

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-404-562

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 RAEMON
MICHAEL PARKINSON for an
order recognising Customary
Marine Title and Protected
Customary Rights

AND

Applicant

The Attorney General in right
of the Crown

RAEMON MICHAEL PARKINSON
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND COASTAL AREA
(TAKUTAI MOANA) ACT 2011
DATED 31st MARCH 2017

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HIGH COURT
FW 124/17
03 APR 2017
AUCKLAND 10-03

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. **RAEMON MICHAEL PARKINSON** 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 URI A TEHAPU**.

Protected Customary Rights

2. **TE URI A TEHAPU** 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, spiritual and physical well-being;

The Applicant Group:

3. **TE URI A TEHAPU** whakapapa to **TEHAPU** and **WAIRAKA** and link to the application area (Motiti Island, Whakaari Island and Ohiwa Harbour as recorded in map in Exhibit "A").

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 Motiti Island;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. the north-eastern side of the line of mean high-water springs of Whakaari Island; and
 - d. the northern side by the line of mean high water springs of Ohiwa Harbour including the inner harbor
 - e. the area includes the common marine and coastal area surrounding named islands and all others within the mentioned boundaries.

Grounds on which the protected customary rights order is sought:

5. The grounds on which this order is sought are that :
 - a. **TE URI A TEHAPU** being an island people has relied heavily on fishing, gathering kaimoana, harvesting plants, shrubs and tree material, use of the marine & coastal for transport; and
 - b. **TE URI A TEHAPU** also undertakes the following activities in the common marine and coastal area: Kaitiakitanga of takutai moana, waahi tapu, taonga tapu, gathering of plant materials for rongoa, and for the carrying out of our tribal customs and ceremonies.
 - c. **TE URI A TEHAPU** have undertaken these activities since prior to 1840 and continue to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
6. **TE URI A TEHAPU** will deliver more information once funding for research and legal representation is secured.

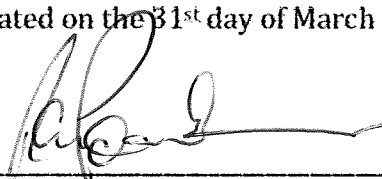
Grounds on which the customary marine title application is made:

7. The grounds on which this order is sought are that :
 - a. **TE URI A TEHAPU** has held the application area in accordance with tikanga since before 1840
 - b. **TE URI A TEHAPU** has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
8. **TE URI A TEHAPU** will deliver more information once funding for research and legal representation is secured.

Contact Details:
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This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Raemon Michael Parkinson.

Dated on the 31st day of March 2017



RAEMON MICHAEL PARKINSON