

UNDER THE Marine and Coastal Area (Tatukai Moana) Act 2011

IN THE MATTER OF Recognition of customary interests

BETWEEN Te Whanau a Umuariki

(Applicant)

The Crown

AND

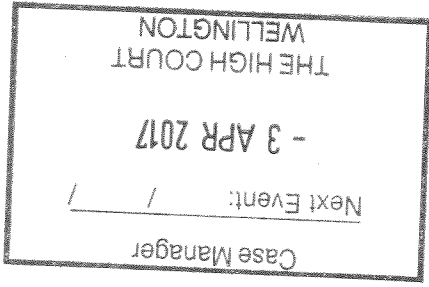
(Respondent)

INTERLOCUTORY APPLICATION ON NOTICE ON BEHALF OF TE WHANAU A
UMUARIKI SEEKING ORDER FOR RECOGNITION OF CUSTOMARY INTERESTS
Dated 31 MARCH 2017

Te Haia Legal

PO Box 138, Otaki 5542
Phone: 06 364 5504
Mobile: 027 238 5854

Email: moana@tehaialegal.co.nz / chris@tehaialegal.co.nz
Counsel Acting: Moana Sinclair / Chris Beaumont



INTERLOCUTORY APPLICATION ON NOTICE

To the Registrar of the High Court at ~~Christchurch~~ *Wellington*

And

To the Crown

This document notifies you that—

1. The applicant, Te Whanau a Umurangi ("TWAU"), will on apply to the court for orders:

- (a) Recognising a protected customary right applicable to TWAU; and
- (b) Recognising a customary marine title applicable to TWAU;

2. The Applicant, TWAU, appoint Renata Tawhai McClutchie also known as Tawhito Ki Te Rangī of 5 Mangahareī Street, Ruatoria, as a representative of the applicant group to be the holder of the order and the first point of contact.

3. The grounds on which each order is sought are as follows:

- (a) The Applicant, TWAU have resided in Te Papatipu-a-uepohata, and have been residents in that rohe prior to 6 February, 1840.
- (b) The Applicant, TWAU are a whanau who hold mana takutai over their fisheries, fishing grounds, and mineral wealth along the coastline east of the Ruatoria township and have exercised this right since 1840.
- (c) The particular area of common marine and coastal area to which this application applies is the portion of coastline east of the Ruatoria township. TWAU's rohe is situated in the middle northern portion of the east coast between the Waiapu river mouth and south to Waitahawai.

The southern boundary is Waikahawai and the northern boundary is the Waipua river mouth.

(d) TWAU have protected customary title as TWAU have exercised mana takutai along the coastline east of the Ruatoria township since 1840. The Applicant continues to exercise mana takutai and the protected customary title is not and has not been extinguished as a matter of law.

(e) TWAU have customary marine title over the common marine and coastal area:

(i) TWAU have held and continue to hold the coastline east of the Ruatoria township in accordance with tikanga;

(ii) TWAU exercise non-commercial customary fishing rights along the coastline east of the Ruatoria township and have done so from 1840 to the present day; and

(iii) TWAU have exclusively used and occupied it from 1840 to the present day without substantial interruption and the customary marine title has not been extinguished as a matter of law.

(f) In accordance of the High Court Rules 2008, the Affidavit of Renata Tawhai McClutchie also known as Tawhito Ki Te Rangī, the representative of the applicant group, TWAU is annexed and attached. The Affidavit will elaborate on the above grounds for recognition of protected customary right and recognition of marine title.

4. This application is made in reliance on sections 51, 58, 59, 98, 100 and 101 of the Marine and Coastal (Takutai Moana) Act 2011.



Chris Beaumont
Counsel for the Applicant

DATED this 31st day of March 2017