

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

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

**CIV-2017-485-000398**

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	LOUISA TE MATEKINO COLLIER First Applicant
	AWHIRANGI LAWRENCE Second Applicant
	ARTHUR MAHANGA Third Applicant
	HAYWARD NORMAN Fourth Applicant
	MITCHELL ARAPETA COLLIER Fifth Applicant

Minute: 3 December 2018

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**MINUTE (No 4) OF COLLINS J  
[Re Test Case Proposal]**

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[1] I refer to my Minute of 17 September 2018, in which I indicated that I hoped to deliver a decision concerning the Ngāpuhi application for a “test case” delivered during the course of November.

[2] Since issuing that Minute I have had the benefit of further submissions, most particularly a very comprehensive memorandum from Ms Mason dated 5 November 2018, together with supporting affidavits.

[3] As I endeavoured to prepare a decision on the basis of the written submissions and affidavits, it became apparent that the issues raised by the application for a “test case” are complex and are more suited to an oral hearing during which propositions can be fully tested and explored.

[4] Accordingly, I am advising counsel and parties that I shall not be delivering a decision on the basis of the written submissions. I shall endeavour to arrange for an urgent half day fixture in Whangārei or Auckland in the early part of 2019.

[5] Registry staff in the Wellington High Court will liaise with counsel over the fixture.

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**D B Collins J**

Solicitors:  
Phoenix Law Ltd, Wellington for Applicants  
Crown Law Office, Wellington for Attorney-General