

IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-485.256
WHANGAREI REGISTRY

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

AND IN THE MATTER OF an application by Ngaio McGee for an order recognising Customary Marine Title and Protected Customary Rights.

APPLICATION BY NGAIO MCGEE
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

MINISTRY OF JUSTICE
- 3 APR 2017
WHANGAREI J. DOPM.

To: The Registrar of the High Court at Whangarei

and to: Whangarei District Council

and to: Northland Regional Council

and to: Department of Conservation

and to: Te Runanga a Iwi o Ngapuhi

and to: Ngatiwai Trust Board

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Ngaio McGee 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 customary marine title and protected customary rights of the protected customary rights of the McGee whanau.

Protected Customary Rights

2. The McGee whanau ancestors utilise the common marine and coastal area for:
 - a) Seeding and harvesting of plants;
 - b) Seeding and harvesting of kaimoana;
 - c) Customary fishing
 - d) Spiritual practices
 - e) Seasonal camping

The Applicant Group:

3. The McGee whanau are of Ngatiwai descent through their tupuna Charlotte McGee. Charlotte McGee's ancestors, Takarihi, Henare and Piripi were all paramount chiefs of Ngatiwai of their time. Ngaio McGee was appointed to act on behalf of the McGee whanau on 30 March 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. coastline abutting the following land blocks
 - i) Whangaroa-Ngaiotonga 4A9
 - ii) Ngaiotonga A3
 - iii) Waikaramihi B4B4; and
 - iv) Paremata A13
 - v) Mimiwhangata
5. The area includes the common marine and coastal area surrounding the following islands within the application area.

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that:
- a. The McGee whanau have relied heavily on inshore fish and shellfish food sources;
 - b. The McGee whanau sought deep water fish that were not available around the inner shoreline;
 - c. The McGee whanau also undertakes activities including:
 - i) Gathering of shells;
 - ii) Gathering of rocks and other minerals; and
 - iii) Gathering of plants
 - d. The McGee whanau has undertaken these activities listed above prior to 1840 and continues to undertake these activities in the application area regardless of legislation and bylaws, albeit in some instances using modern equipment, and in accordance with tikanga.
7. The McGee whanau will provide more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

8. The grounds on which this order is sought are that:
 - a. The McGee whanau has held the application area (listed in 4(c)ii - iv) in accordance with tikanga since prior to 1840.
 - b. The McGee has exclusively used and occupied the application area from prior to 1840 to the present day without substantial interruption.
9. The McGee whanau will provide more information once funding for research and legal representation is secured.

Contact Details:

6. The Appointed Representative for the McGee whanau is:

Ngaio McGee
23 Dakota Place
Raumanga
Whangarei 0110
7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Sumatra McGee.

Dated at *Manukau* on the 3rd of April, 2017



Ngaio McGee