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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

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

Dated 3RD APRIL 2017

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HIGH COURT
FW 128/17
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AUCKLAND 10:54

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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. 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 ō 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 Rangī. 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 takutai 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

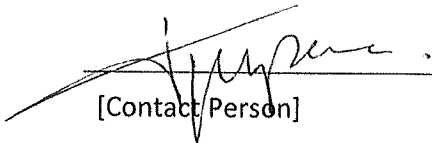
10 Kaihu Street

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 3<sup>rd</sup> day of April 2017.

  
[Contact Person]