

**BEFORE THE HIGH COURT
WHANGAREI REGISTRY**

CIV 2017-485-298

UNDER

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

IN THE MATTER OF

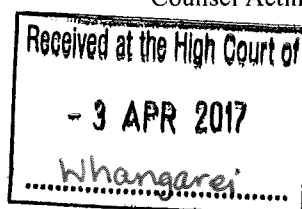
A claim by Anaru Paratene Kira on behalf of the
Whakarara Maori Committee for a recognition
order of protected customary rights and/or
customary title under the Act
Applicant

**APPLICATION PURSUANT TO s.100 OF THE ACT FOR A RECOGNITION ORDER
OF PROTECTED CUSTOMARY RIGHTS AND/OR CUSTOMARY MARINE TITLE**

Dated: 10 April 2017

Zwaan Legal
Barristers & Solicitors
PO Box 11277
7Manners St
Wellington, 6011
Ph: 0800 zwaanlegal
Em: robyn@zwaanlegal.com

Counsel Acting: R Zwaan/N Scully



MAY IT PLEASE THE COURT

Introduction

1. This application is made to the High Court for a recognition order of protected customary rights (s. 51 of the Act) and/or customary marine title (s.58 of the Act) by the applicant, Anaru Paratene Kira on behalf of the Whakarara Maori Committee ("**Committee**").
2. As required under section 9 of the Act, the marine and coastal area claimed in this application is from Whangaihe to the North, out to Ruapurapura to the East, and out to Rangitahua in the North East including all the tidal rivers within this environment ("**coastline**").
3. This claim outlines the Committee's continuous customary use and practices as Tangata Whenua Tuturu along the coastline, the practices are detailed in Anaru Kira's affidavit which is filed with this application.

Who is the application for?

4. This application is for the Whakarara Maori Committee who represent Maori along the Coastline outlined in paragraph two.

Name of person, representative group or legal entity making the application

5. The person making the application is Anaru Kira, who has been a member of the Whakarara Maori Committee since 1995.

Customary practices

6. The customary practices that have been carried out since at least 1840, are outlined in the Affidavit of Anaru Kira which is filed with this application. A brief summary of those activities includes:
 - (a) Fishing;
 - (b) Collecting green-back crayfish; and
 - (c) The collecting of scallops, mussels, kina, pipis and paua.

7. These activities were carried out in accordance with the tikanga of the applicant and his hapu and were carried out for:
 - (a) the development of his people;
 - (b) the protection of the sea life; and
 - (c) the sustenance of his people.

8. These activities have been carried out since 1840, and continue to be carried out today, as required by the people. The only time that there has been any interruption to the activities mentioned in this application is because of unlawful activities, or because the tikanga of the people dictates that the activity should not be continued.

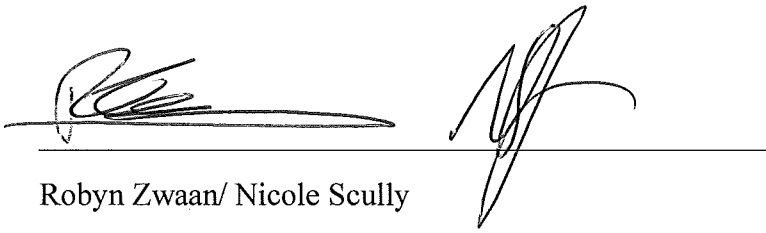
9. Further evidence on these activities will be provided once it can be finalized by the appropriate people.

10. To our knowledge, there are a number of other applications that are currently being filed in relation to the coastline. The driving force behind the applications has been for people to work together so that everybody along the coast is included in the various applications.

11. The applicants preference is to have the hearing of this application held at a marae or other culturally appropriate location within the area of Whanagaroa. An application to have the hearing located in this area will be made to the Court in due course.

12. This application is made despite the applicant's belief that the Act is a breach of his rights under Te Tiriti o Waitangi. The application is made for the sole purpose of protecting the rights that the Act is attempting to remove.

Dated at Wellington this 10th day of April 2017

A handwritten signature in black ink, appearing to be 'Robyn Zwaan' or 'Nicole Scully', is written over a horizontal line. The signature is stylized and cursive.

Robyn Zwaan/ Nicole Scully
Counsel for the Applicant