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IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-404-523

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by JOHN
LEONARD PITA TIATOA of
KERIKERI for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

The Attorney General in
right of the Crown

JOHN LEONARD PITA TIATOA
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 28th 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. JOHN LEONARD PITA TIATOA 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 O NGA HAPU O TAIAMAI KI TE MARANGAI (SEE APPENDIX A).

Protected Customary Rights

2. O NGA HAPU O TAIAMAI KI TE MARANGAI (SEE APPENDIX A) 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. O NGA HAPU O TAIAMAI KI TE MARANGAI (SEE APPENDIX A) whakapapa to TE RA, MARU, KAUTEAWHA, WAIRAKI, TE KEMARA, TOHI TAPU, APERAHAMA TAONU, TANGO, HIKUWAI, HURUHURU, WAHINEITI, WIREMU HAU, TIRARAU, HONGI HIKA, MURIWAI, PUHI, KAUWHATA, KAITARA, HINEIRA, TE KOPIRI, TUKARAWA, KEKEAO, PIKIMAU, RUHE, OTAUAO, RANGIHANA, TUTUHUA, KOROHUE , HETA TE HAARA, and link to the application area (APPLICANT_AREA) JOHN LEONARD PITA TIATOA was appointed to make this application for and on behalf of TAIAMAI KI TE MARANGAI 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 Takou Bay;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then From Takou bay heading south east to Rocky Point Needles, to Nine pin, following foreshore of Te Puna Inlet to Doves Bay, around the foreshore of Kerikeri Inlet to Okura Inlet, on to Wairoa Bay, to Te Haumi Bay, straight to Te Wahapu Point across the Te Wahapu Inlet, around the Te Wahapu Inlet to Orongo Bay, Uruti Bay around to reef at right of Opito Bay, straight to Motu Kauri Island, Whangaiwahine point, through Poroporo, straight to Sunset Bay, around Urupukapuka Island to Te Hue Pt, across to the southen point of Urupukapuka Bay, straight to south of Putahataha Island to Karipripa Point, following to the west point of Ohututea Bay, straight out to Cape Brett and around Otuwhanga Island to Motu Kokako; including the all islands, reefs, tidal aspects of rivers and streams, 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 Motukokako

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. O NGA HAPU O TAIAMAI KI TE MARANGAI (SEE APPENDIX A for full list) being a coastal hapu have relied heavily on Harvesting Kaimoana, Fishing, Resource Extraction, Use of resources for rongoa purposes, recreational use, harvesting plants shrubs and tree material, bird catching and snaring, use of resources and environment during tangihana, use for transport; and
 - b. O NGA HAPU O TAIAMAI KI TE MARANGAI also undertakes the following activities in the common marine and coastal area: exercising Manamotuhake & Rangatiratanga, exercising Kaitiakitanga.
 - c. O NGA HAPU O TAIAMAI KI TE MARANGAI have 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. TAIAMAI KI TE MARANGAI 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. O NGA HAPU O TAIAMAI KI TE MARANGAI have held the application area in accordance with tikanga since before 1840
 - b. O NGA HAPU O TAIAMAI KI TE MARANGAI have exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. TAIAMAI KI TE MARANGAI will deliver more information once funding for research and legal representation is secured.


Contact Details:

10. JOHN LEONARD PITA TIATOA for TAIAMAI KI TE MARANGAI is:

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11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of JOHN LEONARD PITA TIATOA, kaumātua.

Dated at Auckland on the 28th day of March 2017



JOHN LEONARD PITA TIATOA