

Ngāti Mutunga o Wharekauri Iwi
Wharekauri Iwi Trust

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31 March 2017

The Register
 Wellington High Court
 SX11199
 Wellington
 c/- WellingtonHC@justice.govt.nz

Tēnā koe

Marine and Coastal Area Act 2011

Ngāti Mutunga o Wharekauri advises that it is applying for an order from the High Court for recognition of customary marine title and protected customary rights under section 98 of the Marine and Coastal Area Act 2011 (the Act).

This application is made on behalf of Ngāti Mutunga o Wharekauri iwi, hapū, and whānau. Ngāti Mutunga o Wharekauri is an umbrella term that encompasses all Chatham Island Maori and their descendants who arrived on the *Rodney* in 1835. It includes people who at times may also identify themselves as Ngāti Mutunga, Ngāti Tama, Ngāti Kekerewai, Ngāti Haumia or Atiawa.

Ngāti Mutunga o Wharekauri is tangata whenua and holds mana whenua and mana moana on Wharekauri and the outer islands, islets, reefs and rocks of Wharekauri and Rangiauria. Ngāti Mutunga o Wharekauri also holds mana whenua and mana moana on the Auckland Islands and through ahi kaa and hau kāinga in the rohe of Ngāti Mutunga ki Taranaki. Accordingly, Ngāti Mutunga o Wharekauri has held exclusive use and occupation of the takutai moana in each of these three areas since 1840. Details of our application are attached.

Ngāti Mutunga o Wharekauri is currently negotiating with the Crown over the settlement of our historical claims under the Treaty of Waitangi. This mahi is the present focus of our resources and capacity meaning that we will be unable to progress this application until negotiations have been concluded.

Nāku noa, nā



Paula Page

Chair
 Ngāti Mutunga o Wharekauri Iwi Trust

Case Manager
Next Event: / /
31 MAR 2017
THE HIGH COURT WELLINGTON

SR

Ngāti Mutunga o Wharekauri Application Under the Marine and Coastal Area Act 2011.

Who is this application for?

This application is made on behalf of Ngāti Mutunga o Wharekauri iwi, hapū, and whānau. Ngāti Mutunga o Wharekauri consists of Ngāti Mutunga o Wharekauri, Ngāti Mutunga, Ngāti Tama, Ngāti Kekerewai, Ngāti Haumia and Atiawa.

Ngāti Mutunga o Wharekauri is tangata whenua and holds mana whenua and mana moana on Wharekauri and the outer islands, islets, reefs and rocks of Wharekauri and Rangiauria. Ngāti Mutunga o Wharekauri also holds mana whenua and mana moana on the Auckland Islands and through hau kāinga in the rohe of Ngāti Mutunga ki Taranaki. Accordingly, Ngāti Mutunga o Wharekauri has held exclusive use and occupation of the takutai moana in each of these three areas since 1840.

Name of the person, representative group or legal entity making this application on behalf of the iwi, hapū or whānau.

This application is made by Ngāti Mutunga o Wharekauri Iwi Trust on behalf of the iwi, hapū, and whānau of Ngāti Mutunga o Wharekauri.

Contact person for this application?

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Who are the founding tūpuna and ancestors of your group?

We will provide our tūpuna list once we are ready to proceed with the application.

Which iwi, hapū and whānau are associated with your group?

Ngāti Mutunga o Wharekauri is an umbrella term that encompasses all Chatham Island Maori and their descendants who arrived on the Rodney in 1835. It includes people who at times may also identify themselves as Ngāti Mutunga, Ngāti Tama, Ngāti Kekerewai, Ngāti Haumia or Atiawa.

Which marae are associated with your group?

The historical marae of Ngāti Mutunga o Wharekauri is Pa Tangaroa. The principle marae of Ngāti Mutunga o Wharekauri is Whakamaharatanga marae. Our tikanga is that our whare are also our marae.

Customary marine title

Tell us the boundaries of your application areas.

Ngāti Mutunga o Wharekauri applies for the recognition of customary marine title (CMT) and protected customary rights (PCRs) in three application areas.

Application Area 1

Ngāti Mutunga o Wharekauri seeks recognition of CMT and PCRs in and around the takutai moana of Wharekauri and Rangiauria. Application Area 1 extends in a 12-nautical mile circumference from mean high-water springs from the outer islands, islets, reefs and rocks of Wharekauri and Rangiauria. The outer islands and reefs of Wharekauri and Rangiauria are named as, but are not exclusive to, Rangitatahi/The Sisters, Motuhara/The Four Fortys, Motuhope/the Star Keys, Ahuru/Eastern Reef, Tarakoikoia/the Pyramid, Rangituka/Round Rock, Sail Rock, Sentry Reef, the Western Reef, and the North West Reef.

This application excludes the bed of Te Whaanga lagoon, which sits outside the ambit of the Marine and Coastal Area Act 2011. This application also excludes the designated port areas of Waitangi, Port Hutt, Kaiangaroa, and Owenga on Wharekauri; and the designated port area of Onoua/Flower Pot on Rangiauria, which sit outside exclusive and occupation by Ngāti Mutunga o Wharekauri.

Application Area 2

Ngāti Mutunga o Wharekauri seeks recognition of CMT and PCRs in and around the takutai moana of the Auckland Islands. Application Area 2 extends springs in a 12-nautical mile circumference from mean high-water from the outer islands, islets, reefs and rocks of the Auckland Islands. The outer islands and reefs of the Auckland Islands include, but are not exclusive to Bristow Rock, Enderby Island, Ewing Island, Yule Island, Frenchs Island, Green Island, Dundas Island, Blanche Rock, Shag Rock, Adams Island, Amherst Rocks, Lantern Rocks, Adams Rocks, Detached Rock, Beehive Rocks, Disappointment Island, Pinnacle Rocks, Invercauld Rock, Column Rocks, The Five Sisters Rocks, Compadre Rock, Beacon Rock, and Rose Island.

Ngāti Mutunga o Wharekauri connection to the Auckland Islands is through our undisturbed occupation of this whenua from 1856 to 1866 during which time we held mana whenua and mana moana over the Auckland Islands including all its outlying islands as set out above. Ngāti Mutunga o Wharekauri held exclusive use and occupation of the takutai moana during this period and was never challenged. Ngāti Mutunga o Wharekauri's interests in the Auckland Island takutai moana continues today.

Application Area 3

Ngāti Mutunga o Wharekauri's seeks recognition of CMT and PCRs in and around the takutai moana of a stretch of Taranaki coastline extending from the Mokau River to Te Rau o te Huia, which is bounded by the Waiau River. Application Area 3 extends from mean high-water springs to 12-nautical miles in a north-westerly direction from the outer islands, islets, reefs and rocks of this stretch of coastline.

As previously discussed Ngāti Mutunga o Wharekauri is an umbrella term that encompasses all Chatham Island Maori and their descendants who arrived on the *Rodney* in 1835. Application Area 3 is also on behalf Ngāti Mutunga, Ngāti Tama, Ngāti Kekerewai, Ngāti Haumia and Atiawa as ahi kaa and hau kāinga ki Taranaki in so far as they represent and maintain Ngāti Mutunga o Wharekauri interests in Taranaki.

Maps

An indicative set of maps for Application Areas 1 to 3 are being prepared and will be forwarded once they have been completed.

Protected customary rights

Ngāti Mutunga o Wharekauri are an iwi of sea farers and fisherman. We have an uninterrupted relationship with the moana pre-dating 1840. The moana is who we are. The moana is the mauri that sustains our whānau, hapū and iwi. We are spiritually, emotionally, philosophically, and physically connected to the moana on every level. The moana is part of our everyday life.

We undertake a range of activities within the takutai moana that express our Ngāti Mutunga o Wharekauritanga. Some of these activities have been listed by the Crown as examples of PCRs that we undertake. One outward expression of our Ngāti Mutunga o Wharekauritanga is the use kai moana as part of manaakitanga.

We will discuss these activities in detail when we are ready to proceed with the application.

Ngāti Mutunga o Wharekauri tūpuna

We will provide our tupuna list once we are ready to proceed with the application.