

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

CIV-2017-485-160 N

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
recognition orders
recognising Customary
Marine Title and Protected
Customary Rights

Amended Originating Application on Notice

Dated: 18 December 2017

TamakiLegal
Barristers & Solicitors

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**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

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To the Registrar of the High Court at Wellington

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**, did on 14 March 2017 apply to the court for recognition orders under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”).
2. The Applicant seeks a recognition order for Customary Marine Title (“CMT”) under the requirements of s 58 of the Act.
3. The Applicant now seeks to reserve the right to an order recognising Protected Customary Rights under the requirements of s 51 of the Act.
4. The Applicant seeks to include recognition of wāhi tapu and wāhi tapu areas in a CMT order under s 78 of the Act.

The Applicant Group

5. The Applicant Group is Muaūpoko iwi (“Muaūpoko”)
6. 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.
7. The primary location for Muaūpoko iwi in modern times is in and around the Horowhenua.

8. However, Muaūpoko's mana whenua and mana moana still extend beyond the confines of the Horowhenua.

Representative of Applicant Group/Holder of the order

9. 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.
10. Muaūpoko prefers this to the naming of an individual to be the holder of the order.

Contact Details

11. 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
12. In the Originating Application filed on 14 March 2017, the Muaūpoko Co-operative Society were named as a point of contact in respect of this application. The Muaūpoko Co-operative Society is no longer involved in this application, and thus are no longer a point of contact in respect of it.

Particular Area to which Application Relates

13. The specific common marine and coastal area to which this application relates has undergone amendment.
14. It 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. The area comprises the common marine and coastal area, as defined in s 9 of the Act, that is bounded:
- a. On the landward side by the mean high-water springs;

- b. On the seaward side by the outer limits of the territorial sea;
- c. On the northward side by a line that extends from the northern bank of the mouth of the Manawatu River to the outer limits of the territorial sea; and
- d. On the southward side by a line that extends northwest from Plimmerton, to the outer limits of the territorial sea.

(“the amended specified area”)

- 15. Attached and marked ‘A’ is a map of the amended specified area.
- 16. The Applicant reserves the right to further amend the amended specified area as it may be subject to amendment, evolution or refinement.
- 17. As the application progresses, further evidence and/or historical research may point to reasonable grounds to further amend the amended specified area.

Grounds for CMT Application

- 18. The Applicant Group holds the specified area in accordance with tikanga.
- 19. The Applicant Group, in relation to the specified area, has exclusively used and occupied it from 1840 until the present day.
- 20. Title to the specified area has not been extinguished as a matter of law.

Recognition of Wāhi Tapu

- 21. The concept of wāhi tapu can be applied to the amended specified area as a whole.
- 22. The affidavit of William James Taueki, filed with the Originating Application on 14 March, 2017, 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.
23. The Applicant reserves the right to include specific wāhi tapu as part of a CMT order should further evidence of such wāhi tapu within the amended specified area come to light.

Protected Customary Rights

24. The Applicant, in reliance on s 107 of the Act, reserves the right to further amend this application should evidence of activities amounting to Protected Customary Rights under s 51 of the Act come to light.

Affidavit in Support of Application

25. An affidavit by William James Taueki was filed with the High Court on 14 March 2017 in support of the Originating Application
26. The affidavit remains unchanged.

Dated: 18 December, 2017


Darrell Naden
Solicitor for Applicant

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 solicitors at darrell@tamakilegal.com

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