsistent with the Treaty in protecting the ability of Māori holders of customary marine and coastal area rights to assert and exercise those rights?
 - b) Do the procedural arrangements and resources provided by the Crown under the MACA Act prejudicially affect Māori holders of customary marine and coastal area rights in Treaty terms when they seek recognition of their rights?

Next steps

53. I will shortly appoint a presiding officer and panel members to the Tribunal panel that will conduct the inquiry and notify all parties accordingly.
54. At this time, I direct the Registrar to establish a new record of inquiry. This inquiry will be referred to as 'the Marine and Coastal Area (Takutai Moana) Act Inquiry' and will have the reference number Wai 2660.
55. The claims listed in Appendix A of this memorandum-directions will be consolidated into the inquiry. They will be included in the combined distribution list for the inquiry together with the Crown and the interested parties.
56. All written materials filed on the claims and applications for urgency will be admitted and form part of the Wai 2660 record of inquiry, to which they will be transferred. All future documents filed by parties in relation to the matters subject to this inquiry should now refer to this Wai number.

The Registrar is to send a copy of this direction to counsel for the claimants, Crown counsel and those on the notification list for the Marine and Coastal Area (Takutai Moana) Act Inquiry, including:

- Wai 2577, the Marine and Coastal Area (Takutai Moana) Act (Te Kapotai) claim;
- Wai 2579, the Marine and Coastal Area (Takutai Moana) Act (Waihoroi Shortland and Pita Tipene) claim;
- Wai 2580, the Marine and Coastal Area (Takutai Moana) Act (Te Waimate Taiamai) claim;
- Wai 2581, the Marine and Coastal Area (Takutai Moana) Act (Ani Taniwha) claim;
- Wai 2582, the Marine and Coastal Area (Takutai Moana) Act (Rosaria Hotere) claim;
- Wai 2583, the Marine and Coastal Area (Takutai Moana) Act (Pomare Hamilton) claim;
- Wai 2584, the Marine and Coastal Area (Takutai Moana) Act (Tangi Tipene) claim;
- Wai 2585, the Marine and Coastal Area (Takutai Moana) Act (Aorangi Kawiti) claim;
- Wai 2586, the Marine and Coastal Area (Takutai Moana) Act (Gray Theodore) claim;
- Wai 2587, the Marine and Coastal Area (Takutai Moana) Act (Deidre Nehua) claim;
- Wai 2588, the Marine and Coastal Area (Takutai Moana) Act (Violet Nathan) claim;
- Wai 2602, the Marine and Coastal Area (Takutai Moana) Act (Ruiha Stirling) claim;

- Wai 2603, the Marine and Coastal Area (Takutai Moana) Act (Steve Panoho and Joy Panoho) claim;
- Wai 2604, the Marine and Coastal Area (Takutai Moana) Act (Margaret Ryland-Daigle and Roger Tichborne) claim;
- Wai 2612, the Marine and Coastal Area (Takutai Moana) Act (Ngāti Te Wehi) claim;
- Wai 2658, the Marine and Coastal Area (Takutai Moana) Act (Ngā Hapū o Kokoronui) claim;
- Wai 2661, the Marine and Coastal Area (Takutai Moana) Act (Cletus Maanu Paul) claim; and
- Wai 2669, the Marine and Coastal Area (Takutai Moana) Act (Te Whakapiko) claim.

DATED at Gisborne this 25th day of August 2017.



Chief Judge W W Isaac
Chairperson
WAITANGI TRIBUNAL

Appendix A. Claims for which applications for priority have been submitted concerning the Marine and Coastal Area (Takutai Moana) Act 2011

| Wai | Claim |
|------------|--|
| 2577 | The Marine and Coastal Area (Takutai Moana) Act (Te Kapotai) claim |
| 2579 | The Marine and Coastal Area (Takutai Moana) Act (Waihoroi Shortland and Pita Tipene) claim |
| 2580 | The Marine and Coastal Area (Takutai Moana) Act (Te Waimate Taiamai) claim |
| 2581 | The Marine and Coastal Area (Takutai Moana) Act (Ani Taniwha) claim |
| 2582 | The Marine and Coastal Area (Takutai Moana) Act (Rosaria Hotere) claim |
| 2583 | The Marine and Coastal Area (Takutai Moana) Act (Pomare Hamilton) claim |
| 2584 | The Marine and Coastal Area (Takutai Moana) Act (Tangi Tipene) claim |
| 2585 | The Marine and Coastal Area (Takutai Moana) Act (Aorangi Kawiti) claim |
| 2586 | The Marine and Coastal Area (Takutai Moana) Act (Gray Theodore) claim |
| 2587 | The Marine and Coastal Area (Takutai Moana) Act (Deidre Nehua) claim |
| 2588 | The Marine and Coastal Area (Takutai Moana) Act (Violet Nathan) claim |
| 2602 | The Marine and Coastal Area (Takutai Moana) Act (Ruiha Stirling) claim |
| 2603 | The Marine and Coastal Area (Takutai Moana) Act (Steve Panoho and Joy Panoho) claim |
| 2604 | The Marine and Coastal Area (Takutai Moana) Act (Margaret Ryland-Daigle and Roger Tichborne) claim |
| 2612 | The Marine and Coastal Area (Takutai Moana) Act (Ngāti Te Wehi) claim |
| 2658 | The Marine and Coastal Area (Takutai Moana) Act (Ngā Hapū o Kokoronui) claim |
| 2661 | The Marine and Coastal Area (Takutai Moana) Act (Cletus Maanu Paul) claim |
| 2669 | The Marine and Coastal Area (Takutai Moana) Act (Te Whakapiko) claim |

Appendix B. Interested parties

| Wai | Claim |
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| 78 | The Torere claim |
| 88 | The Kapiti Island claim |
| 89 | The Whitiareia Block claim |
| 120 | The Opuā Lands and Waterways claim |
| 156 | The Oriwa Block claim |
| 234 | The Motukawanui claim |
| 246 | The Puhipuhi State Forest claim |
| 420 | The Mataikona A2 claim |
| 492 | The Kororipo Pa claim |
| 549 | The Ngāpuhi Land and Resources claim |
| 654 | The Ngāti Rahiri Rohe claim |
| 919 | The Ngāti Tupango Lands and Resources (Bay of Islands) claim |
| 966 | The Ngāpuhi Te Tiriti o Waitangi claim |
| 1148 | The Paremata Mokau A16 Land claim |
| 1312 | The Whakaki claim |
| 1313 | The Ngāpuhi (Mahurangi and Tamaki Makau Rau) claim |
| 1341 | The Ngāti Rehia Hapu claim |
| 1460 | The Tauhinu ki Mahurangi claim |
| 1526 | The Mahurehure claim |
| 1536 | The Descendants of Te Kemara uri o Maikuku raua ko Hua claim |
| 1661 | The Ngāti Rua (Wood, Smith and Wood) claim |
| 1623 | The Ngāti Rangatahi kei Rangitikei claim |
| 1728 | The Ngāti Pakau and Ngāti Rauwawe (Kire and others) claim |
| 1837 | The Whānau and Hapu of Te Tai Tokerau Settlement Issues (Nehua) claim |
| 1838 | The Ngāti Ruamahoe Hapu (Hikuwai Whānau) claim |
| 1843 | The Te Aeto Hapu claim |
| 1846 | The Ngāti Ruamahoe and Ngāti Kahu ki Whangaroa (Sailor Morgan) claim |
| 1857 | The Ngāti Korokoro and Te Pouka (Sheena Ross and Kim Isaac) claim |
| 1896 | The Descendants of Patuone of Ngāpuhi claim |
| 1940 | The Waitaha (Te Korako & Harawira) claim |
| 2217 | The Children of Te Taitokerau (Broughton) claim |
| 2355 | The Te Taumata o Te Parawhau (Tuhiwai, Tito and Nepia) claim |
| 2257 | The Te Whānau a Apanui Mana Wahine (Stirling) claim |

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| 2468 | The Kaipara Lands (Public Works Act and Soldiers Resettlement Act) claim |
| - | The Ngātiwai Trust Board |
| - | The Ngati Makino Heritage Trust |