

**IN THE HIGH COURT OF NEW ZEALAND
NEW PLYMOUTH REGISTRY**

CIV-2017-485.282

IN THE MATTER OF

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

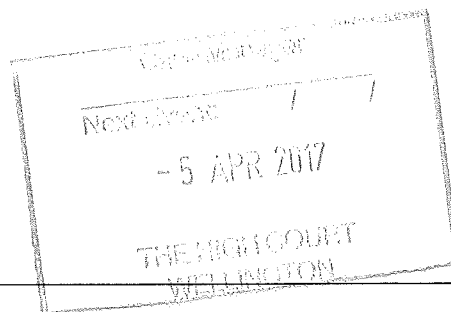
AND IN THE MATTER OF

an application by Te
Rūnanga o Ngāti Ruanui
Trust for orders
recognising Customary
Marine Title and Protected
Customary Rights

APPLICATION BY TE RŪNANGA O NGĀTI RUANUI TRUST

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

Dated 31 March 2017



OCEANLAW NEW ZEALAND
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To: The Registrar of the High Court at New Plymouth;
and to: Taranaki Regional Council
and to: South Taranaki District Council
and to: The Solicitor General on behalf of the Attorney-General
and to: Te Korowai o Ngāruahine Trust
and to: Te Kāhui o Rauru

This document notifies you that:

1. Te Rūnanga o Ngāti Ruanui Trust (“the Trust”) will apply to the High Court for an order pursuant to ss 98 and 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”) to recognise the customary marine title [and protected customary rights] of Ngāti Ruanui whānau, hapū and iwi (collectively, “Ngāti Ruanui”) in relation to the area described in paragraph 5 below (“the takiwa moana”).

Ngāti Ruanui

2. According to the traditions of Ngāti Ruanui passed down through the generations:
 - a. Within the takiwa of Ngāti Ruanui there can be found a multitude of family groups who form the basis of Ngā hapū of Ngāti Ruanui, Tangāhoe, Pakakohi and Ngāti Hine;
 - b. Prior to the arrival of the European, these hapu were self-governing economic entities who, when in time of need, combined as a unit under the unifying symbol of a common eponymous ancestor, namely Ruanui;
 - c. Within the history of the people of the Aotea Waka, can be found two eponymous ancestors with the name of “Ruanui”:
 - i. The first is Ruanui-a-Pookiwa (Ruanui I), who was the grandfather of Rongorongo Tāpairu, the wife of Turi Ariki, Kaihautu of the Waka Aotea; and
 - ii. The second, who is the better known, is Ruanui-a-Tāneroroa (Ruanui II), the son of Tāneroroa, who was the daughter of Turi and Rongorongo, who married Uhenga Puanake; and
 - d. Ngāti Ruanui originated from the marriage of Uhenga Puanake and Tāneroroa.
3. The Whakatauki “Mai Kaupokonui tae atu ki Meremere tooku mana”, indicates the boundaries of the Ngāti Ruanui takiwa as first stated by Turi Ariki upon the arrival of the Aotea people in Taranaki. Prior to 1840 Ngāti

Ruanui a Pookiwa resided within the South Taranaki area and also had interests within the Port Nicholson area.

4. The Trust is the mandated representative of Ngāti Ruanui and has authority to make this application.

Area to which the application relates

5. The area to which this application relates (the takiwa moana) 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 the mean high-water springs (or, where that line crosses a river, the landward boundary shall be whichever is the lesser of one kilometre upstream from the mouth of the river or the point upstream that is calculated by multiplying the width of the river mouth by five);
 - b. On the seaward side by the outer limits of the territorial sea;
 - c. On the northward side by a line that extends from the coast abutting the mouth of the Waingongoro River to the outer limits of the territorial sea; and
 - d. On the southward side by a line that extends from the coast abutting mouth of the Whenuakura River to the outer limits of the territorial sea.
6. The takiwa is shown on the map annexed to the affidavit of Nigel Nuku, filed herewith.
7. Within this area, names such as Rangatapu, Ohawe Tokotoko, Waihi, Waukena, Tangāhoe, Manawapou, Taumaha, Manutahi, Pipiri, Kaikura, Whitikau, Kenepuru, Te Pou a Turi, Rangitawhi, and Whenuakura denote the whereabouts of Ngāti Ruanui fishing grounds and reefs.
8. To the extent that parts of this area overlap or are shared with those of other iwi, these are to be regarded as constituting a form of joint exclusivity.

Customary Title/Rights

9. Ngāti Ruanui tūpuna exercised rangatiratanga and practiced kaitiakitanga in the takiwa moana and utilised that area for:
- a. Fishing, utilising nets, hinaki and hand-lines to catch hāpuka (groper), kaeo (sea tulip), kahawai, kanae (mullet), koeke (shrimp), kotore/humenga (sea anemone), koura (rock lobster), marari (butterfish), mako, moki, paraki/ngaiore (common smelt), para (frostfish), patiki (flounder), patukituki (rock cod), piharau (lamprey), pioke (school shark/rig), reperepe (elephant fish), rore/rori (sea cucumber), tāmure (snapper), tuna (eels), wheke (octopus), conger eel, starfish and other fish.
 - b. Seeding and harvesting of shellfish (including kina, kutae/kuku (greenlipped mussels and blue mussels), paua, pipi, pupu (catseye), purimu (surfclam), pāpaka (crabs), rori (seasnail), tuangi (cockles), tuatua, waharoa (horse mussel), waikaka (mud snail), rock oysters and scallops.
 - c. Obtaining bone and other cultural materials from marine mammals;
 - d. Activities related to spiritual practices (such as rāhui);
 - e. Planting and cultivating plant species in the wet margins of the takiwa moana (such as flax, tī kouka and pingao);
 - f. Gathering edible and aquatic plants;
 - g. Gathering and extracting minerals;
 - h. Collecting hāngi stones;
 - i. Collecting driftwood and other natural resources;
 - j. Temporary campsites for seasonal harvesting and ceremonial activities;
 - k. Tauranga waka and navigation.

Grounds on which the protected customary rights order is sought:

10. The grounds on which this order is sought are:
- a. Ngāti Ruanui hapū and whānau has relied heavily on the inshore fish and shellfish food sources noted in paragraphs 9(a9.a) and 9.b) above and wetland food stocks foraged by whānau in the estuaries and coastal margins;

- b. Ngāti Ruanui fishermen sought deep water fish (including tāmure and others noted in paragraph 9(a) above) that were not available closer to shore;
 - c. Ngāti Ruanui hapū, whānau and individuals also undertake the following activities in the common marine and coastal area:
 - i. The practice of kaitiakitanga; and
 - ii. The other rights and activities outlined in paragraph 9(c) to (k) above;
 - d. Ngāti Ruanui has undertaken the activities listed above since before 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga; and
 - e. The further grounds set out in the affidavit of Nigel Nuku, filed herewith.
11. The Trust will provide more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

12. The grounds on which this order is sought are:
- a. Ngāti Ruanui whānau and hapū have held the takiwa moana in accordance with tikanga since before 1840.
 - b. Ngāti Ruanui whānau and hapū have exclusively used and occupied much or all of the takiwa moana (but for navigation by third parties) since before 1840 to the present day without substantial interruption;
 - c. The customary title held by Ngāti Ruanui in the takiwa moana has not, since 1840, been extinguished as a matter of law; and
 - d. The further grounds set out in the affidavit of Nigel Nuku filed herewith.

Matters relevant to whether customary marine title exists

13. Although very little coastal land abutting the takiwa moana remains in the hands of Ngāti Ruanui, this is overwhelmingly due to the raupatu (confiscations) the iwi suffered during the Nineteenth Century, which themselves resulted from the refusal of Taranaki iwi to willingly part with their land.

14. Members of Ngāti Ruanui exercise non-commercial customary fishing rights in the takiwa moana as noted in paragraph 9 above, and have done so from 1840 to the present day.
15. The Trust will provide more information once funding for research and legal representation is secured.

Holder of the recognition order(s)

16. The holder of the order(s) as representative of the applicant group will be the Trust or some other entity or person appointed by Ngāti Ruanui for that purpose.

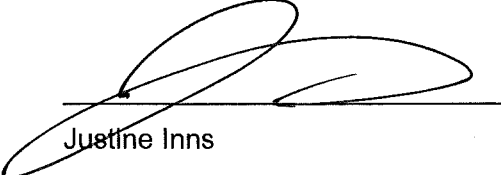
Contact Details:

17. Contact details (address for service) for Te Rūnanga o Ngāti Ruanui Trust, on behalf of Ngāti Ruanui, are:

C/- Justine Inns
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18. This application relies on ss51 58, 59, and 98-113 of the Act, and the affidavit of Nigel Nuku dated 29 March 2017 and filed herewith.

Dated at Nelson on the 31st day of March 2017.



Justine Inns