

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-404-481

CIV-2017-

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by ANITA
BROUGHTON of
MASTERTON for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

The Attorney General in
right of the Crown

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

DATED 21 MARCH 2017

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6/4/17 LLS

HIGH COURT
FW: 95/17
24 MAR 2017
AUCKLAND 11:10

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. ANITA BROUGHTON 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 HIKA O PĀPĀUMA.

Protected Customary Rights

2. TE HIKA O PĀPĀUMA ancestors utilised the common marine and coastal area for harvesting kaimoana, fishing, resource extraction (shells/fossils, wood, bones, seaweed, stones and sand), rongoa purposes, recreational use, harvesting plants, shrubs and tree material, bird catching, snaring, tangihana purposes and transport.

The Applicant Group:

3. TE HIKA O PĀPĀUMA whakapapa to PĀPĀUMA and link to the application area (FROM POROPORO TO WHAREAMA). ANITA BROUGHTON was appointed to make this application for and on behalf of TE HIKA O PĀPĀUMA in March 2016.

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 at the mouth of the Whareama river;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then Whareama river mouth (south point) up to Poroporo (north point), to the outer limits of the territorial sea (eastward and westward); and
5. The area includes the common marine and coastal area of reefs, tidal rivers, streams and estuaries.

Grounds on which the protected customary rights order is sought:

- 6 The grounds on which this order is sought are that :
 - a. TE HIKA O PĀPĀUMA being a coastal group has relied heavily on gathering of kaimoana, inshore fishing, collecting resources such as shells, wood, bones, seaweed, stones, sand, rongoa, materials for clothing, bird catching/snaring; and
 - b. TE HIKA O PĀPĀUMA fisher peoples sought deep water fish such as kumukumu (gurnard), pūaihakarua, deep sea cod and others; and
 - c. TE HIKA O PĀPĀUMA also undertakes the following activities in the common marine and coastal area: *exercising kaitiakitanga, necessary for travel, trade, bird catching - snaring, harvesting plants, shrubs & tree material, gathering resources for rongoa purposes, ceremonial practices such as hui, mārena and tangihana.*
 - d. TE HIKA O PĀPĀUMA 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 HIKA O PĀPĀUMA 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 HIKA O PĀPĀUMA has held the application area in accordance with tikanga since before 1840
 - b. TE HIKA O PĀPĀUMA has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. TE HIKA O PĀPĀUMA will deliver more information once funding for research and legal representation is secured.

Contact Details:

10. ANITA BROUGHTON for TE HIKA O PĀPĀUMA is:

c/- Charl Hirschfeld

10 Kaihu St

Auckland 0627

11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of ANITA BROUGHTON, Acting General Manager for Te Hika o Pāpāuma Mandated Iwi Authority.

Dated at Palmerston North on the 21st day of March 2017.



ANITA BROUGHTON