

In the High Court of New Zealand
Blenheim Registry

CIV-2017-485-172

In the matter of

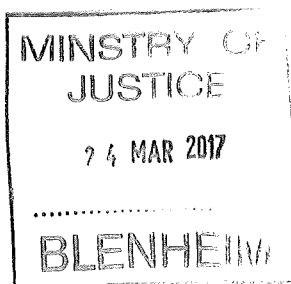
the Marine and Coastal Area (Takutai
Moana) Act 2011

And in the matter of

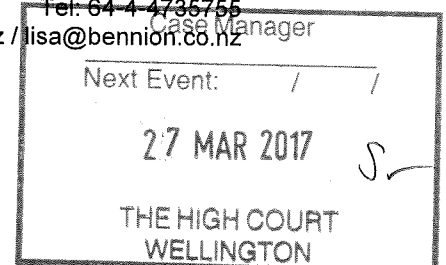
an application by the Tahuāroa-Watson
whanau, Puketapu hapū seeking
recognition orders under that Act

APPLICATION FOR RECOGNITION ORDERS

Dated 24 March 2017



Counsel: Tom Bennion / Lisa Black
Bennion Law
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Featherston Street 6140
Tel: 64 4 4735755
tom@bennion.co.nz / lisa@bennion.co.nz



To: The Registrar of the High Court at Wellington
And to: Marlborough District Council
And to: The Solicitor-General on behalf of the Attorney-General

THIS DOCUMENT NOTIFIES YOU THAT:

1. The Tahuāroa-Watson whanau, Puketapu hapū, will on 24 March 2017 apply to the Court for recognition orders under the Act relating to a particular area of the common marine and coastal area around Onauku Bay, Arapawa Island, bounded by on the landward parts by the line of mean high-water springs and on the seaward by the territorial sea ("Tahuaroa-Watson whanau rohe moana") and marked on the map attached as Appendix "A".
2. The orders sought are protected customary rights and customary marine title in the Tahuāroa-Watson whanau rohe moana arising from:
 - 2.1. Permanent occupation of Onauku Bay, Arapawa Island by the Tahuaroa-Watson whanau and use of the surrounding foreshore and seas from around the mid to late 17th century and up until today without substantial interruption;
 - 2.2. The taking of marua, terakihi, gurnard, sharks, and other fish;
 - 2.3. The taking of seals, penguins, dolphins, and whales;
 - 2.4. The taking of seabirds including albatross;
 - 2.5. The taking of shellfish including kukutai, pipis, cockles, oysters, kina, pāua, kōura, crabs and others;
 - 2.6. Taking of aquatic plants;
 - 2.7. Passage over and these areas in waka and landing of waka;
 - 2.8. Bathing and recreation;
 - 2.9. Collection of sand and stones, shingle and detritus;
 - 2.10. Designation of wāhi tapu;
 - 2.11. And all ways of life and cultural practices associated with the above takings and uses including cultural practices founded in

spiritual beliefs including the saying of karakia tawhito, karanga, imposition of rahui, exercise of kaitiakitanga and mana, naming of places in the sea to specify fishing areas and people who had authority over them;

- 2.12. and all other customary uses of the common marine and coastal area around Onauku Bay, Arapawa Island.

DESCRIPTION OF APPLICANT GROUP

3. The Tahuāroa-Watson whanau have occupied Onauku Bay, Arapawa Island for around 190 years Before Present.

GROUND ON WHICH THE PROTECTED CUSTOMARY RIGHTS RECOGNITION ORDER IS SOUGHT

4. The Tahuāroa-Watson whanau seeks a protected customary rights recognition order on the grounds that its protected customary rights relating to the Tahuāroa-Watson whanau rohe moana may be recognised by an order of the Court made on an application under s 100 of the Act.
5. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for protected customary rights meets the requirements of s 51(1) of the Act.
6. The Applicant Group meets the requirements in s 51 (1) of the Act because it:
 - 6.1. has exercised the rights before and since 1840;
 - 6.2. continues to exercise those rights in the Tahuāroa-Watson whanau rohe moana in accordance with tikanga in either exactly the same or a similar way, or in a way that has evolved over time; and
 - 6.3. is applying for rights that have not been extinguished as a matter of law.

GROUND ON WHICH THE CUSTOMARY MARINE TITLE RECOGNITION ORDER IS SOUGHT

7. The Tahuāroa-Watson whanau seeks a customary marine title recognition order on the grounds that its customary marine title relating to the

Tahuāroa-Watson whanau rohe moana may be recognised by an order of the Court made on an application under s 100 of the Act.

8. Pursuant to s 98 of the Act, the Court may make a recognition order if it is satisfied that the application for customary marine title meets the requirements of s 58 of the Act.
9. The Applicant Group meets the requirements in s 58 of the Act because it:
 - 9.1. holds the Tahuāroa-Watson whanau rohe moana in accordance with tikanga;
 - 9.2. has, in relation to the Tahuāroa-Watson whanau rohe moana exclusively used and occupied it from 1840 to the present without substantial interruption to its exclusive use and occupation; and
 - 9.3. the customary marine title has not been extinguished as a matter of law.
10. In terms of matters that may be taken into account in determining whether the Applicant Group's customary marine title exists in the Watson whanau rohe moana:
 - 10.1. the Applicant Group have owned land abutting the Tahuāroa-Watson whanau rohe moana and have done so, without substantial interruption, from 1840 to the present day; and
 - 10.2. the Applicant Group have exercised non-commercial customary fishing rights the Tahuāroa-Watson whanau rohe moana and have done so from 1840 to the present day.

PERSON TO HOLD THE ORDERS

11. The Tahuāroa-Watson whanau will be the holder of the orders as the representative entity of Watson whanau.

APPLICATION MADE IN RELIANCE

12. This application is made in reliance on sections 51(1), 58, 59, 94, 98, 100, and 101 of the Marine and Coastal Area (Takutai Moana) Act 2011 and the affidavit of Trevor Watson which set out in full the basis on which the Tahuāroa-Watson whanau is entitled to the recognition orders sought.

**CONTACT DETAILS OF THE APPLICANT AND PERSON NAMED TO
HOLD THE ORDER**

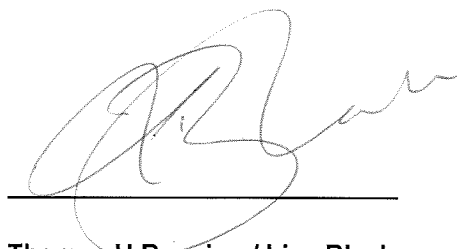
13. The contact address of the Applicant and person named to hold the order is:

Trevor Watson
Ruapara Bay
Onauku
Arapaoa Island
Picton 7220

14. The contact telephone number is 027 573 7372

15. The contact email is tahuarowatson@xtra.co.nz

Dated at Nelson this 24 March 2017

A handwritten signature in black ink, appearing to be 'Thomas H Bennion', written over a horizontal line.

Thomas H Bennion / Lisa Black

Counsel for the Tahuāroa-Watson whanau

This document is filed by Thomas Bennion, Solicitor for the Tahuaroa-Watson whanau.

The address for service of the Tahuaroa-Watson whanau is at the offices of Bennion Law, First Floor, 181 Cuba Street, Wellington.

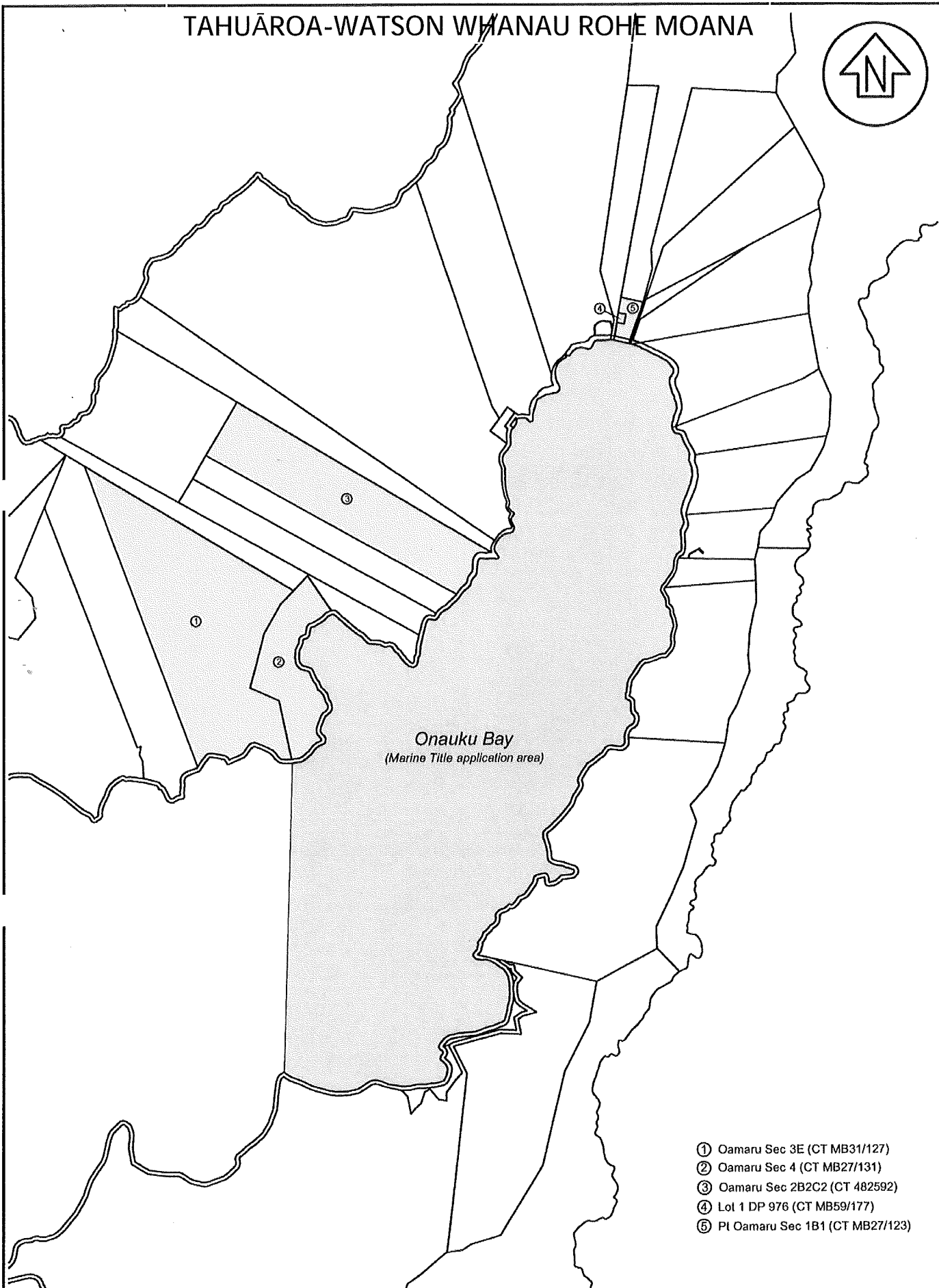
Documents for service on the above-named applicant may be left at that address for service or may be:

Posted to the solicitor at PO Box 25-433, Featherston Street,
Wellington 6146; or

Transmitted to the solicitor by email to tom@bennion.co.nz.

APPENDIX "A"

TAHUĀROA-WATSON WHANAU ROHE MOANA



- ① Oamaru Sec 3E (CT MB31/127)
- ② Oamaru Sec 4 (CT MB27/131)
- ③ Oamaru Sec 2B2C2 (CT 482592)
- ④ Lot 1 DP 976 (CT MB59/177)
- ⑤ Pt Oamaru Sec 1B1 (CT MB27/123)

GILBERT, HAYMES & ASSOCIATES LTD

REGISTERED SURVEYORS

P.O. BOX 380-14 QUEEN STREET-BLENHEIM
PHONE (03)5787984-FAX (03)5787709
E-MAIL gilberthaymes@xtra.co.nz

Customary Marine Title Application

SCALE 1:25000 - A4
DATE 20 APR 2012
JOB REF.
JOB ID. 788
CAD FILE