

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-404 -535

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
MEREHORA TAURUA of
PAIHIA for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

The Attorney General in
right of the Crown

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

DATED 28 MARCH 2017

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HIGH COURT
• EW 112/17 •
• 31 MAR 2017 •
• 1322 •
AUCKLAND

CB

WT

To : The Registrar of the High Court at Auckland
And : The Solicitor General on behalf of the Attorney-General.

This document notifies you that :

1. MEREHORA TAURUA 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 Ngati Rahiri hapu tangata whenua ki Te Tii Waitangi ki Te Peiwhairangi in the first instance and including Ngati Rehia, Ngati Manu and Ngati Kuta/Patukeha hapu ki Te Peiwhairangi, ki Ipipiri ki Te Moana Takeketonga.

Protected Customary Rights

2. Ngati Rahiri, Ngati Rehia, Ngati Manu and Ngati Kuta/Patukeha ki Te Peiwhairangi, ki Ipipiri ki Te Moana Takeketonga exercised kaitiakitanga rangatiratanga in these common marine and coastal areas for hand, rod and net fishing, kaimoana gathering and diving, transport, rongoa collection, matauranga and communications, bird snaring, firewood, construction and cooking stones, aquatic plant extractions, deepsea fishing for special purposes such as oils, heating,

The Applicant Group

3. Te Tiriti O Waitangi Maori Committee is a corporate body under the auspices of the Maori Community Development Act 1962. Its membership is comprised of whanau who whakapapa to the hapu on whose behalf this application is filed.

3.1 Ngati Rahiri hapu tangata whenua ki Te Ti Waitangi ki Te Peiwhairangi whakapapa to Rahiri whose eldest son, Uenuku, begat Maikuku who begat Te Ra who named his people at Waitangi in the 1600s Ngati Rahirihiri.

3.2 Kauteawha ki Ngati Rahiri held the mana of the moana during the 1700s by authority of his peers and rangatira Auha and Toko with the support/ tautoko of their contiguous hapu.

3.3 Pomare II ki Ngati Manu held the mana o Te Peiwhairangi during the 1800s.

Merehora Taurua makes this application for and on behalf of her whanau and hapu who have customary rights/whakapapa from Tareha ki Ngati Rehia, Marupo ki Matarahuru Ngati Kawa, Parangi ki Ngati Rahiri Ngati Kuta/Patukeha and Pomare II ki Ngati Manu.

Area to which the application relates

4. The area to which this application relates if the common marine and coastal area (as defined in s9 of the Act) that is bounded :

- 4.1 on the landward side by the line of mean high water springs of Te Tii Point and other adjacent blocks and islands;
- 4.2 on the seaward side by the outer limits of the territorial sea;
- 4.3 thus then from Rakaumangamanga (east point) following the coast west including bays through to Tapeka to Te Haumi (south point) carrying on through Kaipatiki and Te Tii Point (south east point) to Motu Tapu island (north east point) thence to Kowhatuhuri Point (north point) including the islands Motu Maire, Motu Arohia, Kuia O Rangi off Taputaputa and Tii Bays, including the reefs, 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 :

Motu Maire, Motu Arohia, Kuia O Rangi off Taputaputa and Tii Bays.

Grounds on which the protected customary rights order is sought :

6. The grounds on which the order is sought are that the hapu on whose behalf this application is filed (Ngati Rahiri, Ngati Rehia, Ngati Kuta/Patukeha and Ngati Manu) :
- 6.1 are coastal hapu who have relied heavily on free diving, spearing, netting, hand gathering of kaimoana and fish as their staple diet;

- 6.2 are exercising ranga tiratanga, mana motuhake, kaitiakitanga necessary for whanau, hapu and tribal hui including tangihana and marena and for national commemorations He Whakaputanga me Te Tiriti O Waitangi;
- 6.3 have undertaken these activities for at least seven generations prior to 1840 and beyond, and continue to undertake these activities in the application in accordance with tikanga rahui.
7. Ngati Rahiri, Ngati Rehia, Ngati Kuta/Patukeha, Ngati Manu will deliver more information once funding for research and legal representation is secured.

Grounds upon which the customary marine title application is made :

8. The grounds upon which this order is sought on behalf of Ngati Rahiri, Ngati Rehia, Ngati Kuta/Patukeha, Ngati Manu are that :
- 8.1 they have held the application area in accordance with tikanga since before 1840;
- 8.2 they have exclusively used and occupied the application area prior to 1840 to the present day despite substantial interruption.
9. Ngati Rahiri Ngati Rehia Ngati Kuta/Patukeha Ngati Manu will deliver more information once funding for research and representation is secured.

Contact details :

10. Merehora Taurua

Secretary
Te Tiriti O Waitangi Maori Committee
25 Tahuna Road, Paihia 0200

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10 Kaihu Street
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11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of
Merehora Taurua, kuia ki Te Tii Waitangi (Te Tiriti O Waitangi) Marae.

Dated at Auckland on the 28th day of March 2017.



Merehora Taurua.