

**IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-485-000230  
WELLINGTON REGISTRY**

**IN THE MATTER OF**

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

**AND IN THE MATTER OF**

an application by Peter  
Riki Mihaere for an order  
recognising Customary  
Marine Title and Protected  
Customary Rights.

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**APPLICATION BY PETER RIKI MIHAERE**

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

Dated Sunday 2 April 2017

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Case Manager
Next Event: / /
- 4 APR 2017
THE HIGH COURT WELLINGTON
HIGH/DISTRICT COURT
03 APR 2017
GISBORNE

PM

- To:** The Registrar of the High Court at Wellington;
- and to:** Hawkes Bay Regional Council and the Wairoa District Council
- and to:** Department of Conservation, Department of Internal Affairs, Environment Protection Agency, MBIE, NZ Petroleum and Mineral.
- and to:** The Solicitor General on behalf of the Attorney-General.

**This document notifies you that:**

1. Peter Riki Mihaere apply to the High Court for an order pursuant to s98 of the Marine and Coastal Area (Tactical Moana) Act 2011 (“the Act”) to recognise the customary marine title and/or protected customary rights of Ngati Kurupakiaka/ Ngati Taurira.

**Protected Customary Rights**

2. Ngati Kurupakiaka/ Ngai Taurira ancestors utilised the common marine and coastal area for
  - non-commercial fishing (utilising nets, hinaki, hand-lines, reti board, surf cast, long lines, traditional contiki, kite, spear, gaf, tickle, ringaringa, waka trawling, to catch Mullet, Snapper (tamure), kahawai, Inanga - Whitebait, smelt, patiki (flounder) gurnard, King Fish, herrings, Shark (mango), eels and other fish).
  - non-commercial seeding and harvesting of shellfish (including pipi, whetiko, ngupara, cockles, mussels, toheroa, a type of tuatua, and others).
  - activities related to spiritual practices (such as rahui and others);

- planting and cultivating plant species in CMCA wet margins (such as flax, tī kouka, pingao and others);
- gathering edible and aquatic plants;
- extracting non-nationalised minerals for non-commercial purposes;
- collecting driftwood and other natural resources for non-commercial purposes;
- temporary camp-sites for ceremonial activities in the CMCA;
- tauranga waka.
- Traditional practices e.g. healing, resource gathering and other.
- Traditional Seasonal Exchange and other activities

**The Applicant Group:**

3. Ngati Kurupakiaka/Ngai Taura, Te Aitanga a Puata Whanau/Hapu whakapapa to Maui Potiki, Taura, Rongokokako, Tahu Potiki, Puata, Kahungunu, Rongomaiwahine, Te Rauhinu, Hinekakaho i Te Rangi, Te Kawiti (Kaiti), Te Ure o T O, Te O Tane, and many other Tipuna, and link to the application area. Peter Riki Mihaere was appointed to make this application for and on behalf of the Ngati Kurupakiaka, Te Aitanga a Puata and Ngai Taura and ors on Sunday 2 April 2017.

**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 eastward side of the Te Wairoa River bar is to Hikakawa Bluff then extended to Waikokopu stream, and south/westward side from the river mouth to Poututu stream by a line that extends from the coast abutting the southwest side of Poututu stream to Cape Kidnappers peninsular 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. Te Aitanga a Puata, Ngati Kurupakiaka, Ngai Taurira being a coastal group has relied heavily on Mullet, kahawai, Inanga - Whitebait, smelt, patiki (flounder), gurnard, herrings Snapper (tamure), kahawai, eels and other fish; pipi, whetiko, ngupara, cockles, mussels, toheroa, a type of tuatua, pupu and others and wetland food stocks foraged by whānau in the estuaries and coastal margins; and
- b. Te Aitanga a Puata, Ngati Kurupakiaka, Ngati Taurira fishermen sought the deep water fish King Fish, Snapper, Shark (Mango), Gurnard, Elephant Tuna, Sword Fish, Moki, Orange Ruffly, John Dory, Frost fish, Albacore, GT, Bass, Blue nose, Hapuka, Hoki, and others that were not available around the inner shoreline; and
- c. Te Aitanga a Puata, Ngati Kurupakiaka, Ngati Taurira also undertakes the following activities in the common marine and coastal area: rongoā, kairangi (bird snaring etc), duck shooting transfer of knowledge of hapu marine culture, feeding the Whanau and Hapu, seasonal kaimoana exchange, access to gardens on land, bird snaring, tangihana, social interaction, manaakitanga a Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira has undertaken these activities listed above since **prior to or at 1840** and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
- d. Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira will provide more information once funding for research and legal representation is secured.

**Grounds on which the customary marine title application is made:**

6. The grounds on which this order is sought are that:
  - a. Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira has held the application area in accordance with tikanga since pre 1840.
  - b. Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira has exclusively used along with other Hapu and occupied the application area from pre 1840 to the present day without substantial interruption.
7. Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira will provide more information once funding for research and legal representation is secured.
8. At this stage we have no legal representation due to lack of funding and we are also low on human resource and have resorted to prepare and file this application ourselves this afternoon. Therefore I ask for leniency in regards this application.

**Contact Details:**

9. The applicant Peter Riki Mihaere for Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira address is:  
Mr P Mihaere  
15 Crarer Street  
WAIROA 4108  
HAWKES BAY

10. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Ngati Kurupakiaka/Te Aitanga a Puata/Ngati Taurira Pakeke Peter Mihaere.

Dated at Wairoa on the 2nd of April, 2017



Peter Riki Mihaere

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Peter Nash JP  
03/04/2017.

PETER J. NASH J.P.  
Self Employed  
WAIROA

PM