

IN THE HIGH COURTS OF NEW ZEALAND  
AUCKLAND REGISTRY

CIV-2017-404 -483

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 EDWARD  
SHAW of ROTORUA for an  
order recognising  
Customary Marine Title and  
Protected Customary  
Rights

Applicant

AND

The Attorney General in  
right of the Crown



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

**DATED 22 MARCH 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](mailto: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](mailto:charl@ranfurlychambers.co.nz)**

6/4/17 LLS  
HIGH COURT  
• FW: 97/17 •  
• 24 MAR 2017 •  
AUCKLAND CIVIL  
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 EDWARD SHAW 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 PŪ.

**Protected Customary Rights**

- 2 NGĀTI PŪ ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating hapu matauranga, bird snaring, firewood, stones, aquatic plants, fishing tuna;

**The Applicant Group:**

- 3 NGĀTI PŪ whakapapa to MARUTUAHU, TUMOROROA, WHENUA AND TE PAMAHUE and link to the application area (FROM WHITIPIRORUA POINT) EDWARD SHAW was appointed to make this application for and on behalf of TE RŪNANGA OF NGĀTI PŪ INCORPORATED in February 2017.

**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 of Whangamata;
  - b. on the seaward side by the outer limits of the territorial sea;
  - c. thus then Otonga point at Whiritoa (south point) north to Te Karetu Point around the Whangamata Harbour to Te Karaka and Patuhamo Point, thence north to Whitipirorua point (north point) including the islands Hauturu, Tuhua, Whenua Kura, Rawengaiti, Te teko, Karetu, Waimama reef, Otonga and Mataora, to the outer limits of the territorial sea (eastward and westward);  
and
  - d. The area includes the common marine and coastal area surrounding the following islands: Hauturu, Tuhua, Whenua Kura, Rawengaiti, Te teko, Karetu, Waimama reef, Otonga and Mataora.

**Grounds on which the protected customary rights order is sought:**

5. The grounds on which this order is sought are that :
  - a. NGĀTI PŪ being a coastal hapu has relied heavily on fishing, bird snaring and gathering kaimoana to feed whanau, kaumatua, hapu, to provide kai for hui, tangihanga and marena.; and
  - b. NGĀTI PŪ fisherpeople sought the deep water fish Trevally, Mako, Marlin, Hapuka and more that were not available around the inner shoreline; and
  - c. NGĀTI PŪ also undertakes the following activities in the common marine and coastal area: bird catching - snaring, harvesting plants, shrubs & tree material, gathering resources for rongoa purposes.
  - d. NGĀTI PŪ has undertaken these activities since 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.
6. TE RŪNANGA OF NGĀTI PŪ INCORPORATED will deliver more information once funding for research and legal representation is secured.

**Grounds on which the customary marine title application is made:**

7. The grounds on which this order is sought are that :
  - a. NGĀTI PŪ has held the application area in accordance with tikanga since before 1840
  - b. NGĀTI PŪ has exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
8. TE RŪNANGA OF NGĀTI PŪ INCORPORATED will deliver more information once funding for research and legal representation is secured.

**Contact Details:**

9. EDWARD SHAW for TE RŪNANGA OF NGĀTI PŪ INCORPORATED is:

c/- Charl Hirschfeld  
10 Kaihu Street  
Northcote  
Auckland 0627

10. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of EDWARD SHAW, kaumātua.

Dated at Auckland on the 22nd day of March 2017



---

EDWARD SHAW