

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

CIV-2017-485-187

IN THE MATTER of the Marine and Coastal Area (Takutai Moana)
Act 2011 ("the Act")

IN THE MATTER of an application by **VERONICA BOUCHIER** for
and on behalf of the Taumata B Block Whanau
owners for an order recognising customary marine
title and protected customary rights.

**APPLICATION FOR RECOGNITION ORDERS PURSUANT TO THE
MARINE & COASTAL AREA (TAKUTAI MOANA) ACT 2011**

Dated: March 2017

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Next Event 29 MAR 2017
THE HIGH COURT WELLINGTON

R. Bouchier

**TAUMATA B BLOCK WHANAU OWNERS CLAIM UNDER THE
MARINE & COASTAL TAKUTAI MOANA ACT 2011**

- TO:** The Registrar of the High Court at Wellington
- AND TO:** The regional and district councils with statutory functions in the application area
- AND TO:** The local authorities and central government authorities with statutory functions relating to land adjacent to the application area
- AND TO:** The Solicitor-General on behalf of the Attorney-General

THIS document notifies you that:

1. The applicant applies to the High Court for a recognition order of protected customary rights (s.51 of the Act) and/or customary marine title (s.58 of the Act). The applicants' contact details are set out at the end of this application.
2. The applicant brings this claim on behalf of the owners of the Taumata B Block Whanau in the common marine and coastal area. The name of the founding tupuna is Rahui Te Kiri. The constituent whanau related to this application are direct descendants of James Timi Paraone and number approximately 150 – 200 persons who are associated with the Omaha Marae on the east coast of the North Island of Aotearoa New Zealand.
3. The specified area for this application, subject to its more detailed delineation and boundaries is the common marine and coastal area from Te Arai Point east to Hauturu (Little Barrier Island) and south to Leigh (Omaha Cove). In the first instance the applicant relies on the preliminary appraisal undertaken for the Ministry of Justice in September 2013 by Greg McDonald on behalf of the Iris Cecilia Paraone whanau.
4. The activities, uses and practices claimed to be the subject of and justifiable recognition of protected customary rights and/or coastal marine title are (subject to further details and evidence) the exercise by the hapu of rangatiratanga over the takutai moana foreshore and seabed; the exercise of

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kaitiakitanga over the takutai moana foreshore and seabed; the use of takutai moana as tauranga waka; planting and harvesting of native flora; growth and harvest of kai moana including aquaculture; extraction of fossils, rock, sand and minerals; and complementary customary activities, uses and practices which will be the subject of evidence at the hearing of this application.

5. The purpose for which the activities, uses and practices set out above were and are carried on, exercised and followed, include among other things:
 - (a) The preservation and maintenance of rangatiratanga and kaitiakitanga of the takutai moana foreshore and seabed;
 - (b) The sustenance and continued observance of customary and traditional practices integral to tikanga of, and carried out by, Taumata B Block Whanau owners;
 - (c) The sustenance and physical, spiritual and cultural wellbeing of all the people of Taumata B Block Whanau owners;
 - (d) The economic development of the Taumata B Block Whanau owners;
 - (e) The conservation of natural and physical resources in the takutai moana foreshore and seabed of Taumata B Block Whanau owners.

6. The legal entity proposed to represent Taumata B Block Whanau owners is a trust to be formed in due course, the trustees of which it is proposed will hold the protected customary rights recognition order and/or the customary marine title.

7. The people of Taumata B Block Whanau owners have, in accordance with tikanga, descent and whakapapa, customary rights and/or customary marine title over the marine and coastal area the subject of the application. The activities, uses and practices have been and continue to be carried on, exercised and followed in accordance with the tikanga of Taumata B Block Whanau owners in a substantially uninterrupted manner since 1840 in the area of the takutai moana already broadly defined.

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8. The activities, uses and practices identified have, if interrupted since 1840, only been interrupted by unlawful interruption or interference.
9. The activities, uses and practices for which recognition as protected customary rights and/or providing for the foundation of customary marine title are not prohibited by any enactment or rule of law and have not been extinguished as a matter of law.
10. Particulars sufficient to further particularise this claim as to the scale, extent and frequency of the activities, uses and practices carried on as customary rights and as a foundation for customary marine title, will be provided as the evidence in support of this application is finalised. Those particulars will be the subject of further explanation, expansion and refinement together with evidentiary support once funding is available.
11. The preferred location for the hearing by the High Court of this application is at marae within the rohe of the Taumata B Block Whanau owners. In due course, application in accordance with the High Court Rules for the fixing of the venue of the hearing of this application will be made on notice for the consideration of the Crown.
12. The appointed representative bringing this application can be contacted as follows:
 - Veronica Bouchier,
456 Speargrass Flat Road,
Queenstown Lakes District
Speargrass Flat 9371

Email: ronibouchier@gmail.com
13. This application relies on ss.51, 58, 98-113 of the Act and the affidavit of Veronica Bouchier dated 28 March 2017 and filed in support hereof.

DATED this 28th day of March 2017

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Veronica Bouchier
Applicant