

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

No: CIV: CIV-2017-485-232

UNDER THE

Marine and Coastal Area
(Takutai Moana) Act 2011,
Section 98 and 100

AND

IN THE MATTER

of an application by Ngai
Tumapuhia-A-Rangi Maori
Marae Committee
Incorporated, on behalf of
Nga Uri O Ngai Tumapuhia
A Rangi Hapū, for orders
recognising Customary
Marine Title and Protected
Customary Rights

Originating Application on Notice for Recognition Orders Pursuant to the
Marine and Coastal Area (Takutai Moana) Act 2011

Dated: 3 April 2017

Case Manager
Next Event: / /
- 3 APR 2017
THE HIGH COURT WELLINGTON

TamakiLegal

Barristers & Solicitors

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To the Registrar of the High Court at Wellington

And

To the Masterton District Council and the Solicitor General on behalf of the Attorney General

This document notifies you that —

1. The Applicant **Ngai Tumapuhia-A-Rangi Maori Marae Committee Incorporated** (“the Applicant”) will, on 3 April 2017, apply to the Court for Recognition Orders under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”).
2. The Applicant will seek a Recognition Order for Customary Marine Title (“CMT Order”) under the requirements of s 58 of the Act.
3. The Applicant will seek to include recognition of wāhi tapu and wāhi tapu areas in the CMT Order under s 78 of the Act.
4. The Applicant will seek a Recognition Order for Protected Customary Rights (“PCRs”) under the requirements of section 51(1) of the Act.

The Applicant Group

5. Nga Uri O Ngai Tumapuhia A Rangi Hapū is the Applicant Group (“the Applicant Group”).
6. Nga Uri O Ngai Tumapuhia A Rangi Hapū are located in the Wairarapa on the South-East Coast of the North Island of New Zealand.

Representative of Applicant Group

7. The persons who will be the representative of the Applicant Group and the holder of the order are **Ryshell Evelyn Rei Griggs** and **Ngai Tumapuhia-A-Rangi Maori Marae Committee Incorporated**.

8. The contact details for **Ryshell Griggs and Ngai Tumapuhia-A-Rangi Maori Marae Committee Incorporated** are as follows:

- i. Telephone: 06 372 3843, 027 3080 809,
027 436 2728
- ii. Mailing Address: Te Maipi
Homewood Road
RD12
MASTERTON
- iii. Email: ryshellg@gmail.com

Specified Area to which Application Relates

9. The common marine and coastal area to which this application relates is on the east coast of the southern part of the North Island in Wairarapa, starting at the Whareama River (41°01.00'S 176°06.50'E) in the North, down to the mouth of the Pahoao River in the South (41°23.10'S 175°45.20'E), beginning at the line of mean high water springs and extending to the outer limits of the Territorial Sea seaward ("the specified area").

10. **Attached** to this application and marked 'A' is a map of the Specified Area.

Grounds for CMT Order

11. The Specified Area has been held by Nga Uri O Ngai Tumapuhia A Rangi hapū in accordance with tikanga since 1840.

12. Title to the Specified Area has not been extinguished as a matter of law.

13. Further grounds in support of the CMT Order are contained in the **attached** affidavit of **Ryshell Evelyn Rei Griggs** ("the affidavit")

Wāhi Tapu

14. Various wāhi tapu and wāhi tapu areas, of importance to Nga Uri O Ngai Tumapuhia A Rangi Hapū are located within the Specified Area.

15. If the application for a CMT Order is successful, Nga Uri O Ngai Tumapuhia A Rangi Hapū will seek recognition of the wāhi tapu as part of the CMT Order being made pursuant to s 78 of the Act.
16. For the purposes of this application, the Applicant reserves the right to apply for the inclusion of additional wāhi tapu with any CMT Order that may be granted where knowledge of the additional wāhi tapu is gained by the Applicant Group as a result of consultation with any Pūkenga appointed by the Court, or as a result of any historical research that is commissioned in relation to the making of the application for a CMT Order.

Description of Protected Customary Rights

Kaitiakitanga

17. Kaitiakitanga involves guardianship, conservation, education and protection measures and practices.
18. The Applicant Group practices kaitiakitanga in respect to the Specified Area.
19. Access to all parts of the Specified Area is a key requirement of the Applicant Group's continued practice of kaitiakitanga.

Kaimoana Gathering and Protection

20. The Applicant Group continues to gather kaimoana for customary usages.
21. The Applicant Group's kaitiakitanga extends to the protection and management of kaimoana in the Specified Area.
22. The Protected Customary Rights described above—
 - a. Have been exercised since 1840;
 - b. Continue to be exercised by Nga Uri O Ngai Tumapuhia A Rangi hapū in the Specified Area in accordance with tikanga; and

- c. Are not extinguished as a matter of law.

Affidavit in Support of Application

23. The Affidavit of **Ryshell Evelyn Rei Griggs** in support of this Originating Application is **attached**.

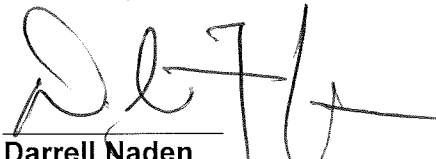
Memorandum

This document is filed by **Darrell Naden**, Solicitor for the applicant, of the firm Tamaki Legal Limited. The address for service of the applicant group is at the offices of Tamaki Legal Limited, AMI Building, 15 Osterley Way, Auckland, 2104, New Zealand.

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

- posted to the Solicitor at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the Solicitor at darrell@tamakilegal.com

Date: 3 April 2017



Darrell Naden
Solicitor for Applicant