

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-485-270

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by MURIWAI
MAGGIE JONES of TORERE
for an order recognising
Customary Marine Title
and Protected Customary
Rights

Applicant

AND

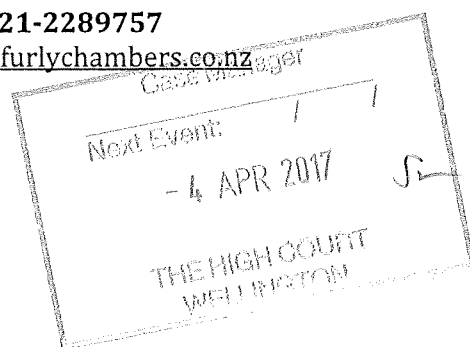
The Attorney General in
right of the Crown

MURIWAI MAGGIE JONES
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 2ND of April 2017

Foster Milroy
Solicitors
Principal: Mark Milroy
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Hamilton Central
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Counsel Acting:
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10 Kaihu Street
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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. MURIWAI MAGGIE JONES 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 NGAI TAI IWI and the URI (descendants) of NGAI TAI IWI;

Protected Customary Rights

1. NGAI TAI IWI ancestors utilised the common marine and coastal area for non commercial fishing utilizing nets, hinaki, hand-line fishing, to catch kanae (mullet), kahawai, pioke (shark), araara (flounder) patiki, tamure (snapper) mango (shark) aihe (dolphin) whai (stingray) te kumukumu (gurnard) and other ika (fish) whitebait, tohora (sperm whale) hunting for eels, birds; gathering shellfish, edible and aquatic plants.

Non commercial seeding and harvesting of shellfish pipi, cockles, tio (oysters), kuku (mussels) scallops karahu, toheroa, tuatua, tuangi, pupu, paapaka;

Activities related to spiritual practices of rahui, aukati, wahi tapu;

Planting and cultivating plant species harakeke, pingao, toitoi, ti kouka;

Gathering edible and aquatic plants;

Extracting non nationalized minerals;

Collecting driftwood and other natural resources;

Temporary campsites for ceremonial activities;

Tauranga waka.

The Applicant Group:

2. NGAI TAI IWI whakapapa to tipuna TORERENUIARUA and MANAAKIAO; who all relate to identifiable boundaries and link to the application area of NGAI TAI IWI. MURIWAI MAGGIE JONES makes this application for and on behalf of NGAI TAI IWI and their descendants listed below at a hui on this matter held on 29th March in 2017;

(a) Muriwai Maggie Jones, and Te Aurangi Davis of the Pakeke Kaunihera O Ngai Tai on behalf of Ngai Tai Iwi and the Uri (descendants) of Ngai Tai Iwi

Area to which the application relates:

3. 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 of NGAI TAI IWI ;
 - b. on the seaward side by the outer limits of the territorial sea to the Kermedecs;
 - c. from Mai Tirohanga area whakaroto ki Whitikau inland and along the coast to Ngai Tai ki Torere just short of Hawaii. To a line that extends from the coast abutting to the outer limits of the territorial sea; and extends to the 200 nautical miles to the Exclusive Economic Zone;
 - d. on the Mai Tirohanga whakaroto ki Whitikau. Mai Whitikau ki Rahui, mai Rahui ki Kapuarangi, mai Kapuarangi ki Whetu ki Tokaroa ko te rohe tenei o Ngai Tai ki Torere ward side by a line that extends from the coast abutting the Oceans to The Tainui Waka migrated from Hawaii to Rangiatea Aitutaki the Oceans to Rangitahua to Whangaparaoa and then to Torere including Moutohora Whale Island, Te Paepae O Aotea, Whakaari White Island, to the outer limits of the territorial sea;
 - e. The area includes the common marine and coastal area surrounding the following islands: Moutohora Whale Island, Te Paepae O Aotea, Whakaari White Island;
 - f. The area of all the tidal rivers, waterways, estuarine waters, springs, wetlands, streams, and tributaries Pakihi Stream, Motu Stream, Te Waiti Stream, Waiaua River, Tirohanga Stream, Opepe Stream, Te Waiwhero O Torere Waiaua River;

Grounds on which the protected customary rights order is sought:

4. The grounds on which this order is sought are that :

- a. NGAI TAI IWI being a coastal group has relied heavily on the activities, uses and practices which were carried on, exercised and followed for preservation and maintenance, the fully and undisturbed exercise of the Mana Motuhake, Rangatiratanga, and Kaitiakitanga of NGAI TAI IWI and the Uri Mokopuna O NGAI TAI IWI according to our Tikanga recognizing Mana Atua, Mana Whenua, Mana Moana, Mana Tangata;
- a. NGAI TAI IWI and the Uri of NGAI TAI IWI has undertaken these activities since 650AD date 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.
- b. NGAI TAI IWI and the Uri of NGAI TAI IWI has undertaken these activities since 650AD date prior to 1840 and continues to undertake these activities and have been substantially uninterrupted manner since 1840.

Grounds on which the customary marine title application is made:

The grounds on which this order is sought are that :

- c. NGAI TAI IWI has held the application area in accordance with tikanga since 1840
 - d. NGAI TAI IWI has exclusively used and occupied the application area from 1840 to the present day without substantial interruption.
2. NGAI TAI IWI will deliver more information once funding for research and legal representation is secured.

Contact Details:

5. MURIWAI MAGGIE JONES for NGAI TAI IWI is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

6. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of MURIWAI MAGGIE JONES, kaumātua.

Dated at OPOTIKI on the 2ND day of April 2017



MURIWAI MAGGIE JONES,

**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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0627
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Email: charl@ranfurlychambers.co.nz**

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: Muriwai Maggre Jones
Email: muriwai.jones@gmail.com
Phone: 07 315 8251
Address: PO Box 120 Opatiki
Signed: Muriwai Jones
Date: 2-04-2017

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.