

**IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV-2017-485-269

IN THE MATTER OF

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

AND IN THE MATTER OF

**an application by
CHRISTINA DAVIS of
WHAKATOHEA for an
order recognising
Customary Marine Title
and Protected Customary
Rights
Applicant**

AND

**The Attorney General in
right of the Crown**

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

DATED 1ST of April 2017

**Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
Hamilton
3204
Phone: 07-8388020
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**Counsel Acting:
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Ranfurly Chambers
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10 Kaihu Street
Northcote
Auckland
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Mobile: 021-2289757
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To: The Registrar of the High Court at Auckland;

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

This document notifies you that:

1. CHRISTINA DAVIS 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 NGATI MURIWAI HAPU.

Protected Customary Rights

2. NGATI MURIWAI HAPU ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna;

The Applicant Group:

3. NGATI MURIWAI HAPU whakapapa to TOI KAIRAKAU WHO LIVED GENERATIONS AGO, TO MURIWAI, TURANGAPIKITOI, RANGIPARORO AND KAHUKI and link to the application area (Maraetotara Stream to Haurere Point) CHRISTINA DAVIS was appointed to make this application for and on behalf of NGATI MURIWAI HAPU in February 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:
 5.
 - a. on the landward side by the line of mean high-water springs of Hikuwai Beach;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then the mouth of the Maraetotara Stream (west point) east to Ohiwa Harbour, following the foreshore around the harbor to Ohiwa (north east point of the harbour) thence east to the mouth of the Waiotahi River, east to the mouth of the Waioeka River, thence to Haurere Point (east point) including the tidal aspects of rivers and streams, estuaries, and the islands in the Ohiwa Harbour: Ohakana Island, Uretara Island, Whangakopikpiko Island, Motuotu Islands, Hokiana Island and Pataua Island, to the outer limits of the territorial sea (eastward and westward).
6. The area includes the common marine and coastal area surrounding the following islands: Ohakana Island, Uretara Island, Whangakopikpiko Island, Motuotu Islands, Hokiana Island and Pataua Island.



Grounds on which the protected customary rights order is sought:

7. The grounds on which this order is sought are that :
- a. NGATI MURIWAI HAPU being a coastal group has relied heavily on Fishing, Use of resources both commercially and domestically and played an instrumental role in environmental protection of every conceivable kind and exercised and practiced wahi taapu for tangihanga and urupa purposes; and
 - b. NGATI MURIWAI HAPU also undertakes the following activities in the common marine and coastal area: Exercising Mana Motuhake and Rangatiratanga, Exercising Kaitiakitanga, Exercising rahui.
 - c. NGATI MURIWAI HAPU has undertaken these activities since prior to 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
8. NGATI MURIWAI HAPU will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

9. The grounds on which this order is sought are that :
- a. NGATI MURIWAI HAPU has held the application area in accordance with tikanga since before 1840.
 - b. NGATI MURIWAI HAPU has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.

10. NGATI MURIWAI HAPU will deliver more information once funding for research and legal representation is secured.

Contact Details:

11. CHRISTINA DAVIS for NGATI MURIWAI HAPU is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

12. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of CHRISTINA DAVIS, kaumātua.

Dated at OPOTIKI on the 1ST day of APRIL 2017



CHRISTINA DAVIS

**AUTHORITY TO ACT IN RELATION TO THE COASTAL AND MARINE AREA ACT
2011(instructing solicitor and counsel)**


Whereas I have signed an authority to act for counsel with then an instructing solicitor to be nominated by me I instruct the following to be respectively my instructing solicitor (Foster Milroy) and Charl Hirschfeld and others of his chambers to be counsel

Foster Milroy
Solicitors
Principal: Mark Milroy
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Counsel Acting:
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Ranfurly Chambers
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For the avoidance of doubt Charl Hirschfeld will be leading the case and he will be remunerated by me unless I instruct otherwise. I also instruct that the court proceedings in this case be filed in the Auckland High Court.

My contact details are as follows:

Name: Christina Davis
Email: mtcm.davis@gmail.com
Phone: 07 3156407
Address: P.O. Box 132 OPOTIKI 3162
Signed: 
Date: 31 March 2017

As the undersigned above I understand that the instructions relate to

- Customary marine title and protected customary rights concerning my iwi, hapū or whānau under legislative recognised relationships in connection with certain parts of the marine and coastal area.

