

IN THE HIGH COURTS OF NEW ZEALAND CIV-2017- 485-295
DUNEDIN REGISTRY

IN THE MATTER OF

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

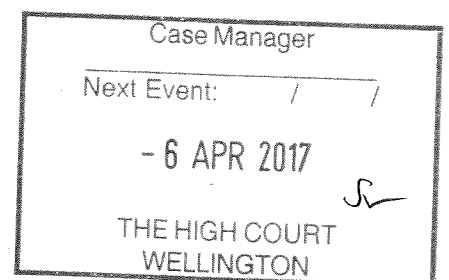
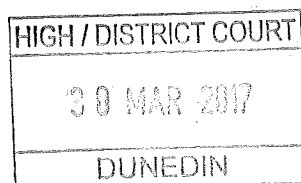
AND IN THE MATTER OF

An application by *Colin
Wayne Topi* for an order
recognising Customary
Marine Title and Protected
Customary Rights.

APPLICATION BY *Colin Wayne Topi* on behalf of *Te Whanau o
Topi*

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

Dated 30/3/2017



- To:** The Registrar of the High Court at Dunedin
- and to:** Local authorities (Regional and/or District Councils) with statutory functions in the application area)
- and to:** Local authorities (Department of Conservation, Department of Internal Affairs, Environment Protection Agency, MBIE, NZ Petroleum and Minerals) with statutory functions relating to land adjacent to the application area)
- and to:** The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Colin Wayne Topi 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/or protected customary rights of Te Whanau o Topi.

Protected Customary Rights

2. Te Whanau o Topi ancestors utilised the common marine and coastal area for but not limited to:
 - non-commercial fishing (utilising nets, hinaki, free diving and hand-lines to catch all species pertaining to the applied area including but not limited to: Blue Cod, Crayfish, Paua, Oysters, Moki, Green bone, Kina and any other species of wet fish
 - non-commercial seeding and harvesting of shellfish including but not limited to pipi, cockles, oysters, mussels, scallops, Paua
 - activities related to spiritual practices (such as rahui);
 - planting and cultivating plant species in CMCA wet margins (such as flax, tī kouka, pingao);

- gathering edible and aquatic plants;
- extracting non-nationalised minerals for non-commercial purposes
- collecting rocks for headstone use
- collecting driftwood and other natural resources for non-commercial purposes;
- temporary camp-sites for ceremonial activities in the CMCA;

The Applicant Group:

Te Whanau o Topi whakapapa to Teone Topi Patuki (*Ngai Tahu file #480*). Te Marama and Te Wairua begat a Son Teone Topi Patuki ~1810. Teone Topi Patuki was the nephew to Tamaiharanui (paramount Chief of Banks Peninsula) and Cousin to Tuhawaiki (Principal Chief of the Middle Island in 1840) Teone Topi Patuki also Socially Known as Chief Topi or King Topi was recognised as Upoko Ariki or Principal Chief of Ruapuke Island and the Ngai Tahu tribes after the death of Tuhawaiki in 1844. From Teone Topi Patuki come the descendants who hold Mana Motuhake of Ruapuke Island.

3. Colin Topi was appointed to make this application for and on behalf of the Te Whanau o Topi on 16/3/2017.

Area to which the application relates:

4. The area to which this application relates is the common marine and coastal area around Ruapuke Island block 1A2B (as defined in s9 of the Act) that is bounded:
 - a. on the landward side by the line of mean high-water springs;
 - b. Mark 46.46.749S, 168.30.352E, extending to SW to mark 46.47.451 S, 168.29.439E, then extending South to mark 47.00.690S, 168.32.910E, across toward the East to mark 46.54.889S, 168.47.157E, Then extending back up toward the NW to mark 46.46.979E, 168.31.135S

5. The area includes the common marine and coastal area surrounding the following islands: Goose Island, South Islets as well as shoals and rocks.

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. Te Whanau o Topi being a coastal group has relied heavily on but not limited to; Blue cod, Crayfish, Oysters, Paua, Kina, Green Bone and wetland food stocks foraged by whanau in the estuaries and coastal margins; and
 - b. Te Whanau o Topi fishermen sought the deep-water fish Blue cod, Crayfish, Oysters, Trumpeter, Hapuka and any other species in which has been caught for sustainability that were not available around the inner shoreline; and
 - c. Te Whanau o Topi also undertakes the following activities in the common marine and coastal area, these are but not limited to: Navigation around Ruapuke Island, Harvest of Titi during annual seasonal harvest, mooring of vessels, construction of dwellings
 - d. Te Whanau o Topi has undertaken these 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.
7. Te Whanau o Topi will provide more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

8. The grounds on which this order is sought are that:
 - a. Te Whanau o Topi has held the application area in accordance with tikanga since before 1840
 - b. Te Whanau o Topi has exclusively used and occupied the application area from before 1840 to the present day without substantial interruption.
9. Te Whanau o Topi will provide more information once funding for research and legal representation is secured.


Contact Details:

10. Ricky James Fife on behalf of Colin Wayne Topi for Te Whanau Topi:

Ricky Fife
41 Kauri Street, Ravensbourne
Dunedin

11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Ngai Tahu kaumātua.

Dated at Dunedin on the *30 of March 2017*



Ricky Fife