

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2016-

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by Jack
Daymond of Waitangi of the
Chatham Islands for an
order recognising
Customary Marine Title and
Protected Customary
Rights
Applicant

AND

The Attorney General in
right of the Crown

JACK DAYMOND
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 15 MARCH 2017

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C/14/17 LLS

HIGH COURT
EW: 93/17
24 MAR 2017
AUCKLAND

CB

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 Jack Daymond 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 Te Aitanga O Nga Uri O Wharekauri.

Protected Customary Rights

- 2 Te Aitanga O Nga Uri O Wharekauri 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 Te Aitanga O Nga Uri O Wharekauri whakapapa to Mutunga Kore, Pomare, Tiwai and Korako and link to the application area (Te Rohe katoa o Wharekauri Includes all Islands, Te Whaanga and Mangatukarewa) Jack Daymond was appointed to make this application for and on behalf of Te Aitanga O Nga Uri O Wharekauri in 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 of the main island and other islands in the Chatham Island group (Wharekauri);
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then Te Whakahewa (south west point) up to Te Raki Point (north west point) through Wharekauri across to Kaingaroa (north east point) thence down to Manukau Point (east point) thence to Kahuitara Point, Rangiauria (south east point) to Murumuru, Rangiauria (south point) including the islands Rangiauria (Pitt Islands), Rangitutahi (The Sisters), Motuhara (Forty fours), Motuhope (Star keys), Rangiauria (South East Island), Mangare (Big Mangere), Tapuaenuku (Little Mangere), Tarakoikoia (The pyramids), Rangiwheau (The Castle, Eastern Reef, Rabbit Island), Te Rangitaumaewa (North East Reef), Houruakopara (Spider Island), Rangihokopoi (Western Reef), Rangituka (Round Rock), Te Whaanga (Lagoon) and the tidal river Mangatukarewa at Waitangi, 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: Chatham Island group (Wharekauri), Rangiauria (Pitt Islands), Rangitutahi (The Sisters), Motuhara (Forty fours), Motuhope (Star keys), Rangiauria (South East Island), Mangare (Big Mangere), Tapuaenuku (Little Mangere), Tarakoikoia (The pyramids), Rangiwheau (The Castle, Eastern Reef, Rabbit Island), Te Rangitaumaewa (North East Reef), Houruakopara (Spider Island), Rangihokopoi (Western Reef), Rangituka (Round Rock).

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. Te Aitanga O Nga Uri O Wharekauri being a coastal group has relied heavily on fishing, kaimoana gathering, rongoa collecting, bird snaring, firewood, shells/fossils, wood, bones, sulphur, seaweed, stones, sand and wetland food stocks foraged by hāpu in the lagoon, tidal rivers, estuaries and coastal margins; and
 - b. Te Aitanga O Nga Uri O Wharekauri fisherpeople sought the deep water fish hoki, orange roughy, hapuku, kahawai, moki (blue moki), mako huarau (school shark) that were not available around the inner shoreline; and
 - c. Te Aitanga O Nga Uri O Wharekauri also undertakes the following activities in the common marine and coastal area: necessary for travel, trade, bird catching - snaring, harvesting plants, shrubs & tree material, gathering resources for rongoa purposes.
 - d. Te Aitanga O Nga Uri O Wharekauri has undertaken these activities since prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
7. Te Aitanga O Nga Uri O Wharekauri will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

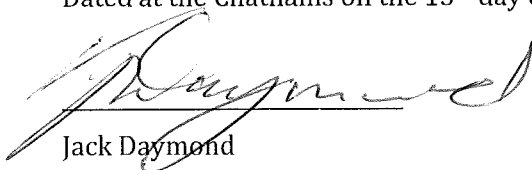
8. The grounds on which this order is sought are that :
 - a. Te Aitanga O Nga Uri O Wharekauri has held the application area in accordance with tikanga since before 1840
 - b. Te Aitanga O Nga Uri O Wharekauri has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. Te Aitanga O Nga Uri O Wharekauri will deliver more information once funding for research and legal representation is secured.

Contact Details:

6. Jack Daymond for Te Aitanga O Nga Uri O Wharekauri is:
c/- Charl Hirschfeld
10 Kaihu Street
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7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Jack Daymond, kaumātua.

Dated at the Chathams on the 15th day of March 2017



Jack Daymond