

**IN THE HIGH COURT
OF NEW ZEALAND -
WHANGANUI REGISTRY**

CIV-2017- 485-214

IN THE MATTER OF

the Marine and Coastal
Area (Takutai Moana) Act
2011 (the Act)

AND IN THE MATTER OF

an application by
**MARGARET MORGAN-
ALLEN**
for an order recognising
Protected Customary
Rights.

APPLICATION BY MARGARET MORGAN-ALLEN

**FOR RECOGNITION ORDERS PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011 (s 98)**

Dated

31st March 2017.

MINISTRY OF JUSTICE
12-05
103 APR 2017
WHANGANUI

Ch. Wood

To: The Registrar of the High Court at Whanganui

and to: Horowhenua District Council; Horizons Regional Council.

and to: Department of Conservation, Department of Internal Affairs, Environmental Protection Agency, MBIE, NZ Petroleum and Minerals, 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. Margaret Anne Morgan-Allen 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 protected customary rights of David Morgan Whanau.

Protected Customary Rights

2. David Morgan Whanau ancestors utilised the common marine and coastal area for:
 - non-commercial fishing -utilising nets, hinaki and hand-lines to catch kuaka (snipe), kanae (mullet), kahawai, araara (trevally), patiki (flounder), mackeral, terakihi, tamure(snapper),whitebait, eels, mango (gummy sharks), sand sharks and other fish.
 - non-commercial harvesting of shellfish (including pipi, cockles, karahu, toheroa, tuatua, tuangi,)
 - activities related to spiritual practices (such as rahui);
 - planting and cultivating plant species in CMCA wet margins (such as flax, tī kouka, pingao);
 - gathering edible and aquatic plants;

M.A.A.

- collecting driftwood and other natural resources for non-commercial purposes;
- temporary camp-sites for ceremonial activities in the CMCA;
- Waka launching.

The Applicant Group:

3. The David Morgan Whanau whakapapa to Te Paea, Rangiuiira, Matiria, and David Morgan. Rangiuiira was born on the land attached to that coastal area, Margaret Morgan-Allen was appointed to make this application for and on behalf of the David Morgan Whanau on 20th August 2016.

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;
- b. On the seaward side by the outer limits of the territorial sea;
- c. On the North ward side by a line that extends from the coast abutting Hokio Stream to the outer limits of the territorial sea; and
- d. On the South ward side by a line that extends from the coast abutting Ohau River to the outer limits of the territorial sea.

Grounds on which the protected customary rights order is sought:

5. The grounds on which this order is sought are that :

- a. David Morgan Whanau being a coastal group has relied heavily on eel, flat fish, pipi, toheroa, tuatua, crabs,

M. M. A.

- whitebait and wetland food stocks foraged by whānau in the estuaries and coastal margins; and
- b. Whanau fishermen sought the deep water fish terakihi leather jacket and john dory that were not available around the inner shoreline; and
 - c. David Morgan Whanau also undertakes the following activities in the common marine and coastal area: such as rongoā collecting, bird snaring, transport, transfer of knowledge of hapu marine culture, trade, communication, seasonal kaimoana exchange, access to gardens on land, bird snaring, tangihana, social interaction, manaakitanga and ope mara;
 - d. David Morgan Whanau has undertaken these activities listed above since 1827 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
6. David Morgan Whanau will provide more information once funding for research and legal representation is secured.

Contact Details:

7. Margaret Morgan-Allen for David Morgan Whanau:
Margaret Morgan-Allen
501 Wellington Road
Marton 4710
8. This application relies on s51 (1) & s98-113 of the Act and the affidavit of Dennis Raymond Morgan- kaumātua.

Dated at Marton on the 31st of March 2017

M. Morgan Allen.

M. Morgan Allen.

Margaret Morgan Allen
[Contact Person]

M.M.A.