

In the High Court of New Zealand
Whangarei Registry

CIV-2017-488-⁴⁸⁵⁻²⁷¹

in the matter of: an application for recognition of customary marine title
and for protected customary rights

between: **Te Whanau Moana me te Rorohuri**
First Applicant

and: **Haitaimarangi Marae Trust**
Second Applicant

Originating application for order of recognition of customary
marine title and protected customary rights

Dated: 3 April 2017

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

Received at the High Court of
- 3 APR 2017
.....Whangarei.....

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**ORIGINATING APPLICATION FOR ORDER OF RECOGNITION OF
CUSTOMARY MARINE TITLE AND PROTECTED CUSTOMARY MARINE
RIGHTS**

To the Registrar of the High Court at Auckland

This document notifies you that—

- 1 The applicants, Te Whanau me to Rorohui and the Haititaimarangi Marae Trust, will on _____ apply to the court for orders that:
 - 1.1 recognising that the applicants holds customary marine title in respect of the customary marine title area (**CMT Area**) at Schedule 1 to this application;
 - 1.2 in addition to, or as an alternative to the order at [1.1], a customary rights order in respect of the following rights exercisable in respect of the CMT Area:
 - (a) imposition and relief of rāhui;
 - (b) customary fishing rights, including the gathering of kaimoana and manu;
 - (c) trade;
 - (d) right to derive commercial benefit;
 - (e) management and control of access and entry to all wāhi tapu;
 - 1.3 the protection of all other customary activities exercised by the applicants in accordance with tikanga within the CMT Area;
 - 1.4 the applicants may have leave to file further evidence in support of this claim following the determination of its application to engage with the Minister of Treaty of Waitangi Negotiations pursuant to section 95 of the Marine and Coastal Area (Takutai Moana) Act 2011;
 - 1.5 for such further and other relief as the Court may grant; and
 - 1.6 the costs of this application be awarded to the applicants.

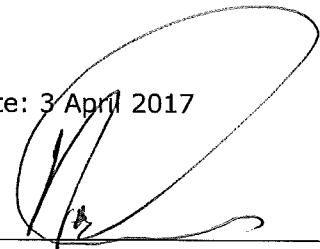
2. The grounds on which each order is sought are as follows:

- (a) The first applicant is a recognised hapū, and the second applicant is the marae trust associated with the first applicant;
- (b) The applicants are mandated entity to make this application;
- (c) The applicants have mandated Hori Lawrence to be the holder of the order as the representative of the applicants and his details are set out in the accompanying affidavit;
- (d) The CMT Area is the area to which this application relates;
- (e) As at the signing of the Treaty of Waitangi on 6 February 1840, the first applicant was an established hapū located in the Karikari Peninsula region (both within and beyond the CMT Area);
- (f) The whanau and hapū of the applicants have resided in the CMT Area, and have used the waters and land abutting the CMT Area in accordance with tikanga Māori, or customary practices, since at least 1840;
- (g) the applicants have been the primary holders of mana whenua and mana moana within the CMT Area, since at least 1840;
- (h) The whanau and hapū of the applicants have held, used and occupied the CMT Area exclusively from 1840 to the present day without substantial interruption;
- (i) the applicants have applied under the Marine and Coastal Area (Takutai Moana) Act 2011 to engage with the Minister for Treaty of Waitangi Negotiations. The engagement process with the Minister is ongoing and iterative. If applicants' application to the Minister is successful, it will not pursue this application.

3 The application is made in reliance on:

- Sections 58, 59, 94 100, 101, 105, 107 and 109 of the Marine and Coastal Area (Takutai Moana) Act 2011;
- Rule 19.2 of the High Court Rules; and
- The affidavit of Hori Lawrence, filed in support of this application.

Date: 3 April 2017



N R S Wells
Solicitor for Applicants

This document is filed by Nicholas Roger Sedley Wells, solicitor for the Applicants, of the firm Chapman Tripp. The address for service of the Applicants is at the offices of Chapman Tripp, Level 38, 23 Albert Street, Auckland.

Documents for service on the Applicants may be delivered to that address or may be served by email provided the documents are sent simultaneously to nick.wells@chapmantripp.com and rachael.jones@chapmantripp.com.

SCHEDULE: CMT AREA

