

IN THE HIGH COURT OF NEW ZEALAND
NAPIER REGISTRY

No: CIV:

CIV-2017 -485-235

UNDER THE

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

AND

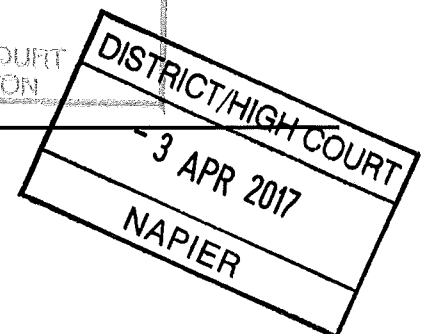
IN THE MATTER

of an application by **Malcolm J. Kingi**, on behalf of **Ngai Tāhū O Mohaka-Waikare**, for orders recognising Customary Marine Title and Protected Customary Rights

Originating Application on Notice for Recognition Orders Pursuant to the
Marine and Coastal Area (Takutai Moana) Act 2011

Dated: 3 April 2017

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



Malcolm J. Kingi

11 Waikare Rd,
Waikare, RD 1,
Kotemaori, 4188
Phone 06 844 9749
Email . malcolmingi57@gmail.com

**IN THE HIGH COURT OF NEW ZEALAND
NAPIER REGISTRY** **No: CIV:**

To the Registrar of the High Court at **Napier**

And To the Hawkes Bay Regional Council

And To the Hastings District Council

And To the Napier City Council

And To the Solicitor General on behalf of the Attorney General

This document notifies you that —

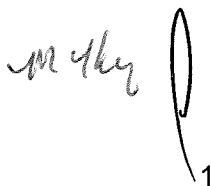
1. The Applicant **Malcolm J. Kingi**, on behalf of **Ngai Tāhū O Mohaka-Waikare** will, on 3 April 2017, apply to the Court for a recognition order under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 ("the Act").
2. The Applicant will seek a recognition order for Customary Marine Title ("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.
4. The Applicant will seek a recognition order for Protected Customary Rights ("PCRs") under the requirements of section 51(1) of the Act.

The Applicant Group

5. The Applicant Group is Ngai Tāhū O Mohaka-Waikare.
6. Ngai Tāhū O Mohaka-Waikare is located in the Hawkes Bay on the East Coast of the North Island of New Zealand.

Representative of Applicant Group

7. The person who will be the representative of the applicant group and the holder of the order is **Malcolm J. Kingi**.


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Contact Details

8. Contact details for **Malcolm J. Kingi** are as follows:

- i. Telephone number: 06 844 9746
- ii. Mailing Address 11 Waikare Rd,
- iii. Waikare, RD1,
- iv. Kotemaori, 4188
- v. Email malcolmingi57@gmail.com

9. Contact details for Ngai Tāhū O Mohaka-Waikare are c/-Malcolm J. Kingi

Specified Area to which Application Relates

10. The common marine and coastal area to which this application relates is a coastline in Hawkes Bay on the east coast of the North Island starting at the mouth of the Mohaka River in the South to the mouth of the Waiohinganga River or Esk River in the North, beginning at the line of mean high tide springs and extending to the outer limits of the Territorial Sea seaward ("the specified area").
11. **Attached** to this application and marked 'A' is a map of the specified area.

Grounds for CMT Application

12. The specified area has been held by Ngai Tāhū O Mohaka-Waikare in accordance with tikanga since 1840.
13. Title to the specified area has not been extinguished as a matter of law.
14. Further grounds in support of the CMT application are contained in the **attached** affidavit of **Malcolm J. Kingi** ("the affidavit")



Wāhi Tapu

15. Various wāhi tapu and wāhi tapu areas, of importance to Ngai Tāhū O Mohaka-Waikare are located within the specified area.
16. If this application for a CMT recognition order is successful, Ngai Tāhū O Mohaka-Waikare will seek to include recognition of these wāhi tapu as part of the order under s 78 of the Act.
17. As the wāhi tapu are of an ancient nature, for the purposes of this application the Applicant Group reserves the right to include any wāhi tapu in a recognition order for CMT, after a pukenga has been consulted, and after historical research is carried out.

Description of PCRs

Kaitiaki

18. The Applicant Group have practiced kaitiaki responsibilities in and around the specified area.
19. The kaitiaki role involves, in part, the passing on of Maori lore and ecological wisdom to the younger generations.
20. The kaitiaki role of the Applicant Group also involves conservation, protection and supervision of the specified area.
21. The Applicant Group requires access to the specified area so that its members can continue this customary supervisory and protective role.

Kaimoana Gathering and Protection

22. The Applicant Group gathers kaimoana as a food source for non-commercial purposes.
23. The Applicant Group also plays a conservation/kaitiaki role in relation to the protection and management of Kaimoana in the specified area.



Grounds for PCR Application

24. The PCRs described above at paragraphs [18] – [28], have;
- a. Been exercised since 1840;
 - b. Continue to be exercised by members of Ngai Tāhū O Mohaka-Waikare in the specified area in accordance with tikanga; and
 - c. Are not extinguished as a matter of law.

Affidavit in Support of Application

25. **Attached** is an affidavit by **Malcolm J. Kingi** in support of this application.

Memorandum

This document is filed by **Malcolm J. Kingi**, the applicant in person of
11 Waikare Rd,
Waikare, RD 1
Kotemaori, 4188
New Zealand.

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

- posted to the applicant at 11 Waikare Rd, Waikare, RD1 Kotemaori, 4188, New Zealand; or
- emailed to the applicant at malcolmingi57@gmail.com

Date: 3 April 2017



Malcolm J. Kingi
Applicant

