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IN THE HIGH COURTS OF NEW ZEALAND  
AUCKLAND REGISTRY

CIV-2017-404-526

IN THE MATTER OF

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

AND IN THE MATTER OF

an application by TE  
RANGIKAIWHIRIA KEMARA  
of TE KUITI for an order  
recognising Customary  
Marine Title and Protected  
Customary Rights

Applicant

AND

The Attorney General in  
right of the Crown

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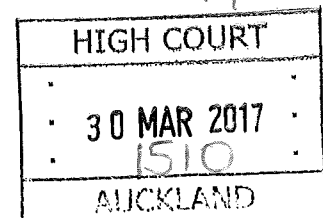
TE RANGIKAIWHIRIA KEMARA  
APPLICATION  
FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND  
COASTAL AREA (TAKUTAI MOANA) ACT 2011

DATED 29th MARCH 2017

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**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. TE RANGIKAIWHIRIA KEMARA 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 NGA TINI HAPU O MANIAPOTO.

**Protected Customary Rights**

2. NGA TINI HAPU O MANIAPOTO ancestors utilised the common marine and coastal area for fishing, kaimoana gathering, transport, rongoa collecting, communicating with other hapu, bird snaring, collecting firewood, stones, aquatic plants, fishing, collecting ephemeral detritus, and for trade;

**The Applicant Group:**

3. NGA TINI HAPU O MANIAPOTO whakapapa to MANIAPOTO, TE RONGORITO, KINOHAKU, TUWHAKAHEKEAO, MATAKORE, TURONGOTAPUARAU, TE IO-WAANANGA, KAHUARIARI and link to the application area (NGA ROHE MOANA O MANIAPOTO). TE RANGIKAIWHIRIA KEMARA is making this application for and on behalf of NGA TINI HAPU O MANIAPOTO.

**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 at Te Kaukumara;
  - b. on the seaward side by the outer limits of the territorial sea;
  - c. thus then Te Raukumara (north point) south around the Kawhia Harbour to Urawhitiki point west to Honipaka Point (north west point) south to Marokopa thence south to Kiritehere thence to Nukuhakari, thence to Awakino, thence to Mokau, thence to Parininihi – Wai Pingoa stream (south point) including the islands Kaiwhai Island, Te Motu Island, Motukaraka Island, Ngatokakairiri Island, 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: Kaiwhai Island, Te Motu Island, Motukaraka Island, Ngatokakairiri Island

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

6 The grounds on which this order is sought are that :

- a. Mana moana is acquired and maintained through tikanga, including mauri kohatu, take tupuna, tatau pounamu, tuku whenua and raupatu, defining ancestral boundaries of whenua and moana, which we see as one.
- b. Exercised by succeeding generations, ancestral takiwa moana are as follows. Nga Tai o Kawhia (including Te Rohe o Ngati Kinohaku), Hauauru Ki Uta and Te Rohe o Mokau ki Runga.
- c. There are many hapu of our rohe who have ancestry and continual customary interests in the rohe moana: Ngati Huiao, Ngati Tarahuia, Ngati Rarua, Ngati Rangitahi, Ngati Te Kanawa, Ngati Peehi, Ngati Hinekuku, Ngati Korokino, Ngati Toa, Ngati Werawera, Ngati Te Peehi, Ngati Korokino, Ngati Hinekuku, Ngati Maru, Ngati Kahinga, Ngati Urereko, Ngati Te Whatu, Ngati Uenuku, Ngati Mahuri, Ngati Pukawai, Ngati Paretona, Ngati Tionga, Ngati Waipuia, Ngati Kawakai, Ngati Tuaikoaia, Ngati Kairarunga, Ngati Kahumoana, Ngati Pareteata, Ngati Turangapa, Ngati Tinirau, Ngati Maui, Ngati Huhu, Ngati Hinewahi, Ngati Tanetinorau, Ngati Te Ara, Ngati Huiao, Ngati Manawahi, Ngati Uai, Ngati Turiu, Ngati Pakira, Ngati Hinekino, Ngati Waiora, Ngati Hari, Ngati Urunumia, Ngati Tunahore, Ngati Waiharoto, Ngati Hikataua, Ngati Uai, Ngati Waipuia, Ngati Tuaikoea, Ngati Kairarua, Ngati Hamupaku, Ngati Tahinga, Ngati Rora, Ngati Uwai, Ngati Pakira, Ngati Tarahini, Ngati Turiu, Ngati Pakira Ngati Te Rangikorongata, Ngati Kaia, Ngati Parekaitini, Ngati Waipare, Ngati Matau, Ngati Ariki, Ngati Hia, Ngati Maniapoto, to name a few.
- d. NGA TINI HAPU O MANIAPOTO rely heavily on Harvesting Kaimoana, Fishing, Resource Extraction, Use of Resources for Rongoa purposes, Harvesting plants, shrubs & tree material, Bird

catching, Snaring, Use of resources and environment during tangihanga, Use of marine & coastal for transport, the collection of ephemeral detritus from the foreshore; and

- e. NGA TINI HAPU O MANIAPOTO also undertake the following activities in the common marine and coastal area: Exercising Manamotuhake & Rangatiratanga, Exercising Kaitiakitanga, Control & exercise over the ephemeral detritus on the foreshore.
  - f. NGA TINI HAPU O MANIAPOTO have 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. NGA TINI HAPU O MANIAPOTO 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. NGA TINI HAPU O MANIAPOTO have held the application area in accordance with tikanga since before 1840
  - b. NGA TINI HAPU O MANIAPOTO have exclusively used and occupied the application area prior to 1840 to the present day without substantial interruption.
9. NGA TINI HAPU O MANIAPOTO will deliver more information once funding for research and legal representation is secured.

**Contact Details:**

10. TE RANGIKAIWHIRIA KEMARA for NGA TINI HAPU O MANIAPOTO is:

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11. This application relies on s51(1), s58, s98-113 of the Act and the affidavit of TE RANGIKAIWHIRIA KEMARA, rangatira.

Dated at Auckland on the 29th day of March 2017



TE RANGIKAIWHIRIA KEMARA