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**IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-485-305**  
**WHANGAREI REGISTRY**

**IN THE MATTER OF**

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

**AND IN THE MATTER OF**

an application by  
Tamihana Te Akitai Paki  
for an order recognising  
Customary Marine Title  
and Protected Customary  
Rights.

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**APPLICATION BY TAMIHANA TE AKITAI PAKI**

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

Dated 3 April 2017

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Case No	1 / 1
Next Event	- 5 APR 2017
THE HIGH COURT WELLINGTON	

MINISTRY OF JUSTICE
- 3 APR 2017
WHANGAREI H. HSPM

**To:** The Registrar of the High Court at Whangarei

**and to:** Whangarei District Council; Northland Regional Council

**and to:** 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. Tamihana Te Akitai Paki 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 Parawhau Hapu.

**Protected Customary Rights**

2. Te Parawhau ancestors utilised the common marine and coastal area for:
  - non-commercial fishing (utilising nets, hinaki and hand-lines to catch kuaka (snipe), kanae, kahawai, pioke, araara, patiki, tamure, mango, eels and other fish).
  - non-commercial seeding and harvesting of shellfish (including pipi, cockles, pupu oysters, mussels, scallops, karahu, tuatua, paapaka)
  - 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 hāngi stones for non-commercial purposes;
  - collecting driftwood and other natural resources for non-commercial purposes;
  - temporary camp-sites for ceremonial activities in the CMCA;
  - tauranga waka.


**The Applicant Group:**

3. Te Parawhau whakapapa to Tahuhunuiorangi, Tahuhu Potiki, and later Te Ponaharakeke, Tiakariri, Motutara, and Te Tirarau 3<sup>rd</sup> all whom are key ancestor(s) of Te Parawhau identity who held mana in and around the Whangarei Harbour and coastal area.
4. I Tamihana  Te Akitai Paki was appointed to make this application for and on behalf of the Te Parawhau on 3 April 2017.

**Area to which the application relates:**

5. 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. on the landward side by the line of mean high-water springs;
  - 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 Te Wara including any islands to the outer limits of the territorial sea; and
  - d. on the southward side by a line that extends from the coast abutting Bream Tail including any islands to the outer limits of the territorial sea.
6. The area includes the whole of Whangarei Harbour common marine and coastal area surrounding the following islands: Matakoho, Rabbit Island and the Hen and Chicks Islands.

**Grounds on which the protected customary rights order is sought:**

7. The grounds on which this order is sought are that:
    - a. Te Parawhau being a coastal group has relied heavily on sand sharks, pipi, mussels, kutai, snapper, mullet, and other fish shellfish
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and wetland food stocks foraged by whānau in the estuaries and coastal margins; and

- b. Te Parawhau fishermen sought the deep water fish in various fishing areas that were not available around the inner shoreline; and
- c. Te Parawhau also undertakes the following activities in the common marine and coastal area: rongoā collecting, bird snaring, transport, transfer of knowledge of hapu histories and marine culture, trade, communication, seasonal kaimoana exchange, access to gardens on land, tangihana, social interaction, and manaakitanga.
- d. Te Parawhau has undertaken these activities listed above since about 1750 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.

8. Te Parawhau will provide more information once funding for research and legal representation is secured.

**Grounds on which the customary marine title application is made:**

9. The grounds on which this order is sought are that:

- a. Te Parawhau has held the application area in accordance with tikanga since approximately 1750.
- b. Te Parawhau has exclusively used and occupied the application area from approximately 1750 to the present day without substantial interruption.

10. Te Parawhau will provide more information once funding for research and legal representation is secured.

**Contact Details:**

6. The applicant for Te Parawhau is:



*THD*  
Tamihana Te Akitai Paki  
286 Takahiwai Rd, Ruakaka  
RD. 1  
Whangarei

7. This application relies on s51(1), s58, s98-113 of the Act and my affidavit for Te Parawhau, Tamihana Paki.

Dated at *Whangarei* on the 3<sup>rd</sup> of April 2017

*Tamihana Paki*

