

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

**CIV-2009-488-000205**

**UNDER the Foreshore and Seabed Act 2004**

**IN THE MATTER OF an application for a finding of territorial customary rights under section 33 of the Foreshore and Seabed Act 2004**

**AND**

**IN THE MATTER OF Te Uri o Hau Settlement Trust of Whangarei, on behalf of the hapu of Te Uri o Hau**

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**NOTICE OF ORIGINATING APPLICATION FOR ORDER  
FOR TERRITORIAL CUSTOMARY RIGHTS**

**Dated at Wellington this 24<sup>th</sup> day of April 2009**

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HIGH COURT  
30 APR 2009  
AUCKLAND

**TAKE NOTICE** that on Tuesday the fifth day of May 2009 at 10am or as soon thereafter as counsel may be heard, the Te Uri o Hau Settlement Trust, (“the Trust”) on behalf of the hapu of Te Uri o Hau (“the Applicant Group”), will move the Court at Wellington

**FOR AN ORDER:**

1. that the Applicant Group (or any of its members) would, but for the vesting of the full legal and beneficial ownership of the public foreshore and seabed in the Crown by section 13(1) of the Foreshore and Seabed Act 2004 have held territorial customary rights at common law to the area of the public foreshore and seabed in Northland from Karaka Point generally along the coastline following the northern reaches of the Kaipara Harbour and from Langs Beach to a point on the coastline at Te Arai Point (“the Area”) as depicted in the map annexed and marked “A”.

**AND FOR:**

2. directions to secure the just, speedy and inexpensive determination of the application; and
3. directions as to the party or parties who should be served with this application.

**UPON THE GROUNDS THAT:**

1. the customary/aboriginal title held by the Applicant Group since 1840 is:
  - 1.1. founded on the exclusive use and occupation of the Area by the Applicant Group; and

- 1.2. entitled the Applicant Group to exclusive use and occupation of the Area; and
- 1.3. the Applicant Group has between 1840 and 25 November 2004 held continuous title to a significant portion of the land above mean high water springs that is contiguous to the area of public foreshore and seabed affected by this application.

**AND UPON THE FURTHER GROUNDS** set out in the memorandum of counsel filed in support of this application and in the affidavit of Esther Gray.

This application is made in reliance on sections 32, 33, 34 and 99 of the Foreshore and Seabed Act 2004, the common law doctrine of aboriginal title and the decision of the Court of Appeal in *Ngati Apa v Attorney-General* [2003] 3 NZLR 643.

**Dated** at Wellington this <sup>24<sup>th</sup></sup> day of April 2009

  
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Janet Mason  
Solicitor for Te Uri o Hau Settlement Trust

**To:** The Registrar of the High Court at Whangarei  
**And to:** The Attorney-General  
**And to:** The Minister of Māori Affairs  
**And to:** The Northland Regional Council  
**And to:** Crest Energy Limited

This application is filed by Janet Mason, solicitor for Te Uri o Hau Settlement Trust on behalf of the hapu of Te Uri o Hau, of the firm of Pacific Law Limited. The address for service is 200 Willis Street Wellington.

Documents for service may be left at the address for service or may be

- (a) Posted to the solicitors at PO Box 27400, Marion Square, Wellington 6141; or
- (b) Transmitted to the solicitors by facsimile at (04) 384 1304

" A "

