

Appendix Q:

**Ministry of Justice and High Court Records Applications for
Marine Customary Title in Poverty Bay**

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017- 485- 262

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by TRACY
FRANCIS HILLIER of
OPOTIKI for an order
recognising Customary
Marine Title and Protected
Customary Rights

Applicant

AND

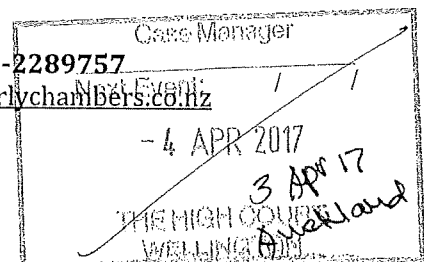
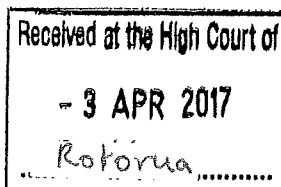
The Attorney General in
right of the Crown

TRACY FRANCIS HILLIER
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 3RD of April 2017

Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
Hamilton
3204
Phone: 07-8388020
Email: mark@fmlawyers.co.nz

Counsel Acting:
C Hirschfeld/T Sinclair/B Tūpara
Ranfurly Chambers
Barristers-at-Law
10 Kaihu Street
Northcote
Auckland
0627
Mobile: 021-2289757
Email: charl@ranfurlychambers.co.nz



To: The Registrar of the High Court at Auckland;

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. TRACY FRANCIS HILLIER 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 protected customary rights of **NGAI TAMAHUA HAPU**;

The Applicant Group:

2. **NGAI TAMAHUA HAPU** whakapapa to tipuna MURIWAI; TARAWA; RUAMOKO; KAHUKI; TAMAHUA, PUNAHAMOA; who all relate to identifiable boundaries and link to the application area of TAMAHUA HAPU. TRACY FRANCIS HILLIER makes this application for and on behalf of **NGAI TAMAHUA HAPU** and their descendants listed below at a hui on this matter held on 29th March in 2017;

(a) Muriwai Maggie Jones, Raiha Ruwhiu, Pita Tori Biddle, Hetaraka Biddle, Tangimoe Clay, Dawn Te Hereripene Hill, Tracy Francis Hillier, Florence Te Hemanawa Ngatai, Minarapa Ngatai Mitai, Peter Thomas Selwyn, Robert Lawson Selwyn, Timothy Selwyn, Kelvin Retimana Tapuke, Rita Rangitaia Wordsworth.

Area to which the application relates:

3. 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 of **NGAI TAMAHUA HAPU**;
 - b. on the seaward side by the outer limits of the territorial sea to the Kermadec Islands;
 - c. from Maraetotara Stream in Ohope (west point) to Tawhitinui, Akeake, Pakowhai, Opotiki Harbour Mouth, Waioweka, Otara, Tirohanga, Puketapu Opape to Ngawaikui Stream (east point) by a line that extends from the coast abutting to the outer limits of the territorial sea; and extends to the 200 nautical miles to the Exclusive Economic Zone;
 - d. on the Maraetotara to Ngawaikui Stream (east point) ward side by a line that extends from the coast abutting the Oceans to Rangitahua to Mauke in the Cook Islands including Moutohora Whale Island, Te Paepae O Aotea, Whakaari White Island, Uretara Island, Hokianga Island within the Ohiwa Harbour to the outer limits of the territorial sea;
 - e. includes the common marine and coastal area surrounding the following islands: Moutohora Whale Island, Te Paepae O Aotea, Whakaari White Island, Uretara Island, Hokianga Island within the Ohiwa Harbour;
 - f. includes all the tidal rivers, waterways, estuarine waters, springs, wetlands, streams, and tributaries Waimana River, Maraetotara Stream, Parau Stream, Oponae Stream, Pakihi Stream, Motu Stream, Te Waiti Stream, Waioweka River, Otara River, Waiaua River.

Grounds on which the protected customary rights order is sought:

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

- a. **NGAI TAMAHUA HAPU** being a coastal group has relied heavily on the activities, cultural and customs and practices which were carried on, exercised and followed for preservation and maintenance, the fully and undisturbed exercise of the Mana Motuhake, Rangatiratanga, and Kaitiakitanga of **Ngai Tamahaua Hapu** and the Uri Mokopuna O Ngai Tamahaua according to our Tikanga recognizing Mana Atua, Mana Whenua, Mana Moana, Mana Tangata;
- b. The sustenance and continued observance of customary and traditional practices, integral to tikanga carried out by **Ngai Tamahaua Hapu** and the **Uri of Ngai Tamahaua**.
- c. **Ngai Tamahaua Hapu** has undertaken these activities since prior to 1840 and continues to undertake these activities in the application area, for the sustenance, physical, spiritual, and cultural wellbeing of Ngai Tamahaua and the **Uri of Ngai Tamahaua**;
- d. **Ngai Tamahaua Hapu** also undertakes the following activities in the common marine and coastal area: Kaimoana, Fishing, Rongoa for Medicinal and healing Purposes, Extraction of Resources shells, wood, bone, stone, sand, seaweed ,sulphur, bones, bird catching, transport, transfer of knowledge of Hapu marine culture, trade, communication, seasonal kaimoana and fish exchange as koha or trade, access to gardens on land, bird snaring, tangihanga, social interactions, manaakitanga, ope maara.
- e. **Ngai Tamahaua Hapu** and the **Uri of Ngai Tamahaua** has undertaken these activities since 650AD date prior to 1840 and

continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.

- f. **Ngai Tamahaua Hapu** and the **Uri of Ngai Tamahaua** has undertaken these activities since 650AD date prior to 1840 and continues to undertake these activities and have been substantially uninterrupted manner since 1840.

Grounds on which the customary marine title application is made:


The grounds on which this order is sought are that :

- g. **Ngai Tamahaua Hapu** has held the application area in accordance with tikanga since 1840
- h. **Ngai Tamahaua Hapu** has exclusively used and occupied the application area from 1840 to the present day without substantial interruption.
5. **Ngai Tamahaua Hapu** will deliver more information once funding for research and legal representation is secured.

Contact Details:

6. TRACY FRANCIS HILLIER for **NGAI TAMAHUA HAPU** is:
c/- Charl Hirschfeld
10 Kaihu Street
Northcote
Auckland 0627
7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of TRACY FRANCIS HILLIER for **NGAI TAMAHUA HAPU**.

Dated at Auckland on the 3rd day of APRIL 2017



TRACY FRANCIS HILLIER

**AUTHORITY TO ACT IN RELATION TO THE COASTAL AND MARINE AREA ACT
2011(instructing solicitor and counsel)**

Whereas I have signed an authority to act for counsel with then an instructing solicitor to be nominated by me I instruct the following to be respectively my instructing solicitor (Foster Milroy) and Charl Hirschfeld and others of his chambers to be counsel

Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
Hamilton
3204
Phone: 07-8388020
Email: mark@fmlawyers.co.nz

Counsel Acting:
C Hirschfeld/T Sinclair/B Tūpara
Ranfurly Chambers
Barristers-at-Law
10 Kaihu Street
Northcote
Auckland
0627
Mobile: 021-2289757
Email: charl@ranfurlychambers.co.nz

For the avoidance of doubt Charl Hirschfeld will be leading the case and he will be remunerated by me unless I instruct otherwise. I also instruct that the court proceedings in this case be filed in the Auckland High Court.

My contact details are as follows:

Name: Kacy Francis Miller
Email: shiningstarspreschool@xtra.co.nz
Phone: 027 955 9734
Address: 1 Potts Ave, DROTUKI 3122
Signed: Kacy F. Miller
Date: 2nd April 2017

As the undersigned above I understand that the instructions relate to

- Customary marine title and protected customary rights concerning my iwi, hapū or whānau under legislative recognised relationships in connection with certain parts of the marine and coastal area.

CIV 2017 485 284

No:

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

IN THE MATTER OF

an application under the Marine and Coastal Area
(Takutai Moana) Act 2011

AND

IN THE MATTER OF

an application by **Te Runanganui o Ngati Porou
Trustee Limited**, a duly incorporated company having
its registered office at Rainey Collins, Level 19, 113-119
The Terrace, Wellington, acting on behalf of Nga Hapu
o Ngati Porou and in its capacity as trustee of the Te
Runanganui o Ngati Porou Trust

Applicant

An application by Te Runanganui o Ngati Porou Trustee Limited for recognition orders
pursuant to the Marine and Coastal Area (Takutai Moana) Act 2011

31 March 2017

KAHUI
LEGAL

PO Box 1654, Wellington 6140
Telephone: 04 495 9999
Facsimile: 04 495 9990
Counsel: T B Johnson/N R Milner
WELLINGTON

Case Manager

Next Event: / /

- 3 APR 2017

THE HIGH COURT
WELLINGTON

THIS DOCUMENT NOTIFIES YOU THAT:

- ## Background

- 1

5. Sections 94 and 98 of the Act confer on the High Court the jurisdiction to make an order recognising customary marine title, provided that the applicant group meets the tests for customary marine title set out under section 58 of the Act.

Orders sought (section 101(a))

6. TRONPnui seeks recognition orders from the High Court under section 98 of the Act for customary marine title over nga rohe moana o Nga Hapu o Ngati Porou. TRONPnui considers the tests for customary marine title set out under section 58 of the Act are satisfied.

The applicant group (section 101(c))

7. The applicant group is Nga Hapu o Ngati Porou (as described in Appendix 1).
8. TRONPnui represents the Ngati Porou iwi, whose members number 71,000+ (as at the 2013 census), drawn from all hapu within the Ngati Porou rohe, mai i Potikirua ki Te Toka a Taiau. It is the post-settlement governance entity of the iwi of Ngati Porou and the mandated iwi organisation for the purposes of the Maori Fisheries Act 2004. It is also the legal successor to Te Runanga o Ngati Porou (**Runanga**), which was a Maori trust board and the pre-settlement representative organisation for Ngati Porou iwi. TRONPnui holds the mandate to represent Nga Hapu o Ngati Porou on matters relating to the recognition of the rights of Nga Hapu o Ngati Porou in the common marine and coastal area.

The application area (section 101(d))

9. The particular area of the common marine and coastal area to which this application relates is nga rohe moana o Nga Hapu o Ngati Porou, which means, for the purposes of this application:
 - (a) the common marine and coastal area within the rohe of Ngati Porou, which extends from Pōtikirua in the north to Te Toka a Taiau in the south, from a landward boundary of the mean high water springs and extending 12 nautical miles in a seaward direction, further described by reference to:
 - (i) the common marine and coastal area between the coordinates
37°32'32.6"S/178°05'07.0"E, 37°20'33.1"S/178°04'27.5"E,
38°53'43.5"S/178°09'29.2"E, 38°40'40.8"S/178°00'59.4"E and
38°40'16.8"S/178°01'41.3"S; and

- (ii) the area shown in **Appendix 2** to this application;
- (b) but excluding from this area, for the purposes of this application, the common marine and coastal area in the vicinity of Tokomaru Bay, comprising nga rohe moana o Te Whanau a Ruataupare and Te Whanau a Te Aotawarirangi.

Grounds on which the application is made (section 101(e))

10. The grounds on which the requirements for customary marine title are satisfied under section 58 of the Act are as follows:

- (a) Nga Hapu o Ngati Porou holds nga rohe moana o Nga Hapu o Ngati Porou in accordance with tikanga (section 58(1)(a));
- (b) Nga Hapu o Ngati Porou has, in relation to nga rohe moana o Nga Hapu o Ngati Porou exclusively used and occupied this area from 1840 to the present day without substantial interruption (section 58(1)(b));
- (c) Nga Hapu o Ngati Porou own all or part of the land abutting nga rohe moana o Nga Hapu o Ngati Porou and have done so without substantial interruption from 1840 to the present day (section 59(1)(a)(i));
- (d) Nga Hapu o Ngati Porou exercises non-commercial customary fishing rights in nga rohe moana o Nga Hapu o Ngati Porou and have done so from 1840 to the present day (section 59(1)(a)(ii)); and
- (e) as further set out in the affidavit of Dr Apirana Tuahae Kaukapakapa Mahuika, sworn 9 January 2015, in support of this application.

The holder of the recognition orders (section 101(f)-(g))

- 11. For the purposes of this application, the holders of the recognition orders, within the respective areas within nga rohe moana o Nga Hapu o Ngati Porou, will be the named appointees or trustees of the hapu (one or more) of the particular rohe moana where customary marine title is recognised.
- 12. The contact details for the applicant groups and the holders of the recognition orders, for the time being and pending further notice, is:

Te Runanganui o Ngati Porou Trustee Limited
Te Toka a Taiau (Shed 3)
50 The Esplanade, Gisborne 4010
PO Box 394, Gisborne 4040
Telephone: 06 867 9960
Attention: Chief Executive Officer

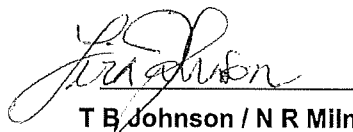
13. TRONPnui, on behalf of Nga Hapu o Ngati Porou seeks leave to amend this aspect of the application at a later date, noting the principle that customary marine title is a collectively-held right of each of Nga Hapu o Ngati Porou.

Affidavit in support (section 101(h))

14. This application is supported by the affidavit of the late Dr Apirana Tuahae Kaukapakapa Mahuika (immediate-past chairperson of TRONPnui and the Runanga). The affidavit sets out the basis on which Nga Hapu o Ngati Porou claim to be entitled to recognition orders for customary marine title over nga rohe moana o Nga Hapu o Ngati Porou.

- C. This application is made in reliance on sections 58 and 59 of the Act and *Re Tipene* [2016] NZHC 3199.

DATED at Wellington this 31st March 2017



T B Johnson / N R Milner

Solicitor for the Applicant / Counsel for the Applicant

THIS application is filed by **Tirawhanaunga Brigitte Johnson**, solicitor for the applicant, of the firm T B Johnson, whose postal address is PO Box 1276, Gisborne Mail Centre, Gisborne 4040. The address for service of the applicant is c/- Kahui Legal, Level 11, Intilecta Centre, 15 Murphy Street, Wellington 6011, attention: T B Johnson/N R Milner. Documents for service on the applicant may be left at that address for service or may be:

- (a) posted to the solicitor at c/- Kahui Legal, PO Box 1654, Wellington 6140, attention: T B Johnson/N R Milner;
- (b) transmitted to the solicitor by facsimile 04 495 9990, attention: T B Johnson/N R Milner; or
- (c) emailed to the solicitor at tira.johnson@xtra.co.nz and nathan@kahuillegal.co.nz.

The solicitor's agent in the proceeding is Kahui Legal, barristers and solicitors, of Wellington.

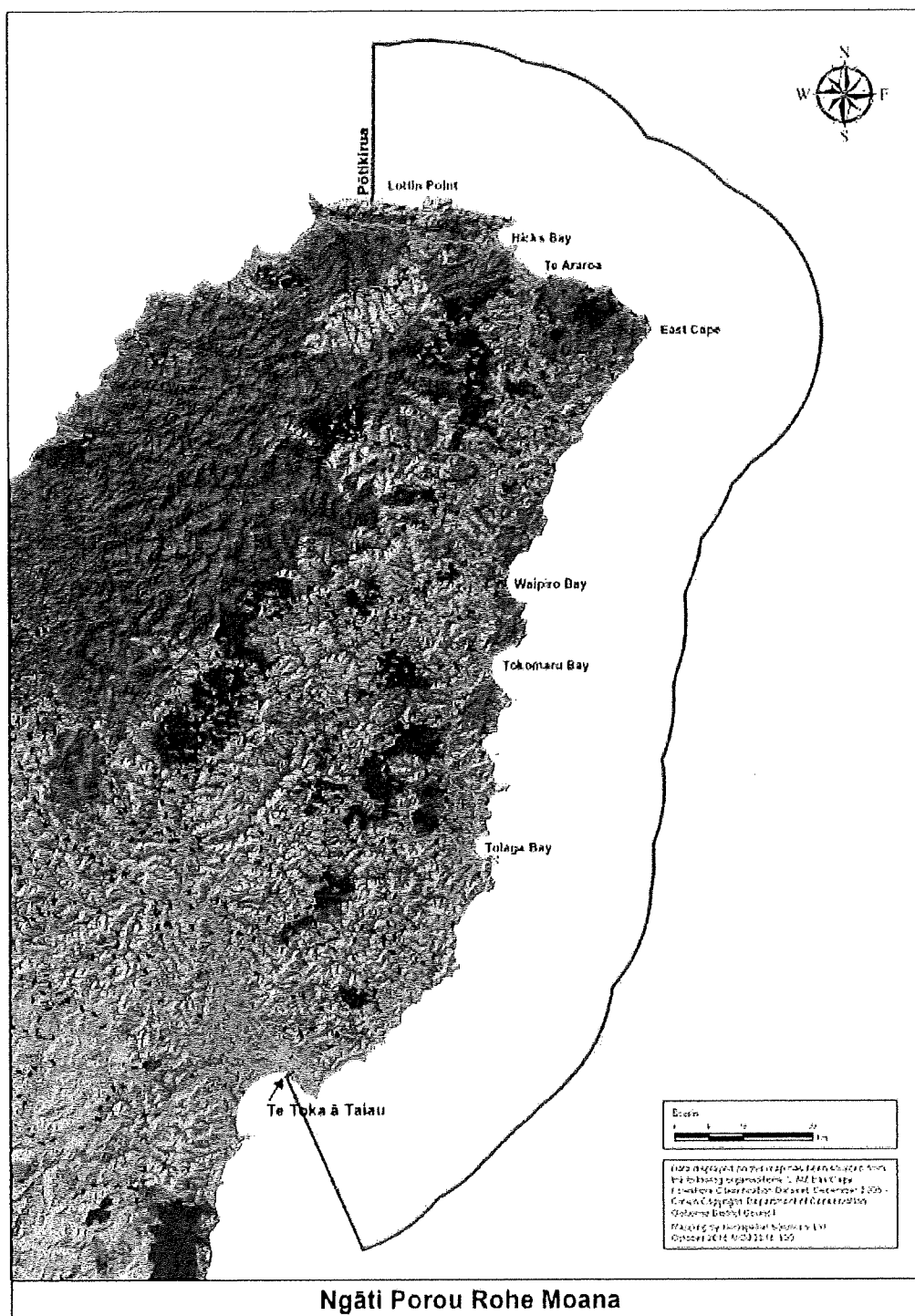
APPENDIX 1

For the purposes of this application **Nga Hapu o Ngati Porou** means the following:

- i. Ngati Kuranui; and
- ii. Ngati Kahukuranui; and
- iii. Ngati Hau; and
- iv. Ngati Wakarara; and
- v. Ngati Ira; and
- vi. Ngati Patuwhare; and
- vii. Te Whanau a Iritekura; and
- viii. Te Whanau a Te Haemata; and
- ix. Te Whanau a Rakairoa; and
- x. Te Aitanga a Mate; and
- xi. Te Aowera; and
- xii. Te Whanau a Hinekehu (Rauru Marae); and
- xiii. Te Whanau a Karuai; and
- xiv. Ngati Horowai; and
- xv. Te Whanau a Pokai; and
- xvi. Te Whanau a Rakaihoea; and
- xvii. Ngai Taharora; and
- xviii. Te Whanau a Mahaki; and
- xix. Te Whanau a Uruhonea; and
- xx. Te Whanau a Hineauta; and
- xxi. Te Whanau a Rakaimataura; and
- xxii. Te Whanau a Te Uruahi; and
- xxiii. Ngati Putaanga; and
- xxiv. Te Whanau a Tapuhi; and
- xxv. Te Whanau a Takimoana; and
- xxvi. Te Whanau a Hinepare; and
- xxvii. Ngati Nua; and
- xxviii. Te Whanau a Ngai Tane; and
- xxix. Te Whanau a Hinerupe; and
- xxx. Ngati Hokopu; and
- xxxi. Te Whanau a Rerewa; and
- xxxii. Te Whanau a Hunaara; and
- xxxiii. Ngai Tuere; and
- xxxiv. Ngai Tamakoro; and
- xxxv. Te Whanau a Kahu; and
- xxxvi. Te Whanau a Tuwhakairiora; and
- xxxvii. Te Whanau a Te Aotaki; and

xxxviii. Te Whanau a Tinatoka; and
xxxix. Te Whanau a Te Rangipureora; and
xl. Ngati Uepohatu; and
xli. Ngai Tangihaere; and
xlii. Ngati Rangi; and
xliii. Te Whanau a Hinetapora; and
xliv. Te Whanau a Ruataupare ki Tuparoa; and
xlv. Te Whanau a Umuariki; and
xlvi. Ngati Konohi; and
xlvii. Te Aitanga a Hauiti; and
xlviii. Te Whanau a Tapaeururangi; and
xlix. Ngati Oneone; and
l. Ngati Tutekohi; and
li: Te Whanau a Tarahauiti; and
lii: Te Whanau a Te Aopare; and
liii. Te Whanau a Te Aotaihi; and
liv. Te Whanau a Hinerupe ki Waiapu.

APPENDIX 2



Nga rohe moana o Nga Hapu o Ngati Porou excluding, however, for the purposes of this application, the common marine and coastal area in the vicinity of Tokomaru Bay, comprising nga rohe moana o Te Whanau a Ruataupare and Te Whanau a Te Aotawarangi.

IN THE HIGH COURT OF NEW ZEALAND
GISBORNE REGISTRY

CIV-2017-485-314.

IN THE MATTER OF

an application under section 100 of the **Marine
and Coastal Area (Takutai Moana) Act 2011**

AND

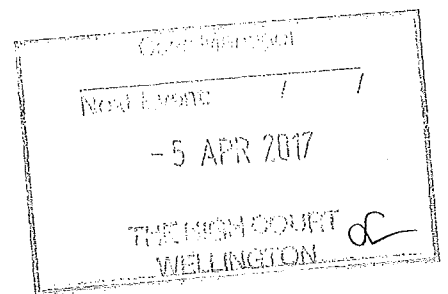
IN THE MATTER OF

an application by the Trustees of the Tāmanuhiri
Tūtū Poroporo Trust on behalf of **NGĀI
TĀMANUHIRI IWI** an unincorporated common
law trust, being the post settlement governance
entity for Ngāi Tāmanuhiri Iwi

Applicant

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

3 April 2017



KAHUI
LEGAL

PO Box 1654

Telephone: 04 495 9999

Facsimile: 04 495 9990

Counsel: H K Irwin-Easthope / A T K Hurihanganui

WELLINGTON

District/High Court

- 3 APR 2017

Gisborne

TO: The Registrar of the High Court at Gisborne
AND TO: Gisborne District Council
Hawke's Bay Regional Council
Wairoa District Council
The Solicitor-General on behalf of the Attorney-General

THIS DOCUMENT NOTIFIES YOU THAT:

- A. The applicant, the Trustees of the Tāmanuhiri Tūtū Poroporo Trust (the **Trustees**) on behalf of Ngāi Tāmanuhiri (the **Applicant Group**), will apply to the High Court for orders recognising customary marine title and protected customary rights pursuant to sections 98 and 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 (the **Act**).
- B. The grounds on which the orders are sought are as follows:

Background

1. Ngāi Tāmanuhiri is a coastal Iwi that has a strong association to the moana. Ngāi Tāmanuhiri considers it has continued to exercise mana whenua, mana moana and kaitiakitanga over the Ngāi Tāmanuhiri Coastal Marine Area.
2. Sections 94 and 98 of the Act confer on the High Court the jurisdiction to make orders recognising customary marine title and protected customary rights, provided that the Applicant Group meets the tests for customary marine title set out under section 58 of the Act and protected customary rights set out under section 51(1) of the Act.

Orders Sought – section 101(a)

3. The Trustees seek recognition orders from the High Court under section 98 of the Act for:
 - (a) customary marine title over the Ngāi Tāmanuhiri Coastal Marine Area (the Trustees consider the Applicant Group meets the tests for customary marine title set out under section 58 of the Act); and

- (b) protected customary rights within the Ngāi Tāmanuhiri Coastal Marine Area (the Trustees consider the Applicant Group meets the tests for protected customary rights set out under section 51 of the Act).

Protected customary rights – section 101(b)

- 4. The Trustees seek recognition orders for the exercise of kaitiekitanga as a protected customary right which includes, but is not limited to, the use of paru and the collection of karengo.

The Applicant Group – section 101(c)

Ngāi Tāmanuhiri

- 5. The Applicant Group is the Iwi of Ngāi Tāmanuhiri. As described in section 11 of the Ngāi Tāmanuhiri Claims Settlement Act 2012 (the **Settlement Act**), Ngāi Tāmanuhiri includes:

- (a) the collective comprising individuals who descend from –
 - (i) Tāmanuhiri;
 - (ii) any other recognised ancestor of the hapū or descent groups of Ngāti Rangiwaho Matua, Ngāti Rangiwaho, Ngāti Kahutia, Ngāti Rangitauwhiwhia, or Ngāi Tawehi and who exercised customary rights within the Ngāi Tāmanuhiri area of interest after 6 February 1840; and
- (b) members of 1 or more of those hapū or descent groups; and
- (c) every whānau, hapū, or other group of individuals to the extent that that whānau, hapū, or other group includes individuals referred to in paragraph (a); and
- (d) every individual referred to in paragraph (a).

Tāmanuhiri Tūtū Poroporo Trust

6. The Tāmanuhiri Tūtū Poroporo Trust (the **Trust**) is the post-settlement governance entity on behalf of Ngāi Tāmanuhiri in respect of the Settlement Act. The Trustees are Shane Bradbrook, Reweti Ropiha (Deputy Chair), Tutekawa Wyllie, Matene Blandford, Angus Ngarangioue and Waireti Amai.¹
7. The Trust, through the Trustees, has been appointed by the Applicant Group to be the representative of the Applicant Group and to apply for, and hold, recognition orders on behalf of the Applicant Group.²

The Application Area – section 101(d)

8. The particular area of the common coastal marine area to which this application relates is the Ngāi Tāmanuhiri Coastal Marine Area (the **Application Area**).
9. The Application Area means, for the purposes of this Application:³
 - (a) the common marine and coastal area within the Ngāi Tāmanuhiri rohe, which extends from Koputūtea in the North to Paritū in the South, from the landward boundary of the mean high water spring and the seaward boundary being the outer limits of the territorial sea (12 nautical miles from shore); and
 - (b) the area identified on the map **annexed** and marked "**A**" to this Application (noting the area of shared interests with Rongowhakataa as set out further in paragraphs 11-12).
10. The Application Area is located on the east coast of the North Island in the Gisborne District. The Ngāi Tāmanuhiri coastal boundaries begin generally from Koputūtea by the sea, in the north, then south to Pakirikiri,

¹ Shane Kawenata Frederick Bradbrook and Tutekawa Wyllie have sworn affidavits in support of this application.

² As detailed in the affidavit of Robyn Mere Rauna sworn 3 April 2017.

³ Ngāi Tāmanuhiri also have a statutory acknowledgement over their Coastal Marine Areas between the same boundary markers (as detailed in the affidavit of Shane Kawenata Frederick Bradbrook sworn 31 March 2017).

Papatewhai, Rangihoua, Te Matamata, Orongo, Taikawakawa, Whareongaonga and Tikiwhata, then to Paritū, in the south.

Shared Interest with Rongowhakaata within the Application Area

11. There is an area of shared interest in the Application Area between the Applicant Group and Rongowhakaata (the neighbouring iwi to the North).
12. For the purpose of this application, the Trust and the Rongowhakaata Iwi Trust (on behalf of Rongowhakaata) have agreed that:⁴
 - (a) the area specified at Te Kōwhai is shared between the Applicant Group and Rongowhakaata (the **Agreed Shared Area**); and
 - (b) any claim to the Agreed Shared Area will be made jointly or made in a way that explicitly acknowledges the shared interests.

Grounds on which the Application is made – section 101(e)

13. On behalf of the Applicant Group, the Trustees submit that the necessary requirements for customary marine title (section 58 of the Act) and protected customary rights (section 51 of the Act) are satisfied, in particular:
 - (a) in relation to customary marine title:
 - (i) the Applicant Group holds the Application Area in accordance with tikanga (section 58(1)(a));
 - (ii) the Applicant Group has, in relation to the Application Area exclusively used and occupied the Application Area from 1840 to the present day without substantial interruption (section 58(1)(b));

⁴ As detailed in the affidavit of Robyn Mere Rauna sworn 3 April 2017.

- (iii) the Applicant Group owns part of the land abutting the Application Area and have done so without substantial interruption, from 1840 to the present day (section 59(1)(a)(i));
 - (iv) the Applicant Group exercises non-commercial customary fishing rights in the Application Area and have done so from 1840 to the present day (section 59(1)(a)(ii)), and
- (b) in relation to protected customary rights:
 - (i) the protected customary rights have been exercised since 1840 (section 51(1)(a));
 - (ii) the protected customary rights continue to be exercised in the Application Area in accordance with tikanga by the Applicant Group, whether it continues to be exercised in exactly the same or a similar way, or evolves over time (section 51(1)(b));
 - (iii) the protected customary rights are not extinguished as a matter of law (section 51(1)(c)), and
- (c) as set out in the affidavits in support of this application.

The holder of the recognition orders – section 101(f)-(g)

- 14. For the purposes of this application, the holder of the recognition orders will be the Trust (or, in the event that the holders must be a natural person, the Trustees of the Trust in their capacity as Trustees).
- 15. The Trustees, on behalf of the Applicant Group, seek leave to amend this aspect of the application at a later date if required.
- 16. The contact details for the Trust (and the Trustees) are:

Tāmanuhiri Tūtū Poroporo Trust

299 Gladstone Road
Corner of Gladstone Road & Cobden Street
GISBORNE 4010
(06) 863 3560

Affidavits in Support – section 101(h)

17. This application is supported by the affidavits of Temepara Ngarangioue Issacs, Tutekawa Wyllie, Robin Rapihana Wyllie⁵, Noel Tawaputa Whara Pohatu, Alexdrina Hawea, Robyn Mere Rauna (Chief Executive Officer of the Trust) and Shane Kawenata Frederick Bradbrook (Chairman of the Trust).
18. The affidavits in support of this application set out the basis on which the Applicant Group claims to be entitled to the recognition orders for customary marine title and protected customary rights over the Application Area.
19. The Trustees, on behalf of the Applicant Group, seek leave to file further evidence to support this application at a later date if necessary.

Adjournment

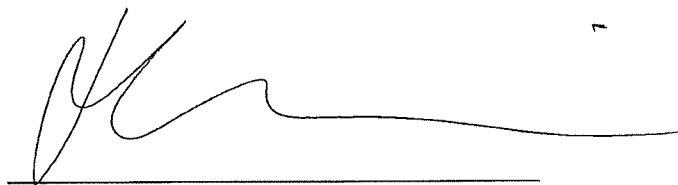
20. The Act provides two pathways for the recognition of customary marine title and protected customary rights; namely through:
 - (a) a recognition agreement with the responsible Minister on behalf of the Crown made in accordance with section 95 and brought into effect under section 96; and
 - (b) an order of the Court made on an application under section 100.
21. In parallel with this application under section 100 of the Act, the Trustees have also filed an application with the responsible Minister on behalf of the Crown to enter into a recognition agreement.
22. On that basis, the Trustees seek a six (6) month adjournment from the High Court to undertake discussions with the responsible Minister on

⁵ Robyn Wyllie's affidavit is filed unsworn at this time. A sworn version will be filed as soon as possible on Mr Wyllie's return from Australia to New Zealand.

behalf of the Crown to enter into a recognition agreement. Should the Trustees require a further adjournment following the initial 6 month period to continue discussions with the Crown to reach an agreement, the Trustees will seek the leave of the High Court.

- C. This application is made on reliance on section 58 and 59 of the Act, the affidavits noted in paragraph 17 and *Re Tipene* [2016] NZHC 3199.

DATED at Wellington this 3rd day of April 2017

A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a long, horizontal, wavy line that extends to the right.

H K Irwin-Easthope / A T K Hurihanganui
Counsel for the Applicant

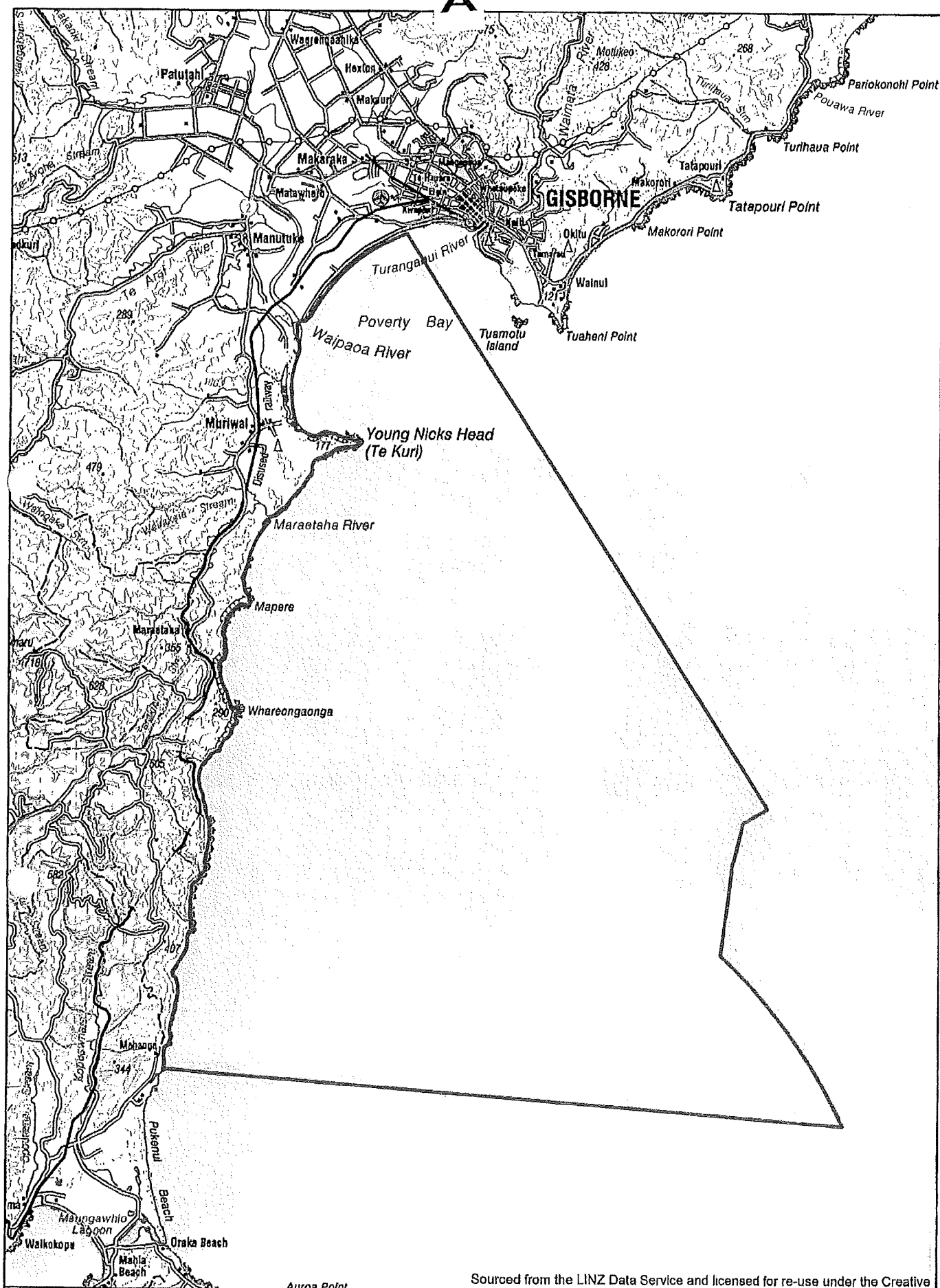
THIS application is filed by **HORIANA IRWIN-EASTHOPE**, of the firm Kahui Legal. The address for service of the Applicant is at the office of Kahui Legal, Solicitors, Level 11, Intilecta Centre, 15 Murphy Street, Wellington.

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

- (a) posted to the solicitor at PO Box 1654, Wellington;
- (b) transmitted to the solicitor by facsimile on 04 495 9990; or
- (c) emailed to the solicitor at horiana@kahuilegal.co.nz and aperahama@kahuilegal.co.nz.

Documents served on the Applicant should be marked for the attention of H K Irwin-Easthope and A T K Hurihanganui.

A



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Ngāi Tamanuhiri Customary Marine Title and Protected Customary Rights

①

CIV-2017-404-571

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017-

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by Nick
Manu Pouwhare Tūpara
of Tūranga (Gisborne) for
an order recognising
Customary Marine Title
and Protected Customary
Rights

AND

Applicant

The Attorney General in
right of the Crown

NICK MANU POU WHARE TŪPARA
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011

Dated 3RD APRIL 2017

Foster Milroy
Solicitors
Principal: Mark Milroy
4 Knox Street
P.O. Box 207
Hamilton Central
Hamilton
3204
Phone: 07-8388020
Email: mark@fmlawyers.co.nz

Counsel Acting:
C Hirschfeld/T Sinclair/B Tūpara
Ranfurly Chambers
Barristers-at-Law
10 Kaihu Street
Northcote
Auckland
0627
Mobile: 021-2289757
Email: charl@ranfurlychambers.co.nz

CB

HIGH COURT
FW 128/17
03 APR 2017
AUCKLAND 10:54

CB

To: The Registrar of the High Court at Auckland

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. Nick Manu Pouwhare Tūpara 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 protected customary rights of Ngāti Oneone.

Protected Customary Rights

2. Ngāti Oneone have looked to their takutai moana for sustenance, for mahinga kai (gathering food), including collecting of pūpū, pipi (cockles), kina, pāua and kūkū (mussels) including mākākahi (fresh water mussels) and for catching kanae (mullet), tuna (eels), kahawai, tāmure (snapper), pātiki (flounder), tarakihi and hāpuka (groper). Ngāti Oneone takutai moana is also where their papakainga, waahi tapu, maunga and other places of historical, cultural and spiritual significance are located. Also, within their coastal waters are Ngāti Oneone sacred toka, tauranga moana and kaitiaki.

The Applicant Group:

3. Ngāti Oneone whakapapa to Teeke Tū-ō-Te Rangi who signed Te Tiriti o Waitangi in Tūranga (Gisborne) on 5 May 1840. Teeke would take the name Rāwiri from the Bible. His second son was Rūtene Teeke who had a son Piriniha, who had a daughter Hine-Rakakao. She had a son Kahungunu, who had a daughter Barbara Te Moana-i-kauria, who had Nick Manu Pouwhare Tūpara. Ngāti Oneone have mana whenua-mana moana from the Pouawa River, north of Tūranga (Gisborne) on the east

coast of the North Island, south to the Tūranganui ā Kiwa River, to include Tuamotu Island located off-shore from Tūranga (Gisborne).

4. Nick Manu Pouwhare Tūpara is a great, great, great, great grandson of Teeke Tū-ō-Te Rangi. He is also an historian and spokesperson for Ngāti Oneone. He makes this application for and on behalf of Ngāti Oneone, having instructed counsel to do so on 1 February 2017, with continuing and ongoing whānau support to bring this application.

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 north head entrance of the Tūranganui River (south west point), and inland towards the juncture known as Ngā-wai-wehe-rua where the Waimata River and the Taruheru River converge, thence returning to the entrance of the Tūranganui River, heading north and coastward bound arriving at the entrance of the Pouawa River (north west point), and inland towards the upper reaches of the Pouawa river, abounded by the whenua or land blocks which Ngāti Oneone make claim to and which abut the takutal moana are Kaiti, Papawhāriki, Wainui, Pouawa and others.
6. The area includes the common marine and coastal area surrounding the islands, Tuamotu and Tuaiti, the Tokomaru reef, the Te Moana reef, the Hāwea reef, the Waihora reef and the Te Toka ā Huru reef.

Grounds on which the protected customary rights order is sought:

7. The grounds on which this order is sought are that :
 - a. Ngāti Oneone being a coastal people have looked to their

takutai moana for sustenance, for mahinga kai (gathering food), including collecting of pūpū, pipi (cockles), kina, pāua and kūkū (mussels) including mākākahi (fresh water mussels)

- b. Ngāti Oneone have fished for kanae (mullet), tuna (eels), kahawai, tāmure (snapper), pātiki (flounder), tarakihi and hāpuka (groper), and
 - c. Ngāti Oneone takutai moana is also where their papakainga, waahi tapu, maunga and other places of historical, cultural and spiritual significance are located, and
 - d. Within their coastal waters are Ngāti Oneone sacred toka, tauranga moana and kaitiaki, and
 - e. Ngāti Oneone has undertaken these activities since before and at 1840 and continue to undertake these activities in the application area, albeit in some instances using modern kaimoana and fishing equipment, and in accordance with tikanga.
8. Ngāti Oneone will deliver 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. Ngāti Oneone has held the application area in accordance with tikanga mai rā anō (since time immemorial)
 - b. Ngāti Oneone has exclusively used and occupied the application area mai rā anō (since time immemorial) to the present day without substantial interruption.
10. Ngāti Oneone will deliver more information once funding for research and legal representation is secured.

Contact Details:

10. The contact details for Nick Manu Pouwhare Tūpara, on behalf of Ngāti Oneone are:

C/- Charl Hirschfeld

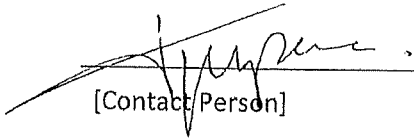
10 Kaihu Street

Northcote

Auckland 0627

11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Nick Manu Pouwhare Tūpara of Ngāti Oneone

Dated at Tūranga (Gisborne) on the 3rd day of April 2017.


[Contact Person]

IN THE HIGH COURT OF NEW ZEALAND CIV-2017-485-512
ROTORUA REGISTRY

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by CLETUS
MAANU PAUL for an
order recognising
Customary Marine Title

APPLICATION BY CLETUS MAANU PAUL
FOR RECOGNITION ORDER PURSUANT TO THE MARINE
AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

Dated: 3 April 2017

Phoenix Law Limited
Barristers and Solicitors
200 Willis Street
PO Box 27400
Marion Square
Wellington 6141
Phone: (04) 384 1304
Email: mason@phoenixlaw.expert
Counsel Acting: Janet Mason

To: The Registrar of the High Court at Rotorua;

and to: Whakatane District Council;

and to: Department of Conservation, and the Ministry for the Environment;

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. I, CLETUS MAANU PAUL, apply to the High Court for orders pursuant to s 98 of the Act to recognise the customary marine title ("Title") on behalf of all Maori ("the Applicants") in the Marine and Coastal Area ("the MCA") as defined in the Act, over the entire MCA of Aotearoa New Zealand ("the Application Area"), and as set out in paragraph 3 below.

The Applicant Group:

2. The Applicants claim ownership over the Application Area based on their firm belief that they hold and exercise tino rangatiratanga, over the entire MCA of Aotearoa New Zealand and have done so since time immemorial up until 1840 and since 1840, substantially uninterrupted.

Area to which the application relates:

3. The area to which this Application relates is the entire area of the MCA of Aotearoa New Zealand, as defined in the Act, and includes; all islands to the outer limits of the territorial sea; and, the MCA surrounding all islands and reefs lying off shore from the coastline to a distance of 12 nautical miles; and, the entire foreshore and territorial waters of Aotearoa New Zealand.

Grounds on which the customary marine title and protected customary rights are sought:

4. The grounds on which these orders are sought are that:
 - a. the Applicants have held and exercised tino rangatiratanga over the Application Area in accordance with tikanga since before 1840; and
 - b. the Applicants have exclusively used and occupied the Application Area from 1840 to the present day without substantial interruption.
5. The purposes for which the activities, uses and practices (“the Practices”) were and are carried on, exercised and followed include:
 - a. the exercise of rangatiratanga;
 - b. the exercise of kaitiakitanga, including:
 - i. protecting flora and fauna;
 - c. commercial and non-commercial fishing, including fishing for:
 - i. blue cod;
 - ii. moki;
 - iii. hoki;
 - iv. kawhai;
 - v. trevally;
 - vi. John dory;
 - vii. Teraki;
 - viii. blue nose;
 - ix. kingfish;
 - x. trumpeter;
 - xi. hapuka;
 - xii. snapper;
 - xiii. marlin;
 - xiv. sailfish;

- xv. shark;
- xvi. toheroa;
- xvii. whale;
- xviii. ling sole;
- xix. flounder;
- xx. tuna;
- xxi. eels;
- xxii. hake;
- xxiii. groper;
- xxiv. mullet; and
- xxv. squid;

d. commercial and non-commercial harvesting of shellfish or kaimoana, including:

- i. scallops;
- ii. mussels;
- iii. oysters;
- iv. pipis;
- v. paua;
- vi. lobster;
- vii. crab;
- viii. tuatua;
- ix. cockles; and
- x. clams;

e. activities related to spiritual practices;

f. use as tauranga waka;

g. gathering edible and aquatic plants, including:

- i. flax;
- ii. tī kouka;
- iii. pingao; and
- iv. seaweed;

h. extraction of fossils, rocks and minerals, including:

- i. stones;
 - ii. shingle;
 - iii. sand;
 - iv. pumice;
 - v. semi-precious stones; and
 - vi. other minerals;
 - i. kauta or temporary camp-sites;
 - j. toka ika or protected fishing grounds;
 - k. associated Practices, including:
 - i. protecting kawau and other sea creatures;
 - ii. collecting shells;
 - iii. collecting drift wood;
 - iv. collecting whale and whale bones; and
 - v. taking flotsam, jetsam and langam;
 - l. further uses and Practices to be the subject of evidence once funding for research and legal representation is secured.
6. The Applicants have undertaken these Practices since time immemorial and before 1840, and continue to undertake these Practices in the Application Area, albeit, in some instances using modern equipment, and in accordance with tikanga.
7. The Applicants will provide more information once funding for research and legal representation is secured.
8. The Applicants hold and exercise, in accordance with tikanga, tino rangatiratanga over the Application Area as particularised herein. The tikanga integral to the Applicants governing these Practices will be provided in the evidence from the Applicants to be given at a hearing once funding for research and legal representation is secured.

9. The orders for which the Applicants seek recognition are sought relying upon the Practices which:

- a. have been and continue to be carried on, exercised and followed in accordance with tikanga, in a substantially uninterrupted manner since 1840 in the Application Area;
- b. if interrupted since 1840, then this has only been by unlawful interruption or interference, and in a substantially uninterrupted manner;
- c. are not prohibited by any enactment or rule of law; and
- d. have not been extinguished as a matter of law.

10. The Applicants respectfully seek leave to reserve the right to amend this Application, including; amending its nature and scope; and, by adding additional parties.


Contact Details:

11. The contact details for this Application are:

Janet Mason
Phoenix Law Ltd
PO Box 27400
200 Willis Street
Wellington 6011
Phone: 04 384 1304
Email: mason@phoenixlaw.expert

12. This application relies on s 51(1), s 58, s 98-113 of the Act and the affidavit of CLETUS MAANU PAUL.

Dated at Ohope on the 3rd day of April 2017

A handwritten signature in black ink, appearing to read 'C. Maanu Paul'. The signature is fluid and cursive, with the first name 'C.' being small and the last name 'Paul' being larger and more prominent.

CLETUS MAANU PAUL

IN THE HIGH COURT OF NEW ZEALAND
GISBORNE REGISTRY

CIV 2017-485-289

IN THE MATTER OF The Marine and Coastal Area (Takutai
Moana) Act 2011

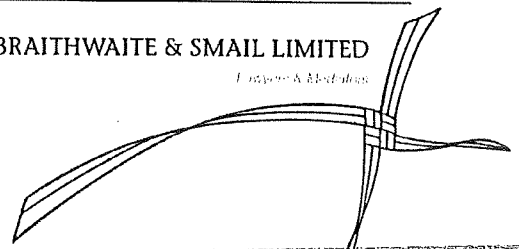
AND

IN THE MATTER OF An application by the Trustees of the
Rongowhakaata Iwi Trust Moera
Brown, Geroge Ria, Lewis Moeau,
Freddy Maynard, Lisa Taylor, Jody
Wyllie, LeRoy Pardoe, Staci Hare,
Mere-Kingi Nepe and Roberta Howard
on behalf of RONGOWHAKAATA IWI
for Customary Marine Title, Wāhi tapu
Protection and Protected Customary
Rights.

APPLICATION FOR CUSTOMARY MARINE TITLE, WĀHI TAPU
PROTECTION AND PROTECTED CUSTOMARY RIGHTS
DATED 30 MARCH 2017

BRAITHWAITE & SMAIL LIMITED
PO Box 13 243
Onehunga
AUCKLAND 1643
Telephone: 021 061 7085
Solicitor: RN Small

BRAITHWAITE & SMAIL LIMITED
Lawyers & Mediators



District/High Court

30 MAR 2017

Gisborne

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

To the Registrar of the High Court at Gisborne

and

To the Solicitor General on behalf of the Attorney General; Gisborne District Council; Te Runanganui o Ngāti Porou; Ngai Tamanuhiri and Te Aitanga a Mahaki.

This document notifies you that—

1. The applicants, will, on behalf of the applicant group Rongowhakaata Iwi, apply to the court for recognition orders for:
 - 1.1. Customary Marine Title in the application area;
 - 1.2. Wāhi tapu Protection in the application area; and
 - 1.3. Protected Customary Rights in the application area.
2. The applicant group Rongowhakaata Iwi is a principal iwi of Turanganui-a-Kiwa (Gisborne) and descends from the eponymous ancestor Rongowhakaata and in particular, Rongowhakaata's wives, Turahiri and Moetai and their issues.
3. The applicant group is represented by the Trustees of the Rongowhakaata Iwi Trust who are the applicants in this application.
4. The application area means the common marine and coastal area that is bounded,—
 - 4.1. on the landward side, by the line of mean high-water springs; and
 - 4.2. on the seaward side, by the outer limits of the territorial sea; and
 - 4.3. on the Northern end, by the northern side of Pouawa River; and
 - 4.4. on the Southern end, by Te Kowhai.

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

5.1. Rongowhakaata lwi holds the application area in accordance with tikanga, has exclusively used and occupied it from 1840 to the present day without substantial interruption and customary marine title has not been extinguished as a matter of law; and

5.2. There are wāhi tapu or wāhi tapu area/s with which Rongowhakaata lwi has a connection in accordance with tikanga, and Rongowhakaata lwi requires prohibitions or restrictions on access to protect them; and

5.3. Rongowhakaata lwi have customary rights to:

5.3.1. take, utilise, gather, manage and/or preserve all natural and physical resources including sand, stones, gravel, pumice, driftwood, kokowai, wai tapu, inanga and kokopu, as and when required, for purposes and to the extent determined by Rongowhakaata lwi subject to tikanga; and

5.3.2. utilise, manage and/or preserve tauranga waka for purposes and to the extent determined by Rongowhakaata lwi subject to tikanga; and

5.3.3. utilise, manage and/or preserve traditional routes of travel (including for trading purposes) for purposes and to the extent determined by Rongowhakaata lwi subject to tikanga; and

5.3.4. utilise, manage and/or preserve the application area as a place to demonstrate manaakitanga to visitors including tourists for purposes and to the extent determined by Rongowhakaata lwi subject to tikanga; and

5.4. Rongowhakaata Iwi have exercised these customary rights since 1840, continue to exercise them in the application area and they have not been extinguished as a matter of law; and

5.5. The further grounds as set out in the affidavit of Erena Nepe dated 29 March 2017.

6. The application is made in reliance on Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.

7. The applicants name the Trustees of the Rongowhakaata Iwi Development Trust as the persons to be the holder of the order as the representative of Rongowhakaata Iwi.

8. The contact details for Rongowhakaata Iwi are:

The Trustees of the Rongowhakaata Iwi Trust

Physical Address: 78 Whakato Road
Manutuke

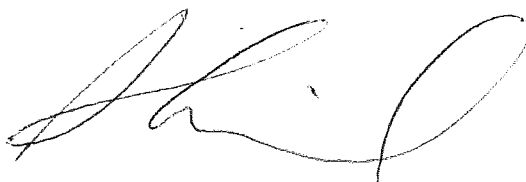
Postal Address: CMB 24
Manutuke 4053

Phone: +64 06 862 8086

Email: trust@rongowhakaata.iwi.nz

9. The contact details for the persons named to hold the order are as set out at 8 above.

Date: 30 March 2017



Signature:
(solicitor for applicants)

This document is filed by Roimata Norah Smail, solicitor for the applicants, of the firm Braithwaite & Smail Limited. The address for service of the applicants is 78 Whakato Road, Manutuke.

Documents for service on the filing party may be left at that address for service or may be—

- (a) posted to the solicitor at P O Box 13 243, Onehunga, Auckland 1643;
or
- (b) emailed to the solicitor at roimata@braithwaitesmail.co.nz.

IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2017- ~~400-1002~~ 538

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by RIHARI
DARGAVILLE for an order
recognising Customary
Marine Title and Protected
Customary Rights of NEW
ZEALAND MAORI
COUNCIL MEMBERS.

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

Dated 27th March 2017



RIGHTLAW

Barristers and Solicitors
AUCKLAND
11 Kaihu Street, Northcote, Auckland 0627
Telephone: (09) 889 4468
Mobile: 021 303 923
Partner Acting: Gerald Sharrock
Email: gsharrock@rightlaw.nz

To: The Registrar of the High Court at AUCKLAND;

and to: Local authorities (Regional and/or District Councils) with statutory functions in the application area) *Ashburton District Council, Auckland Council, Bay of Plenty Regional Council, Buller District Council, Canterbury Regional Council, Carterton District Council, Central Hawke's Bay District Council, Central Otago District Council, Chatham Islands Council, Christchurch City Council, Clutha District Council, Dunedin City Council, Far North District Council, Gisborne District Council, Gore District Council, Grey District Council, Hamilton City Council, Hastings District Council, Hauraki District Council, Hawke's Bay Regional Council, Horowhenua District Council, Hurunui District Council, Hutt City Council, Invercargill City Council, Kaikoura District Council, Kaipara District Council, Kapiti Coast District Council, Kawerau District Council, Mackenzie District Council, Manawatu District Council, Manawatu-Wanganui Regional Council, Marlborough District Council, Masterton District Council, Matamata-Piako District Council, Napier City Council, Nelson City Council, New Plymouth District Council, Northland Regional Council, Opotiki District Council, Otago Regional Council, Otorohanga District Council, Palmerston North City Council, Porirua City Council, Queenstown-Lakes District Council, Rangitikei District Council, Rotorua District Council, Ruapehu District Council, Selwyn District Council, South Taranaki District Council, South Waikato District Council, South Wairarapa District Council, Southland District Council, Southland Regional Council, Stratford District Council, Taranaki Regional Council, Tararua District Council, Tasman District Council, Taupo District Council, Tauranga City Council, Thames-Coromandel District Council, Timaru District Council, Upper Hutt City Council, Waikato District Council, Waikato Regional Council, Waimakariri District Council, Waimate District Council, Waipa*

District Council, Wairoa District Council, Waitaki District Council, Waitomo District Council, Wellington City Council, Wellington Regional Council, West Coast Regional Council, Western Bay of Plenty District Council, Westland District Council, Whakatane District Council, Whanganui District Council, Whangarei District Council, Regional Authorities, Northland Regional Council, Waikato Regional Council, Bay of Plenty Regional Council, Gisborne District Council, Hawke's Bay Regional Council, Taranaki Regional Council, Horizons Regional Council, Greater Wellington Regional Council, Tasman District Council, Marlborough District Council, West Coast Regional Council, Canterbury Regional Council, Otago Regional Council, Southland Regional Council,

and to: Local authorities with statutory functions relating to land adjacent to the application area) *Department of Conservation, Transit, Department of Defence*

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that:

1. RIHARI DARGAVILLE 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 protected customary rights of New Zealand Maori Council members.

Protected Customary Rights

2. *New Zealand Maori Council members ancestors utilised the common marine and coastal area for fishing, gathering shellfish, seaweed, stones, pumice, semi precious stones, shells, drift wood, whale and whale bones;*

The Applicant Group:

3. *The New Zealand Maori Council members whakapapa to signatories of He*

Whakaputanga and Te Tiriti and signatories of He Whakaputanga and Te Tiriti. The New Zealand Maori council represents all Maori and is elected by a three tier structure going back to potentially in each Marae in the country. This electoral mandate is unique in Maoridom. This guardian and holder of tino rangatiratanga has been recognised by the Waitangi Tribunal in the Maori Development Act inquiry in 2014.. RIHARI DARGAVILLE was appointed to make this application for and on behalf of the New Zealand Maori Council members on 27th March 2017 following consultation with board members.

Area to which the application relates:

4. 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 All the coastline of every island within New Zealand including the North and South island, including all tidal estuaries, creeks of the sea and saline wetlandsward side by a line that extends from the coast abutting including any islands] to the outer limits of the territorial sea; and
 - d. on the ward side by a line that extends from the coast abutting including any islands to the outer limits of the territorial sea.
5. The area includes the common marine and coastal area surrounding the following islands: All islands and reefs lying off shore from the coastline to a distance of 12 nautical miles

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. New Zealand Maori Council members being a coastal group has relied heavily on Blue cod, Moki, hoki, Karati (baby snapper), kawhai, parore (black snapper), araara (trevally), kuparu (john dory), tarakihi, maroro (flying fish), tuere (blind eel), pakirikiri (butterfish), pia (lamprey), kokopu (esturine cockabully), paea (swordfish), kehe (marblefish), tuna

(blue nose), kotare (kingfish), kohikohi (trumpeter), tohora (whale), hapuka (groper), tamure (snapper), takeketonga (marlin), mango (dogfish/shark), mango ururoa (white shark), mango taniwha (white pointer shark), patiki (flounder), tarore (sole), kanae (mullet), warahenga (stingray), porae, kumukumu (gurnard), tikati (gemfish), ngu (squid), wheke (octopus), inanga (esturine whitebait), karawaka wai tote (esturine crayfish), aua (herring/sprat). Toheroa, tuatua, tipatipa, kutai, puruwha, tio, pipi, kokata, oi, titi, paua, koura, papaka, tuatua, tuangi (clam), kina, pupu, karahu, rimurimu and wetland food stocks foraged by whanau in the estuaries and coastal margins; and

- b. New Zealand Maori Council members fishermen sought the deep water fish that were not available around the inner shoreline; and
 - c. New Zealand Maori Council members also undertakes the following activities in the common marine and coastal area: fishing, gathering shellfish, seaweed, stones, pumice, semi precious stones, shells, drift wood, whale and whale bones.
 - d. New Zealand Maori Council members hapu have undertaken these activities since and before 1840 and continues to undertake these activities in the application area, albeit in some instances using modern equipment, and in accordance with tikanga.
7. New Zealand Maori Council members will deliver more information once funding for research and legal representation is secured.

Grounds on which the customary marine title application is made:

8. The grounds on which this order is sought are that :
- a. New Zealand Maori Council members hapu has held the application area in accordance with tikanga since before 1840.
 - b. New Zealand Maori Council members hapu have exclusively used and occupied the application area from 1840 to the present day without substantial interruption.
9. New Zealand Maori Council members will deliver more information once funding for research and legal representation is secured.

10. The activities, uses or practices which are claimed to be the subject of and deserving recognition of protected customary rights and/or customary marine title are the exercise of rantatiratanga over the takutai moana foreshore and seabed; the exercise of kaitiakitanga over the takutai moana foreshore and seabed; use of takutai moana as tauranga waka; planting and harvesting of native flora; aquaculture - growth and harvest of kai moana; extraction of fossils, rock, sand and minerals; and complimentary customary activities, uses and practices to be the subject of evidence at the hearing of this application.
11. The purpose for which the activities, uses and practices were and are carried on, exercised and followed include, inter alia:
 - a. The preservation and maintenance of mana motuhake, rangatiratanga and kaitiakitanga of the takutai moana-foreshore and seabed;
 - b. The sustenance and continued observance of customary and traditional practices, integral to tikanga carried out by hapu of New Zealand Maori Council members;
12. The sustenance and physical, spiritual and cultural well-being of all the hapu and all Maori. The activities, uses or practices which are claimed to be the subject of and deserving recognition of protected customary rights and/or customary marine title are the exercise of rantatiratanga over the takutai moana foreshore and seabed; the exercise of kaitiakitanga over the takutai moana foreshore and seabed; use of takutai moana as tauranga waka; planting and harvesting of native flora; aquaculture - growth and harvest of kai moana; extraction of fossils, rock, sand and minerals; and complimentary customary activities, uses and practices to be the subject of evidence at the hearing of this application.
13. The purpose for which the activities, uses and practices were and are carried on, exercised and followed include, inter alia:
 - a. The preservation and maintenance of mana motuhake, rangatiratanga and kaitiakitanga of the takutai moana-foreshore and seabed;
14. The sustenance and continued observance of customary and traditional practices, integral to tikanga carried out by hapu of The activities, uses or practices which are claimed to be

the subject of and deserving recognition of protected customary rights and/or customary marine title are the exercise of rangatiratanga over the takutai moana foreshore and seabed; the exercise of kaitiakitanga over the takutai moana foreshore and seabed; use of takutai moana as tauranga waka; planting and harvesting of native flora; aquaculture - growth and harvest of kai moana; extraction of fossils, rock, sand and minerals; and complimentary customary activities, uses and practices to be the subject of evidence at the hearing of this application.

15. The purpose for which the activities, uses and practices were and are carried on, exercised and followed include, inter alia:
 - a. The preservation and maintenance of mana motuhake, rangatiratanga and kaitiakitanga of the takutai moana-foreshore and seabed;
 - b. The sustenance and continued observance of customary and traditional practices, integral to *tikanga* carried out by hapu of New Zealand Maori Council members;
 - c. The sustenance and physical, spiritual and cultural well-being of all New Zealand Maori Council members whanau, hapu and iwi;
 - d. The economic development of New Zealand Maori Council members whanau, hapu and iwi; and
 - e. The conservation of natural and physical resources in the takutai moana-foreshore and seabed.
16. The applicants hold, in accordance with *tikanga* customary rights and customary marine title over the marine and coastal area (as defined) as particularised herein. The *tikanga* integral to the hapu of New Zealand Maori Council members governing these activities, uses and practices will be provided in the evidence from the New Zealand Maori Council members hapu to be given at hearing.
17. The activities, uses and practices for which the hapu of New Zealand Maori Council members seek recognition as protected customary rights and/or providing the foundation for customary marine title:
 - a. Have been and continue to be carried on, exercised and followed in accordance with *tikanga* of the hapu of New Zealand Maori Council members in a

substantially uninterrupted manner since 1840 in the area of the takutai moana (including public foreshore and seabed) specified herein;

- b. If interrupted since 1840 then only by unlawful interruption or interference;
- c. Are not prohibited by any enactment or rule of law; and
- d. Have not been extinguished as a matter of law.

18. Particulars, sufficient for the purposes of this application (including as to its public notification), as to the scale, extent and frequency of the activities, uses and practices carried on, exercised and followed by the hapu of New Zealand Maori Council members are included in this application. Whilst the particulars in this schedule are linked, by specific reference, to particular customary uses, activities and practices, they are also generic to all.

- a. New Zealand Maori Council members;
- b. The sustenance and physical, spiritual and cultural well-being of all New Zealand Maori Council members whanau, hapu and iwi;
- c. The economic development of New Zealand Maori Council members whanau, hapu and iwi; and
- d. The conservation of natural and physical resources in the takutai moana-foreshore and seabed.

19. The applicants hold, in accordance with *tikanga* customary rights and customary marine title over the marine and coastal area (as defined) as particularised herein. The *tikanga* integral to the hapu of New Zealand Maori Council members governing these activities, uses and practices will be provided in the evidence from the New Zealand Maori Council members hapu to be given at hearing.

20. The activities, uses and practices for which the hapu of New Zealand Maori Council members seek recognition as protected customary rights and/or providing the foundation for customary marine title:

- a. Have been and continue to be carried on, exercised and followed in accordance with *tikanga* of the hapu of New Zealand Maori Council members in a

substantially uninterrupted manner since 1840 in the area of the takutai moana (including public foreshore and seabed) specified herein;

- b. If interrupted since 1840 then only by unlawful interruption or interference;
- c. Are not prohibited by any enactment or rule of law; and
- d. Have not been extinguished as a matter of law.

21. Particulars, sufficient for the purposes of this application (including as to its public notification), as to the scale, extent and frequency of the activities, uses and practices carried on, exercised and followed by the hapu of New Zealand Maori Council members are referred to in this application. Whilst the particulars in this application are linked, by specific reference, to particular customary uses, activities and practices, they are also generic to all.

- a. New Zealand Maori Council members whanau, hapu and iwi;
- b. The economic development of New Zealand Maori Council members whanau, hapu and Iwi; and
- c. The conservation of natural and physical resources in the takutai moana-foreshore and seabed.

22. The applicants hold, in accordance with *tikanga* customary rights and customary marine title over the marine and coastal area (as defined) as particularised herein. The *tikanga* integral to the hapu of New Zealand Maori Council members governing these activities, uses and practices will be provided in the evidence from the New Zealand Maori Council members hapu to be given at hearing.

23. The activities, uses and practices for which the hapu of New Zealand Maori Council members seek recognition as protected customary rights and/or providing the foundation for *customary marine title*:

- a. Have been and continue to be carried on, exercised and followed in accordance with *tikanga* of the hapu of New Zealand Maori Council members in a substantially uninterrupted manner since 1840 in the area of the takutai moana (including public foreshore and seabed) specified herein;

- b. If interrupted since 1840 then only by unlawful interruption or interference;
 - c. Are not prohibited by any enactment or rule of law; and
 - d. Have not been extinguished as a matter of law.
24. Particulars, sufficient for the purposes of this application (including as to its public notification), as to the scale, extent and frequency of the activities, uses and practices carried on, exercised and followed by the hapu of New Zealand Maori Council members as mentioned in this application. Whilst the particulars in this schedule are linked, by specific reference, to particular customary uses, activities and practices, they are also generic to all.

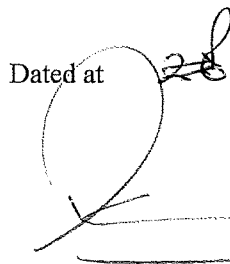
Contact Details:

6. The *RIHARI DARGAVILLE* for *New Zealand Maori Council members* is:
C/o G Sharrock

Rightlaw Limited

11 Kaihu Street, Northcote Auckland

7. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of Rihari Dargaville, kaumatua of New Zealand Maori Council members.

Dated at  Moerana on the 24/03/2017.

RIHARI DARGAVILLE

TE KAUNIHERA MAORI O TE TAI TOKERAU
Schedule of Particulars of Marine Title & Protected Customary Rights

R D Dargaville
Applicant

NGA TUPUNA :

Papatuanuku = Ranginui = Tangaroa
 Puhi Moana Ariki
 Kupe - Kuramarotini
 Nukutawhiti
 Ruanui
 Hauangiangi
 Tahuhu Nui O Rangī
 Punateahiahi
 Ahuaiti = Rahiri
 Uenuku ki te Marangai, Kaharau ki te Hauauru
 Auha, Te Hotete, Kautaeawa, Hongi Hika, Ururoa, Pomare I, II
 Taurapoho, Mahia, Tupoto, Tamati Waka Nene, Patuone

ROHE POTAE Maps & Boundaries	HOKIANG A Map #1	WHANGARO A Map #2	PEIWHAIRAN GI Map #3	TE RERENGA PARAOA WHANGAR EI Map #4	MAHURAN GI Maps #5, 6	KAIPAR A Map #7
PROOF of OWNERSHIP	Whakapapa tuakana teina mana whenua mana moana – refer to <i>He Whakaputanga me te Tiriti – The Declaration and the Treaty</i> – Waitangi Tribunal Stage One Report Te Paparahi O Te Raki WAI 1040 Inquiry – November 2014.					
ACTIVITIES How it is Carried	Shellfish hand-gathering, hand and rod fishing, netting, free diving, daily and seasonal based on te marimataka. Whale hunting was an annual activity.					

	<p>He Whakaputanga 1835 and Te Tiriti O Waitangi 1840 underpin the legal obligations of the Act.</p> <p>The crown have disrupted and continue to disrupt the rangatiratanga rights and interests of the constituents of Te Kaunihera Maori O Te Tai Tokerau.</p>
NGA TIKANGA Governing the Activity(s)	<p>Te Ao Maori, matariki ki te takutaimoana, mana whenua mana moana, nga toka ki nga whanau hapu ki te moana, whaka whanaungatanga, mana tapu, mana muru, mana tikanga rahui</p>
ROHE POTAE Mahinga kai, mahinga mataitai, taiapure (Maps & Boundaries)	<p>As outlined on the maps attached.</p>



Island Appendix

Adele Island

Aiguilles Island

Alderman Islands

Allports Island

Amerikiwhati Island

Anatakupu Island

Anchor Island

Anchorage Island

Aorangaia Island

Araara Island

Arakaninihi Island

Arapaoa Island

Aroha Island

Awarua Rock

Bare Island

Bauza Island

Bay of Islands

Bells Island

Bench Island

Bests Island

Big South Cape Island

Blumine Island

Breaksea Island, New Zealand

The Brothers

Browns Island, Auckland

Calliope Island, Whangarei Heads

Cavalli Islands

Chalky Island

Codfish Island/Whenuahou

Dog Island

Cuvier Island

D'Urville Island

Dragon Island

East Island/Whangaokeno

Elizabeth Island

Fisherman Island

Forsyth Island

Frenchman Island, Whangarei Heads

Gannet Island

Goat Island, Auckland

Goat Island, Otago Harbour

Goat Island/Te Mapoutahi

Great Barrier Island/Aotea

Green Island

////////////////////

Guano Island, Whangarei Heads

Hen and Chicken Islands

High Island

Herald Island, Waitemata Harbour

Kaikoura Island

Kapiti Island

Kawau Island

King Billy Island

Kopuahingahinga Island, Manukau Harbour

Little Barrier Island (Hauturu)

Long Island, Marlborough

Long Island, Southland

Mahurangi Island (Goat Island)

Makaro/Ward Island

Mana Island

Matakana Island

Matiu/Somes Island

Maud Island/Te Hoiere

Mauitaha Island, Whangarei Heads

Mayor Island/Tuhua

Mercury Islands

Mokohinau Islands

Mokopuna Island

Motiti Island

Motueka Island (Pigeon Island)

Motuhua Island

Motuihe Island

Motukaroro Island

Motukawao Islands

Motukiore Island, Parua Bay

Rabbit Island

Rakino Island

Rangitoto Island

Rangitoto Islands, Marlborough

Raratoka Island

Resolution Island

Ripapa Island

Rotoroa Island

Rurima Rocks, including Rurima Island

Ruapuke Island

Quarantine Island/Kamau Taurua

Secretary Island

Shark Island, Manukau Harbour

Slipper Island

South Island

Stephens Island/Takapourewa

Stewart Island/Rakiura

Sugar Loaf Islands

Takangaroa Island

Tapu Te Ranga Motu

Tarahiki Island

Tarakanahi Island

Tata Islands

Tikitiki Island, (The Ninepin), Bay of Islands

Tiritiri Matangi Island

Titi/Muttonbird Islands

Tonga Island

Ulva Island

Urupukapuka Island

Waiheke Island

Walker Island, New Zealand

Watchman Island, Waitemata Harbour

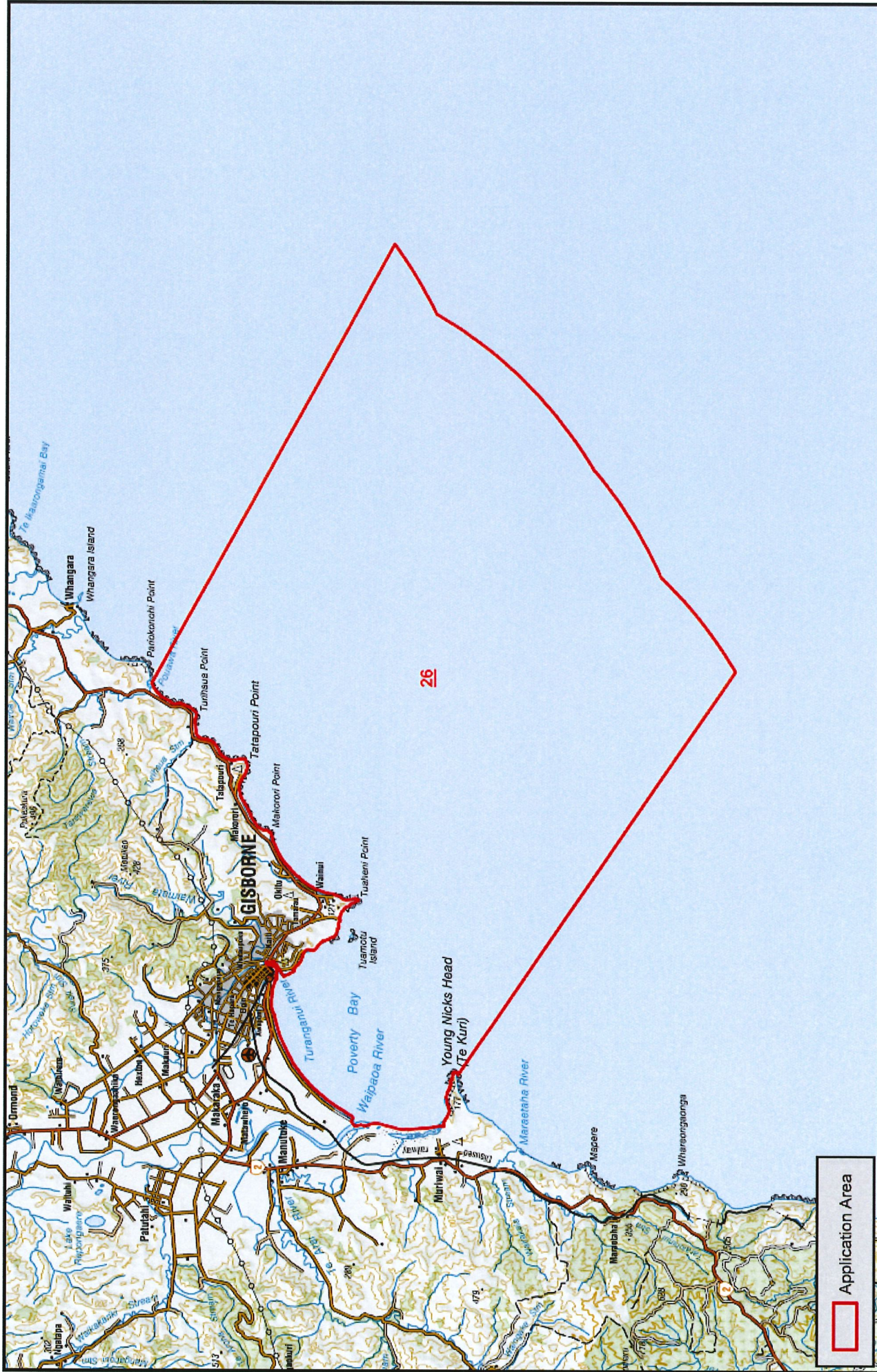
Whakaari/White Island

Whale Island

Whanganui Island

White Island, Otago

Wiroa Island, Manukau Harbour



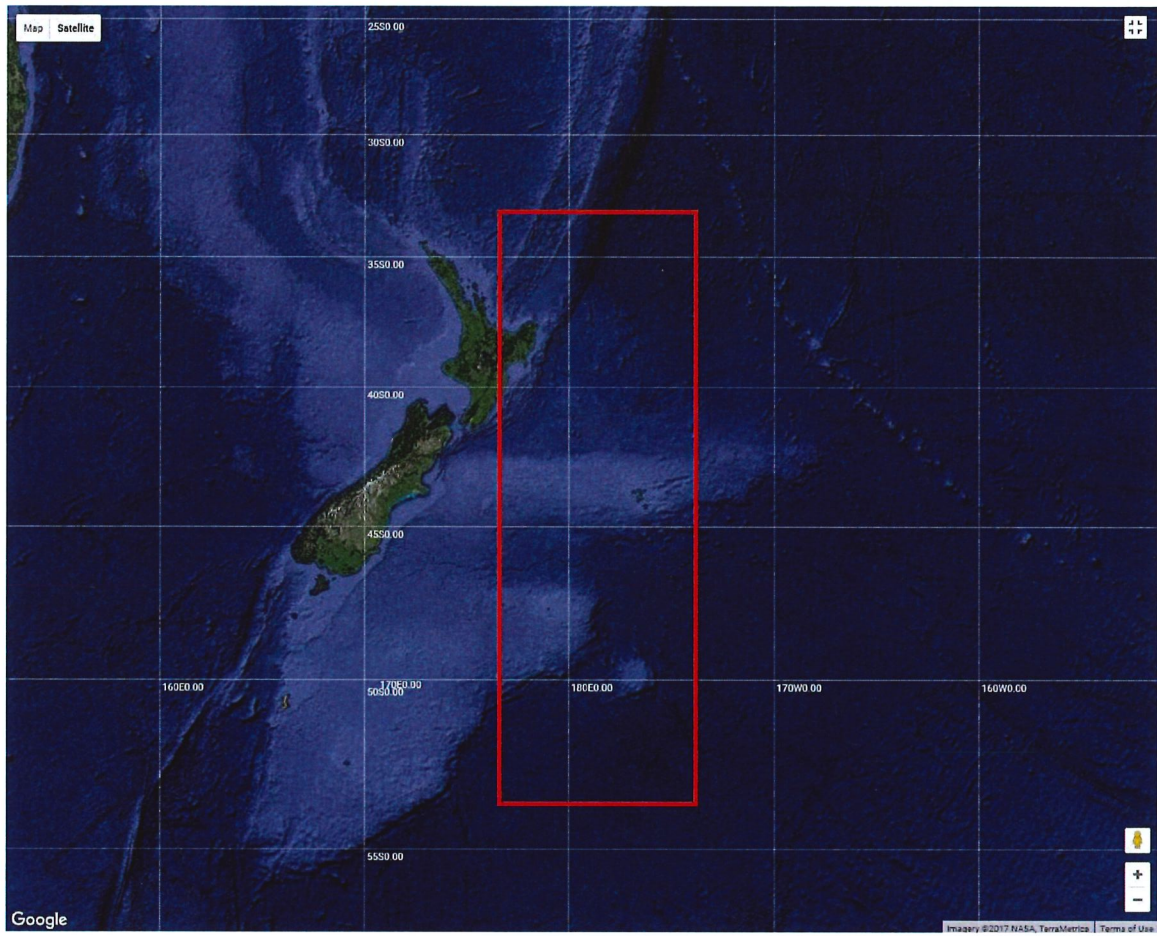
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Kilometers
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11

Map: Individual Map Active Areas V16
Date: 15/01/2017

Rongowhakaata Determination-Customary Marine Title and Protected Customary Rights



Application area for Te Whanau a Kai



APPENDIX 1: STEP 2 – TELL US OF YOUR BOUNDARIES

- Our rohe is located on the east coast of the North Island of New Zealand. Through a great number of marriages, battles, conquests and alliances, the descendants of Tāmanuhiri secured control over a rohe which is described today as: 'Mai i Paritū ki Koputūtea' from Paritū (south of Muriwai) to Koputūtea (in the north) and confirmed in the Ngai Tāmanuhiri Claims Settlement Act 2012.
- A map showing the area Ngai Tāmanuhiri is claiming Customary Marine Title over is illustrated below:





Te Rohe Moana o Ngati Oneone

Pouawa
River

38°36'28.4"S
178°11'24.4"E

Tuamotu
Island

Turanganui
River

38°40'21.6"S
178°01'11.7"E

Poverty Bay

Gisborne

Tairāhoro

Wairoa

Wairoa

Wairoa

Customary Marine Title	
Describe the Boundaries of the area under claim	
	<p>Exhibit Note</p> <p>This is the document marked "A" referred to in the annexed affidavit of _____</p> <p>Sworn at _____</p> <p>This day of March 2017 before me:</p> <p>A Solicitor of the High Court of New Zealand/ Justice of the Peace</p>

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

<p>Anything else that might help assess your application:</p> <ul style="list-style-type: none">• Ngāti Oneone hold the area specified in the map in accordance with tikanga• Ngāti Oneone have exclusively used and occupied the marine and coastal area specified in the map, without substantial interruption from 1840 to the present day.

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Exercising Manamotuhake & Rangatiratanga	Recognition of Ngāti Oneone rangatira not having ceded sovereignty in 1840	Acknowledging interests, activities and uses inherited from our tūpuna, premised by self-determination, self-management, self-governance, kaitiakitanga and hapū independence	Ngāti Oneone is a hapū of the iwi Te Aitanga ā Hauiti. Our tribal rohe extends from the mouth of the Tūranganui River, north along the east coast of the North Island known as Te Tairāwhiti to the mouth of the Pouawa River. The whenua or land blocks which we make claim to and which about our takutai moana are Kaiti, Papawhāriki, Wainui, Pouawa and others. Within our takutai moana are our islands, Tuamotu and Tuaiti, the Tokomaru reef, the Te Moana reef, the Hāwea reef, the Waihora reef and the Te Toka ā Huru reef.	Continuously	Ngāti Oneone tikanga and Ngāti Oneone tino rangatiratanga has been exercised without restriction, maintained and observed mai rā anō – forever and a day, and which continues today

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Use of Takutai Moana for transport - ngā haerenga ā hapū	Social interaction - whakawhaungata nga, manaakitanga of hapū, transporting kaimahinga kai, ringa raupa – gatherers workers, waka taua - in defence of Ngāti Oneone	Transferring of hapū knowledge by use of the waterways, the takutai moana - trade, communication, exchange of seasonal kai, access to kapata kai, kaimoana, hi ika - fishing, tangihanga and traditional ceremonial purposes	Ngāti Oneone is a hapū of the iwi Te Aitanga ā Hauiti. Our tribal rohe extends from the mouth of the Tūranganui River, north along the east coast of the North Island known as Te Tairāwhiti to the mouth of the Pouawa River. The whenua or land blocks which we make claim to and which about our takutai moana are Kaiti, Papawhāriki, Wainui, Pouawa and others. Within our takutai moana are our islands, Tuamotu and Tuiiti, the Tokomaru reef, the Te Moana reef, the Hāwea reef, the Waihora reef and the Te Toka ā Huru reef.	Seasonal, and also when necessary	Ngāti Oneone tikanga and kawa associated with waka-use, traditional and modern, have been implemented without restriction, maintained and observed mai rā anō – forever and a day, and which continues today

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Harvesting, gathering of Kaimoana	<p>Hei kai - providing kai to and for the whānau, hapū, iwi and kaumatua, kuia - He oranga mā ō mātou tinana - sustenance for us physically</p> <p>For tangihanga, huinga tangata - gatherings of people</p> <p>For trade and exchange</p> <p>Hei oranga mā ō mātou wairua - sustenance for us spiritually</p> <p>Hei kohaina - kai that is gifted</p>	<p>Ensuring sufficiency of and adequate provision, and sustainability of kaimoana for ngā tāngata hei kai, for drying - hei maroke, preservation and storage</p>	<p>Within the geographical area of Ngāti Oneone, gathering of scallops, paua and kina, mutton-birding, kūtai, pupu, pipi, rock oysters</p>	<p>Daily, and seasonal harvesting, gathering</p>	<p>Ngāti Oneone tikanga associated with mahinga kai – gathering of kai has been exercised without restriction, maintained and observed mai rā anō – forever and a day, and which continues today</p>

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Mahinga Hī Ika - Fishing	Hei kai - providing kai to and for the whānau, hapū, iwi and kaumatua, kuia - He oranga mō ō mātou tinana - sustenance for us physically For tangihanga, huinga tangata - gatherings of people For trade and exchange Hei oranga mō ō mātou wairua - sustenance for us spiritually Hei kohaina - kai that is gifted	Ensuring sufficiency of and adequate provision, and sustainability of kaimoana for ngā tangata hei kai, for drying - hei maroke, preservation and storage	Catching hāpuka, tarakihi, snapper, hāpuka, tarakihi, trevally, kahawai, maumau, paipa, white bait (kohu nets)	Daily, and seasonal harvesting, gathering	Ngāti Oneone mahinga hī ika tikanga has been exercised without restriction, maintained and observed mai rā anō – forever and a day, and which continues today

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Tauranga Moana – Safe Anchorages	Re-affirming the mana motuhake of Ngāti Oneone by providing safe anchorages for waka and Kaipuke – other seafaring vessels in Ngāti Tōrehina Ki Mātāure Ō Hau waters	Continued acknowledgement of Ngāti Oneone interests, activities and uses inherited from our tūpuna, premised by self-determination, self-management, self-governance, kaitiakitanga and hapū independence	Several tauranga moana (safe anchorages) were used by Ngāti Oneone and which are located within the geographical area of Ngāti Oneone	Continuously	Ngāti Oneone tikanga associated with tauranga moana has been exercised without restriction, maintained and observed mai rā anō – forever and a day, and which continues today

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Kaitiakitanga	Recognition of Ngāti Oneone rangatira not having ceded sovereignty in 1840, including the imposition of Within the geographical area of Ngāti Oneone ture	Continued acknowledgement of Ngāti Oneone interests, activities and uses inherited from our tūpuna, premised by self-determination, self-management, self-governance, kaitiakitanga and hapū independence	Ngāti Oneone managed their takutai moana according to Ngāti Oneone tikanga (tribal traditions and customs), including the imposition of rāhui (a temporary prohibition)	Continuously	Ngāti Oneone kaitiakitanga has been exercised without restriction, maintained and observed mai rā anō – forever and a day, and which continues today

PARTICULARS OF MARINE TITLE PROTECTED CUSTOMARY RIGHTS APPLICATION

Customary activity, use and/or Practice	For the Purposes of	Scale of activity/use/practice	Extent of activity/use/practice	Frequency of activity/use/practice	Tikanga substantially uninterrupted use since 1840
Waahi Tapu – maintaining and safeguarding	Hei oranga mā te hapū-- whakawhanaunga tanga, whakaaro hei maumahara – memories , hei oranga mā te wairua, acknowledgement of te ao wairua – that of the spiritual realm	Exercising tino rangatiratanga and hapū independence, expression of hapū cultural identity	Within the geographical area of Ngāti Oneone are traditional waahi tapu and settlement pa sites and old kumara gardens.	Daily acknowledgement of our mātua-tūpuna, and whanaunga, frequent gatherings, visits to our waahi tapu and maunga	Ngāti Oneone tikanga and kawa associated with Ngāti Oneone waahi tapu have been implemented without restriction, maintained and observed mai rā anō – forever and a day, and which continues today