

1

**IN THE HIGH COURTS OF NEW ZEALAND
AUCKLAND REGISTRY**

CIV-2017-404-524

IN THE MATTER OF

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

AND IN THE MATTER OF

**an application by KIHAROA
MENEHIRA GILBERT
PARKER of KAIKOHE for an
order recognising
Customary Marine Title and
Protected Customary
Rights
Applicant**

AND

**The Attorney General in
right of the Crown**

**KIHAROA MENEHIRA GILBERT PARKER
APPLICATION
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011**

DATED 28th 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**

**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**

PW 104/17

HIGH COURT
30 MAR 2017
1510
AUCKLAND

cu

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. KIHAROA MENEHIRA GILBERT PARKER 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 MAHURANGI, NGATI AWA, NGAPUHI.

Protected Customary Rights

2. MAHURANGI, NGATI AWA, NGAPUHI 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. MAHURANGI, NGATI AWA, NGAPUHI whakapapa to Ruhe, Te Matenga, Tukarawa and link to the application area (MAHURANGI: FROM TE ATATU PENINSULA TO DEVONPORT TO MULLET POINT INCLUDING TIDAL ASPECTS OF RIVERS, INLETS AND HARBOURS. OUTER ISLANDS NAMELY KAWAU AND MOTUORA) KIHAROA MENEHIRA GILBERT PARKER was appointed to make this application for and on behalf of TE URI TANIWHA 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 Devonport;
 - b. on the seaward side by the outer limits of the territorial sea;
 - c. thus then Stokes Point (south west point) around to Maungauika (south east point) following the takutai up to the Mahurangi Harbour and river (north west point) thence to Ngaio bay, thence to Te Kapa River, thence to Mullet point including all the islands, to the outer limits of the territorial sea (eastward and westward); and
5. The area includes the common marine and coastal area surrounding the following islands: Rangitoto, Kawau and Motuora

Grounds on which the protected customary rights order is sought:

6. The grounds on which this order is sought are that :
 - a. TE URI TANIWHA being a coastal group has relied heavily on Fishing, Gathering kaimoana, Harvesting plants, shrubs & tree material, Use of marine & coastal for transport; and
 - b. TE URI TANIWHA also undertakes the following activities in the common marine and coastal area: Kaitiakitanga of takutai moana, waahi tapu, taonga tapu, gathering of kaimoana, plant materials, rongoa, and for the carrying out of our tribal ceremonies.
 - c. TE URI TANIWHA 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.
7. TE URI TANIWHA 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. MAHURANGI, NGATI AWA, NGAPUHI have held the application area in accordance with tikanga since before 1840
 - b. MAHURANGI, NGATI AWA, NGAPUHI have exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. TE URI TANIWHA will deliver more information once funding for research and legal representation is secured.

Contact Details:

10. KIHAROA MENEHIRA GILBERT PARKER for TE URI TANIWHA is:

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 KIHAROA MENEHIRA GILBERT PARKER, kaumātua.

Dated at Auckland on the 28th day of March 2017



KIHAROA MENEHIRA GILBERT PARKER