

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

2017-485-316

CIV-
~~2017-485-316~~

IN THE MATTER OF an application under the Marine
and Coastal Area (Takutai
Moana) Act 2011

BETWEEN **Maui Solomon** for and on behalf
of **MORIORI IMI (IWI)**
Applicant

AND The Attorney-General
Respondent

**Application under
section 101 Marine and Coastal Area (Takutai Moana) Act 2011**

31 March 2017

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

**Application under
section 101 Marine and Coastal Area (Takutai Moana) Act 2011**

To: Registrar, High Court Wellington

And to: The Respondents by their solicitors

Take notice that the applicant on behalf of the **MORIORI IMI** will apply to the High Court for the following orders:

- A. Under section 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”), recognising a protected customary right (a “Protected Customary Rights Order”); and
- B. Under section 98 of the Act, recognising customary marine title (a “Customary Marine Title Order”); and
- C. Under section 78 of the Act, the recognition of waahi tapu protection rights in relation to the Customary Marine Title Order:

As described herein:

1. Pursuant to section 101(b) of the Act, the description of the protected customary right sought in the Protected Customary Rights Order is the right to exercise all aspects of customary authority of Moriori in relation to the “**Moriori Imi takutai moana area**”;

Particulars

- a. Customary authority of Imi Moriori means the right and obligation to protect, preserve, control, regulate, use, develop, transmit, and make and enforce laws and customs in relation to all taonga;
- b. “*Taonga*” means biological and genetic resources in indigenous and/or taonga species, the environment, and matauranga Maori (including te re and tikane (tikanga) Moriori).

2. Pursuant to section 101(c) of the Act, the applicant group is Moriori Imi, being those descendants of Rongomaiwhenua and Rongomaitere affiliate to the hunau (whanau), marae and hapu of Moriori Imi;
3. Pursuant to section 101(d) of the Act, the **Moriori takutai moana area** to which the application relates is that area that is bounded:
 - a. On the landward side, by the line of mean high-water springs;
and
 - b. On the seaward side, by the outer limits of the territorial sea;

and which includes the beds of rivers, the airspace and the water space above, and the subsoil, bedrock and other matter including natural resources within the Moriori takutai moana area, as follows:

- To the main Island of Rekohu also known as Chatham Islands and Wharekauri;
- To the Island of Rangihaute also known as Pitt Island and Rangiauria;
- And to all of the off-shore and associated Islands of Rekohu and Rangihaute including Hokoreora ("South East Island"), Mangare Island), Maung Re (Big Mangare Island), Little Maung Re (Little Mangare), Motuhara (Forty Fours), Rangitutahi (The Sisters), Motuhope (The Star Keys), Tarakoikoia (Pyramid), Rabbit Island, Sail Rock and all other associated rocks and islets;

AND a corresponding acknowledgement that there are areas of shared interest with Ngati Mutunga Iwi within the Moriori takutai moana area.

Upon the Grounds

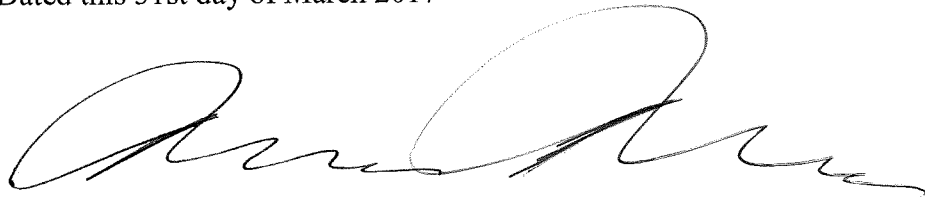
4. The right to exercise all aspects of customary authority is a right that:
 - a. Has been exercised prior to, and since, 1840; and
 - b. Continues to be exercised in the Moriori takutai moana area in accordance with tikane by the applicant group; and
 - c. Is not extinguished as a matter of law.
5. The applicant group Moriori Imi holds the Moriori takutai moana area in accordance with tikane Moriori;
6. The applicant group Moriori Imi has, in relation to the Moriori takutai moana area:
 - a. Used and occupied it from 1840 to the present day without substantial interruption; and/or
 - b. Received it through a customary transfer between or among members of the applicant group in accordance with tikane (as defined in section 58(3) of the Act);
7. The applicant group Moriori Imi exercise non-commercial customary fishing rights in the Moriori takutai moana area and have done so from before 1840 to the present day;
8. Within the Moriori takutai moana area, there are waahi tapu and waahi tapu areas with which the applicant group have connection in accordance with tikane and the group may require restrictions on access to protect the waahi tapu and the waahi tapu areas, with the location of these waahi tapu and waahi tapu areas and the nature of the proposed restrictions to be the subject of dialogue within the applicant group, and with the wider community before the nature of the waahi tapu conditions sought under section 79 of the Act are finalised.

9. The person to be the holder of the Recognition Orders as the representative of the applicant group shall be the chairperson at any particular time of the **Hokotehi Moriori Trust**.

And upon the grounds identified in the affidavits to be filed in support of this application.

This application relies on section 101 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Dated this 31st day of March 2017



Maui Solomon
Counsel for the Applicant Group

This application is filed on behalf of the applicant by LEO HAYES WATSON, Barrister and Solicitor, of Napier. The address for service of the abovenamed applicant is at the office of the solicitor at 342 Gloucester Street, Taradale, Napier 4112.

Documents for service on the abovenamed applicant may be left at that address or may be:

- a) **Transmitted direct to counsel Maui Solomon by email in PDF version to mauis@xtra.co.nz with the original document to follow by post.**

[REDACTED]

MAP OF REKOHU/CHATHAM ISLANDS

