

In the High Court of New Zealand
Wellington Registry

CIV-2017-485-259

In the matter of

the Marine and Coastal Area (Takutai
Moana) Act 2011

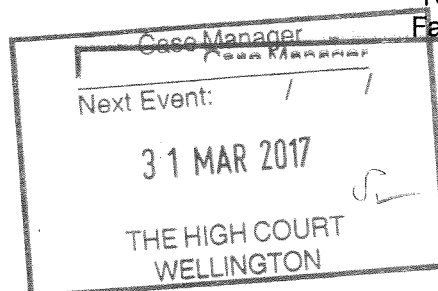
And in the matter of

an application by Ngati Hinewaka
represented by Ngati Hinewaka me ona
Karangaranga Trust seeking recognition
orders under that Act

APPLICATION FOR RECOGNITION ORDERS

Dated 31 March 2017

Counsel: Tom Bennion
Barristers and Solicitors
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To: The Registrar of the High Court at Wellington
And to: The Wellington Regional Council
And to: South Wairarapa District Council
And to: The Solicitor-General on behalf of the Attorney-General

THIS DOCUMENT NOTIFIES YOU THAT:

1. The Ngati Hinewaka me ona Karangaranga Trust, on behalf of the applicant group, Ngati Hinewaka, will on 31st March 2017 apply to the Court for recognition orders under the Act relating to a particular area of the common marine and coastal area between Lake Onoke and Flat Point (Te Unuunu) bounded on the landward parts by the line of mean high-water springs and on the seaward by the territorial sea ("Ngati Hinewaka rohe moana").
2. The orders sought are protected customary rights and customary marine title in the Ngati Hinewaka rohe moana arising from:
 - 2.1. Permanent occupation of the area by Ngati Hinewaka and use of the surrounding foreshore and seas from before 1840 and up until today without substantial interruption;
 - 2.2. The taking of kaimoana including fish and shellfish;
 - 2.3. Passage over and these areas in waka and landing of waka;
 - 2.4. Recreation;
 - 2.5. Collection of sand and stones, shingle and detritus;
 - 2.6. Spiritual and cultural practices, including wahi tapu including Nga Ra a Kupe and the sacred rocks and pools at Matakītaki a Kupe, among others, and also karakia tawhito, karanga, imposition of rahui, exercise of kaitiakitanga and mana, naming of places in the sea to specify fishing areas and people who had authority over them, and all similar uses and practices associated with the use of the coastal area as a cultural and economic resource for Ngati Hinewaka;
 - 2.7. and all other associated customary uses of the common marine and coastal area and associated islands and reefs.

DESCRIPTION OF APPLICANT GROUP

Ngati Hinewaka are an iwi that has occupied the area for many decades prior to 1840 up until the present day. They are represented today by Ngati Hinewaka me ona Karangaranga Trust whose beneficiaries whakapapa from the founders of Ngati Hinewaka.

GROUND ON WHICH THE PROTECTED CUSTOMARY RIGHTS RECOGNITION ORDER IS SOUGHT

3. Ngati Hinewaka through the Ngati Hinewaka me ona Karangaranga Trust seeks a protected customary rights recognition order on the grounds that its protected customary rights relating to the Ngati Hinewaka rohe moana may be recognised by an order of the Court made on an application under s 100 of the Act.
4. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for protected customary rights meets the requirements of s 51(1) of the Act.
5. The Applicant Group meets the requirements in s 51 (1) of the Act because it:
 - 5.1. has exercised the rights before and since 1840;
 - 5.2. continues to exercise those rights in the Ngati Hinewaka rohe moana in accordance with tikanga in either exactly the same or a similar way, or in a way that has evolved over time; and
 - 5.3. is applying for rights that have not been extinguished as a matter of law.

GROUND ON WHICH THE CUSTOMARY MARINE TITLE RECOGNITION ORDER IS SOUGHT

6. Ngati Hinewaka through the Ngati Hinewaka me ona Karangaranga Trust seeks a customary marine title recognition order on the grounds that its customary marine title relating to the Ngati Hinewaka rohe moana may be recognised by an order of the Court made on an application under s 100 of the Act.
7. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for customary marine title meets the requirements of s 58 of the Act.
8. The Applicant Group meets the requirements in s 58 of the Act because it:

- 8.1. holds the Ngati Hinewaka rohe moana in accordance with tikanga;
 - 8.2. has, in relation to the Ngati Hinewaka rohe moana exclusively used and occupied it from 1840 to the present without substantial interruption to its exclusive use and occupation; and
 - 8.3. the customary marine title has not been extinguished as a matter of law.
9. In terms of matters that may be taken into account in determining whether the Applicant Group's customary marine title exists in the Ngati Hinewaka rohe moana:
- 9.1. the Applicant Group have owned land abutting the Ngati Hinewaka rohe moana and have done so, without substantial interruption, from 1840 to the present day; and
 - 9.2. the Applicant Group have exercised non-commercial customary fishing rights the Ngati Hinewaka rohe moana and have done so from 1840 to the present day.

PERSON TO HOLD THE ORDERS

10. Ngati Hinewaka me ona Karangaranga Trust will be the holder of the orders as the representative entity of Ngati Hinewaka.

APPLICATION MADE IN RELIANCE

11. This application is made in reliance on sections 51(1), 58, 59, 94, 98, 100, and 101 of the Marine and Coastal Area (Takutai Moana) Act 2011 and the affidavit of Haami Te Whaiti which sets out in full the basis on which Ngati Hinewaka is entitled to the recognition orders sought.

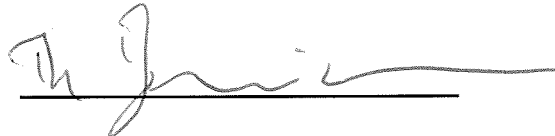
CONTACT DETAILS OF THE APPLICANT AND PERSON NAMED TO HOLD THE ORDER

12. The contact address of the Applicant and person named to hold the order is:

Chair
Ngati Hinewaka me ona Karangaranga Trust
60 Pownall Street

Masterton
The contact telephone number is 07 xx
The contact email: haami@hinewaka.com

Dated at Wellington this 31st March 2017

A handwritten signature in black ink, appearing to read 'Thomas H Bennion', is written over a solid horizontal line.

Thomas H Bennion

Counsel for Ngati Hinewaka Inc

This document is filed by Thomas Bennion, Solicitor for Ngati Hinewaka me
ona Karangaranga Trust.

The address for service of the Ngati Hinewaka Inc is at the offices of Bennion
Law, First Floor, 181 Cuba Street, Wellington.

Documents for service on the above-named Appellant may be left at that
address for service or may be:

Posted to the solicitor at PO Box 25-433, Featherston Street, Wellington 6146;

or

Transmitted to the solicitor by email to tom@bennion.co.nz.