

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

~~CIV 2016-~~ 2017-404 -442

IN THE MATTER OF

the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

AND IN THE MATTER OF

an application by Richard
John Nathan of Whangarei
for an order recognising
Customary Marine Title
and Protected Customary
Rights.

Applicant

AND

The Attorney General in
right of the Crown



**RICHARD JOHN NATHAN
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011**

DATED 8 MARCH 2017



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HIGH COURT
14 MAR 2017
1621
AUCKLAND

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To: The Registrar of the High Court at Auckland;

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Richard John Nathan will apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”) to recognise the customary marine title and protected customary rights of Ropu o Rangiriri.

Protected Customary Rights

2. Ropu o Rangiriri ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna;

The Applicant Group:

3. The Ropu o Rangiriri whakapapa to Mate and Hauauru and link to the application area (from the north head entrance of the Kaipara Harbour up to Maunganui across to Parihaka Pa thence down to Te Arai Point thence to puatahi Marae.. Richard John Nathan was appointed to make this application for and on behalf of the Ropu o Rangiriri on 28 February 2017.

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area (as defined in s9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs Puatahi 2A and other adjacent blocks;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then the north head entrance of the Kaipara Harbour (south west point) up to Maunganui (north west point) across to Parihaka Pa (north east point) thence down to Te Arai Point (east point) thence to Puatahi Marae (south east point) including the islands Motu Remu, Manukapua, Moturoa, Kaiwhitu, Tiputitipu, Pupuia, Matakohe, Rabbit Island and Rat Island] to the outer limits of the territorial sea (eastward and westward); and
5. The area includes the common marine and coastal area surrounding the following islands: Motu Remu, Manukapua, Moturoa, Kaiwhitu, Tiputitipu, Pupuia, Matakohe, Rabbit Island and Rat Island.

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. Ropu o Rangiriri being a coastal group has relied heavily on fishing, kaimoana gathering, rongoa collecting, bird snaring, firewood, stones, aquatic plants, fishing tuna and wetland food stocks foraged by hāpu in the estuaries and coastal margins; and
 - b. Ropu o Rangiriri fishermen sought the deep water fish hapuka, araara (trevally), kumukumu (gurnard) that were not available around the inner shoreline; and
 - c. Ropu o Rangiriri also undertakes the following activities in the common marine and coastal area: transport, transfer of knowledge of hapu marine culture, trade, communication, seasonal kaimoana exchange, access to gardens on land, bird snaring, tangihana, social interaction, manaakitanga and ope

mara (labour movement)

- d. Ropu o Rangiriri has undertaken these activities since [known date prior to or at 1840] and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
7. Ropu o Rangiriri will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

- 8 The grounds on which this order is sought are that :
 - a. Ropu o Rangiriri has held the application area in accordance with tikanga for eight hundred years
 - b. Ropu o Rangiriri has exclusively used and occupied the application area for eight hundred years to the present day without substantial interruption.
9. Ropu o Rangiriri will deliver more information once funding for research and legal representation is secured.

Contact Details:

6. Richard John Nathan for Ropu o Rangiriri is:
c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627
7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Richard John Nathan, kaumātua.

Dated at Auckland on the 8th day of March 2017



Richard John Nathan