

IN THE HIGH COURT OF NEW ZEALAND
PALMERSTON NORTH REGISTRY
Wellington

No: CIV:
2017-485-160

UNDER THE

Marine and Coastal Area
(Takutai Moana) Act 2011,
sections 98 and 100

AND

IN THE MATTER

of an application by **William
James Taueki** on behalf of
Muaūpoko iwi, for a
recognition order
recognising Customary
Marine Title

Originating Application on Notice

\$510

Case Manager Michaela
Next Event: / /
17 MAR 2017 J✓
THE HIGH COURT WELLINGTON

Filed by: Tamaki Legal, Barristers and Solicitors
Level 2, 15 Osterley Way, Manukau City
PO Box 75-517, Manurewa, Manukau 2243, Auckland
Phone: 09 266 2927 or 0800 37 10 73
Email: darrell@tamakilegal.com

COURTHOUSE
15 MAR 2017
PALMERSTON NORTH

**IN THE HIGH COURT OF NEW ZEALAND
PALMERSTON NORTH REGISTRY**

No: CIV:

To the Registrar of the High Court at Palmerston North
and

To the Horowhenua District Council, Horizons Regional Council, and the
Solicitor General on behalf of the Attorney General.

This document notifies you that —

1. The Applicant **William James Taueki**, will on **14/03/2017** apply to the court for a recognition order under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act").
2. The Applicant will seek a recognition order for Customary Marine Title ("CMT") under the requirements of s 58 of the Act.
3. The Applicant will seek to include recognition of wāhi tapu and wāhi tapu areas in a CMT order under s 78 of the Act.

The Applicant Group

4. The Applicant Group is Muaūpoko iwi ("Muaūpoko")
5. Muaūpoko are an iwi whose traditional tribal rohe extends from Taitapu in the South Island to the Rangitikei in the north and from the peak of Tararua maunga in the east to the coastline in the west, inclusive of Kapiti Island.
6. The primary location for Muaūpoko iwi in modern times is in and around the Horowhenua.
7. However, Muaūpoko's mana whenua and mana moana still extend beyond the confines of the Horowhenua.

Representative of Applicant Group/Holder of the order

8. Should a recognition order recognising CMT be granted to Muaūpoko, they propose to establish a trust to be the holder of, and administer, that recognition order.
9. Muaūpoko prefers this to the naming of an individual to be the holder of the order.

Contact Details

10. Contact details for the Applicant, **William James Taueki**, are:
 - i. Telephone Number: 022 153 4529
 - ii. Mailing Address: 7 Kemp Street, RD 1, Hokio Beach, Levin 5571
11. As a named representative to hold any order awarded is not part of this application, the contact details for the **Muaūpoko Co-Operative Society** ("MCS") are included as part of this application.
12. The MCS can be contacted in relation to this application, and regarding Muaūpoko generally.
13. The contact details for the MCS are:
 - i. Telephone Number: 027 524 0062
 - ii. Mailing Address: 15 Queenwood Road, Levin, 5510

Particular Area to which Application Relates

14. The specific common marine and coastal area to which this application relates is the area on the west coast of the North Island that adjoins what was determined by the Native Land Court in 1873 as being the

Horowhenua land block, and extending both north-ward and south-ward of that land block.

15. Specifically, the boundary points for this application are from the northern bank of the mouth of the Manawatu River in the north to the southern bank of the mouth of the Waiwiri Stream in the south, and 12 nautical miles seaward from each point on the coastline between these boundary points (“the specified area”).
16. **Attached** to the affidavit of William James Taueki that accompanies this application (“the affidavit”), and marked **C**, is a map showing the specified area.
17. The Applicant reserves the right to amend the specified area as it may be subject to amendment, evolution or refinement.
18. As the application progresses, further evidence and/or historical research may point to reasonable grounds to amend the specified area.

Grounds for CMT Application

19. The Applicant Group holds the specified area in accordance with tikanga.
20. The Applicant Group, in relation to the specified area, has exclusively used and occupied it from 1840 until the present day.
21. Title to the specified area has not been extinguished as a matter of law.
22. These grounds are expanded upon in the affidavit.

Recognition of Wāhi Tapu

23. The concept of wāhi tapu can be applied to the specified area as a whole.
24. This is expanded upon in the affidavit.

25. The affidavit shows:
- a. The connections that Muaūpoko has with the specified area, as a wāhi tapu; and
 - b. That Muaūpoko requires prohibitions and/or restrictions on access to protect the specified area as a wāhi tapu.

Affidavit in Support of Application

26. **Attached** and marked 'A' is an Affidavit by William James Taueki in support of this application.

Memorandum

This document is filed by **Darrell Naden**, solicitor for the Applicant, of the firm Tamaki Legal Limited. The address for service of the Applicant group is at the offices of Tamaki Legal Limited, AMI Building, 15 Osterley Way, Manukau City, New Zealand.

Documents for service on the Applicant may be left at that address for service or may be –

- posted to the solicitors at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the solicitor at darrell@tamakilegal.com

Date: 14/03/2017



Darrell Naden
Solicitor for Applicant