

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017- 485- 272

IN THE MATTER OF

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

AND IN THE MATTER OF

an application MURIWAI
MAGGIE JONES on behalf of
Ririwhenua Hapu for an
order recognising
Customary Marine Title
and Protected Customary
Rights

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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Case Manager
Next Event: / /
- 4 APR 2017
Filed in Auckland 3/4/17
THE HIGH COURT WELLINGTON

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:

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 for and on behalf of Davis Whanau, and Richmond Whanau Ririwhenua Hapu

Protected Customary Rights

1. Davis Whanau and Richmond Whanau of RIRIWHENUA HAPU ancestors utilised the common marine and coastal area for non commercial fishing utilizing nets, hinaki, hand-line fishing, to catch te ika rangatira te kumukumu gunard, kanae (mullet), kahawai, mango (shark), paatiki (flounder) tamure kuku (mussels) 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. The Davis Whanau and Richmond Whanau are direct descendants of Ririwhenua Hapu. Te Arurangi Davis, Kelvin Retimana Tapuke support this application for and on behalf of the Davis and Richmond Whanau.

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. from te Pukeiahunua point back westward 2 kilometers to where the Torerenuiarua Marae lies. From that point north eastward traverse around the Pehitairi Point, around the point to just where the beach starts as per the attached map.
4. The area includes the common marine and coastal area surrounding the following islands: Moutohora Whale Island, Te Paepae O Aotea, Whakaari White Island.

Grounds on which the protected customary rights order is sought:

The grounds on which this order is sought are that :

- a. Davis Whanau and Richmond Whanau Ririwhenua Hapu used these areas for the customary activities, uses and practices.
- b. The activities were expressions and practice for preservation and maintenance of our coastal rohe Moana and all resources in the exercise of the Mana Motuhake, Rangatiratanga, and Kaitiakitanga of Davis Whanau and Richmond Whanau Ririwhenua Hapu.
- c. The Uri Mokopuna O Davis Whanau and Richmond Whanau Ririwhenua Hapu exercised uses and rights according to our Tikanga recognizing Mana Atua, Mana Whenua, Mana Moana, Mana Tangata.
- d. The sustenance and continued observance of customary and traditional practices, integral to tikanga carried out by Davis

Whanau and Richmond Whanau Ririwhenua Hapu and the Uri of
Davis Whanau and Richmond Whanau Ririwhenua Hapu

5. The particulars will be subject to further explanation, expansion, refinement, extension, clarification to provide evidentiary support in the evidence to be given by Davis Whanau and Richmond Whanau Ririwhenua Hapu

Grounds on which the customary marine title application is made:

6. The grounds on which this order is sought are that :
 - a. Davis Whanau and Richmond Whanau Ririwhenua Hapu has held the application area in accordance with tikanga since 1840
 - b. Davis Whanau and Richmond Whanau Ririwhenua Hapu has exclusively used and occupied the application area from 1840 to the present day without substantial interruption.
7. Davis Whanau and Richmond Whanau Ririwhenua Hapu will deliver more information once funding for research and legal representation is secured.

Contact Details:

8. The Muriwai Maggie Jones for Davis Whanau and Richmond Whanau Ririwhenua Hapu is:

c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627

9. This application relies on s51(1), s58, s98-113 of the Act and the affidavit Muriwai Maggie Jones of the Davis Whanau and Richmond Whanau Ririwhenua Hapu Pakeke Kaunihera.

Dated at Opotiki on the 2 day of April 2017

M.H. Jones
APPLICANT_NAME

**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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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 Maggie Jones
Email: muriwai.jones@gmail.com
Phone: 07 315 8251
Address: PO Box 120 Opotiki
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.