

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2017-404-534

IN THE MATTER of the Marine and Coastal Area Act 2011

AND

IN THE MATTER of an application by Paul Douglas Silich,
Chairman of Te Runanga o Ngati Tama,
for orders recognising the customary
marine title and protected customary
rights of Ngati Tama


ORIGINATING APPLICATION

31 MARCH 2017

HIGH COURT
31 MAR 2017
AUCKLAND

WP

CB

 ATKINS | HOLM | MAJUREY

TL Hovell
PO Box 1585
Shortland Street
AUCKLAND 1140

TO: The Registrar of the High Court at Wellington

AND TO: the New Plymouth District Council;
the Taranaki Regional Council;
the Waitomo Regional Council; and
the Solicitor-General on behalf of the Attorney General.

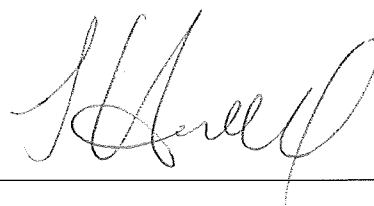
THIS DOCUMENT NOTIFIES YOU THAT:

1. The Applicant, Paul Douglas Silich, will on 31 March 2017 apply to the Court for an order under section 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 recognising:
 - (a) The customary marine title of Ngati Tama in the area specified in the attached map ("the specified area"); and
 - (b) the protected customary rights of Ngati Tama in the specified area.
2. The grounds on which the applicant seeks the order recognising customary marine title are as follows:
 - (a) Ngati Tama holds the specified area in accordance with tikanga.
 - (b) Ngati Tama has, in relation to the specified area, exclusively used and occupied it from 1840 to the present day without substantial interruption.
3. The applicant will seek, under section 78, to include recognition of wahi tapu, or wahi tapu areas, in any customary title order.
4. The grounds on which the applicant seeks the order recognising protected customary rights are as follows:
 - (a) Ngati Tama has exercised the rights since 1840.
 - (b) Ngati Tama continue to exercise the rights in particular parts of the common marine and coastal area in accordance with Ngati Tama tikanga.
 - (c) The rights have not been extinguished as a matter of law.

5. The protected customary rights are:
 - (a) the exercise of kaitiakitanga;
 - (b) rahui;
 - (c) the use of Tauranga waka (landing, launching, anchoring and mooring of vessels);
 - (d) the use of Tauranga ika (anchoring and mooring vessels for fishing purposes);
 - (e) the extraction and use of sand, shingle, aggregate, rocks, stone, driftwood, saltwater, pingao, and wai tapu.
 - (f) Maara mataitai/non-commercial aquaculture; and
 - (g) Using the specified area, including the natural and physical resources within it, for ceremonies associated with burial, baptism and rongoa.
6. The applicant is Paul Douglas Silich, Chairperson of Te Runanga o Ngati Tama. The applicant group is Ngati Tama. For the purposes of this application, Ngati Tama has the same meaning as set out in the Ngati Tama Claims Settlement Act 2003, s 10
7. The particular area of the common marine and coastal area which this application relates is the area specifies in the attached map.
8. The name of the person to be the holder of the marine and coastal area to which this application relates is the Ngati Tama Custodian Trustee Limited.
9. The contact details for the Ngati Tama Custodian Trustee Limited and Te Runanga o Ngati Tama are:

PO Box 143
Waitara
Phone (06) 7550240
10. This application is made in reliance on Parts 3 and 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.

DATE: 31 March 2017



Tama Hovell

Legal Counsel for Ngati Tama

DOCUMENTS FOR SERVICE ON THE APPLICANT MAY BE:

1. Posted to Tama Hovell, Atkins Holm Majurey, PO Box 1585 Shortland Street, Auckland 1140
2. Email to Tama.Hovell@ahmlaw.nz