

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

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 WANDA
BRLJEVICH of
COROMANDEL for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

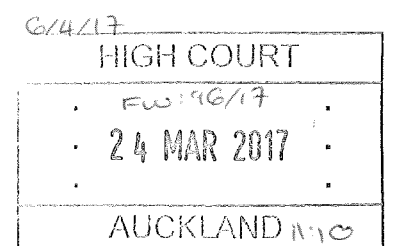
The Attorney General in
right of the Crown

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

DATED 22 MARCH 2017

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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. WANDA BRLJEVICH 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 NGĀTI HUARERE KI WHANGAPOUA.

Protected Customary Rights

2. NGĀTI HUARERE KI WHANGAPOUA 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. NGĀTI HUARERE KI WHANGAPOUA whakapapa to HUARERE and link to the application area (THE WHANGAPOUA HARBOUR, TE RERENGA, MATARANGI, KUAOTUNU, TO THE SOUTH AND WHANGAPOUA, WAINUIOTOTO - ANARAKE TO THE NORTH. TE MOENGAHAU O TAMATEKAPUA ME ONA TAKUTAI MOANA. OUTER ISLANDS AS LISTED BELOW.) WANDA BRLJEVICH was appointed to make this application for and on behalf of NGĀTI HUARERE KI WHANGAPOUA 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 Whangapoua;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then Kuaotonu (south east point) west to Matarangi and to Te Rerenga (south west point) around the Whangapoua Harbour to Whangapoua, thence to Wainuiototo, thence to Anarake point (north point) including the islands Punga Punga, Repanga, Ahuahu including the Mercury island group and out to the waters surrounding the Kermadec Islands, 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: Punga Punga, Repanga, Ahuahu including the Mercury island group and out to the Kermadec Islands.
6. Included is the common marine and coastal area surrounding the ancestral mountain Te Moengahau o Tamatekapua.

Grounds on which the protected customary rights order is sought:

7. The grounds on which this order is sought are that :
 - a. NGĀTI HUARERE KI WHANGAPOUA being a coastal group has relied heavily on Te Moana a Toi Te Huatahi for fish, kaimoana, and foreshore areas for gathering of resources; and
 - b. NGĀTI HUARERE KI WHANGAPOUA sought hapuka, the deep water fish that were not available around the inner shoreline, but were and still are available in the deeper waters from Cuvier to the Kermadecs.; and
 - c. NGĀTI HUARERE KI WHANGAPOUA also undertakes the following activities in the common marine and coastal area: kaitiakitanga, for Pure Practices and maintaining taonga tapu.
 - d. NGĀTI HUARERE KI WHANGAPOUA 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.
8. NGĀTI HUARERE KI WHANGAPOUA will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

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

Contact Details:

11. WANDA BRLJEVICH for NGĀTI HUARERE KI WHANGAPOUA is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
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12. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of WANDA BRLJEVICH, kaumātua.

Dated at Thames on the 22nd day of March 2017

A handwritten signature in black ink, appearing to be 'Wanda Brljevich', written over a horizontal line.

WANDA BRLJEVICH