

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

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

**CIV-2017-489-398**

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  
AND OTHERS

On the papers:

Counsel:                      M Chen for Ngāti Whatua  
C W Bright for Kawau Island Residents and Ratepayers Association  
Incorporated

Minute:                        28 May 2019

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**MINUTE (NO. 1) OF CHURCHMAN J**

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[1] By way of memorandum dated 20 March 2019, Te Rūnanga on Ngāti Whatua (Ngāti Whatua) applied to be heard at the hearing in this matter set down for 25 June 2019 in Whangarei.

[2] In a minute of 22 March 2019, Collins J invited any responses in opposition to the application. Such responses were to be filed by 5 April 2019.

[3] No responses in opposition were received and one supporting response (from Kawau Island Residents and Ratepayers Association Incorporated) has been filed.

[4] I confirm that Ngāti Whatua are entitled to appear at the hearing scheduled for 25 June 2019.

[5] Counsel for Ngāti Whatua seeks guidance from the Court as to what issues will be addressed by the Court on 25 June.

[6] These matters are covered in two minutes of Collins J (17 September and 3 December 2018).

[7] As recorded in the minute of 17 September 2018, there are two primary issues:

- (a) that the first part of the Ngāpuhi application “be used to provide a factual and evidential basis, as a test case, so that the Court could determine what criteria are required to prove customary marine title”; and
- (b) a request to the Court to state a case to the Māori Appellate Court.

[8] The applicants (L T Collier and others), on behalf of Ngāpuhi, various interested parties and the Crown have all filed detailed written submissions. Ngāti Whatua filed similarly detailed submissions on 20 March 2019.

[9] The Court does not require counsel to read out their submissions or to repeat matters clearly set out in their written submissions.

[10] The half-day allowed for the hearing of this matter means that counsel’s arguments will need to be focused and succinct. The Court is likely to receive greatest assistance from counsel by way of response to setting out their client’s position in relation to arguments advanced by others.

Churchman J