

**IN THE HIGH COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

CIV-2017-485-138

**IN THE MATTER** of the Marine and Coastal Area (Takutai Moana)  
Act 2011 (“the Act”)

**IN THE MATTER** of an application by **VERONICA BOUCHIER** on  
behalf of the following applicant groups:  
Pakiri G-Block 308 11 owners;  
Omaha 1 and Omaha 2 owners;  
Hauturu (Little Barrier) owners;  
Mahuki Island (Gannet Island) owners;  
Motairehe 2B1 and 4B1 owners; and  
Motutaiko Island owners

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**APPLICATION PURSUANT TO THE MARINE & COASTAL AREA  
(TAKUTAI MOANA) ACT 2011 FOR A RECOGNITION ORDER OF  
PROTECTED CUSTOMARY RIGHTS AND ALL CUSTOMARY  
MARINE TITLE**

Dated: 29 March 2017

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Case Manager <i>Michaela</i>
Next Event: <b>29 MAR 2017</b> <i>SL</i>
THE HIGH COURT OF WELLINGTON

**PAKIRI G BLOCK 30811, OMAHA 1 AND OMAHA 2,  
HAUTURU (LITTLE BARRIER), MAHUKI ISLAND (GANNET ISLAND),  
MOTAIREHE 2B1 AND 4B1, AND MOTUTAIKO ISLAND OWNERS  
CLAIMS UNDER THE MARINE & COASTAL TAKUTAI MOANA  
ACT 2011**

- TO:** The Registrar of the High Court at Wellington
- AND TO:** The regional and district councils with statutory functions in the application area
- AND TO:** The local authorities and central government authorities with statutory functions relating to land adjacent to the application area
- AND TO:** The Solicitor-General on behalf of the Attorney-General

**THIS** document notifies you that:

1. The applicant apply to the High Court for a recognition order of protected customary rights (s.51 of the Act) and/or customary marine title (s.58 of the Act). The applicants' contact details are set out at the end of this application.
2. The applicants brings this claim on behalf of the owners of:

Pakiri G–Block 308 11 owners;  
Omaha 1 and Omaha 2 owners;  
Hauturu (Little Barrier) owners;  
Mahuki Island (Gannet Island) owners;  
Motairehe 2B1 and 4B1 owners; and  
Motutaiko Island owners

in the common marine and coastal area. For each of the applicants the names of founding tupuna/ancestors and names of constituent Iwi, hapu and whanau related to the application are as follows:

**PAKIRI G BLOCK 30811:**

Names of founding tupuna/ancestors: Ko Rahui te Kiri raua ko Tenetahi  
Paraone oku Tupuna

Names of constituent Iwi and whanau related to this application:  
descendants of Ko Rahui te Kiri raua ko Tenetahi Paraone.

**OMAHA 1 AND OMAHA 2:**

Names of founding tupuna/ancestors: (as above)

Names of constituent Iwi and whanau related to this application: (as  
above)

**HAUTURU (LITTLE BARRIER):**

Names of founding tupuna/ancestors: (as above)

Names of constituent Iwi and whanau related to this application: (as  
above)

**MAHUKI ISLAND (GANNET ISLAND)**

Names of founding tupuna/ancestors: (as above)

Names of constituent Iwi and whanau related to this application: (as  
above)

**MOTAIREHE 2B1 AND 4B1**

Names of founding tupuna/ancestors: (as above)

Names of constituent Iwi and whanau related to this application: (as  
above)

**MOTUTAIKO ISLAND**

Names of founding tupuna/ancestors: (as above)

Names of constituent Iwi and whanau related to this application: (as  
above)

3. The specified area for this application in respect of each of the identified group of owners is the common marine and coastal area adjacent to and out to at least twelve nautical miles from the high water mark of their land

holdings. The juxtaposition of the takutai moana with the land is identifiable physically on the whenua and at the takutai moana.

4. The detailed delineation and the boundaries of the specified area for this application will be further and better developed once funding is available, research is completed and evidence finalised.
5. The activities, uses and practices claimed to be the subject of and justifiable recognition of protected customary rights and/or coastal marine title are, subject to further details and evidence, the exercise by the people of tupuna of rangitiratanga over the takutai moana foreshore and seabed; the exercise of kaitiakitanga over the takutai moana foreshore and seabed; the use of takutai moana as tauranga waka; planting and harvesting of native flora; growth and harvest of kai moana including aquaculture; extraction of fossils, rock, sand and minerals; and complementary customary activities, uses and practices which will be the subject of evidence at the hearing of this application.
6. The purpose for which the activities, uses and practices set out above were and are carried out on, exercised and followed, include among other things:
  - (a) The preservation and maintenance of rangitiratanga and kaitiakitanga of the takutai moana foreshore and seabed;
  - (b) The sustenance and continued observance of customary and traditional practices integral to tikanga carried out by the owners of the blocks the subject of this application;
  - (c) The sustenance and physical, spiritual and cultural wellbeing of all the owners of the blocks the subject of this application;
  - (d) The economic development of all of the owners of the blocks the subject of this application;
  - (e) The conservation of natural and physical resources in the takutai moana foreshore and seabed of all of the owners of the blocks the subject of this application.

7. A legal entity proposed to represent all of the owners of the subject blocks is likely to be a trust and will be formed in due course, the trustees of this trust is proposed will hold the protected customary rights recognition order and/or the customary marine title.
8. The owners of the blocks subject of this application have, in accordance with tikanga, descent and whakapapa, customary rights and/or customary marine title over the marine and coastal area the subject of the application. The activities, uses and practices have been and continue to be carried on, exercised and followed in accordance with the tikanga in a substantially uninterrupted manner since 1840 in the area of the takutai moana already broadly defined.
9. The activities, uses and practices identified have, if interrupted since 1840, only been interrupted by unlawful interruption or interference.
10. The activities, uses and practices for which recognition as protected customary rights and/or providing for the foundation of customary marine title are not prohibited by any enactment or rule of law and have not been extinguished as a matter of law.
11. The preferred location for the hearing by the High Court of this application is at marae within the rohe of the blocks the subject of this application. In due course, proper application in accordance with the High Court Rules for the fixing of the venue of the hearing of this application will be made and notified to the Crown.
12. The appointed representative bringing this application can be contacted as follows:
  - Veronica Bouchier,  
456 Speargrass Flat Road,  
Queenstown Lakes District  
**Speargrass Flat 9371**  
  
Email: ronibouchier@gmail.com
13. This application relies on ss.51, 58, 98-113 of the Act and the affidavit of Veronica Bouchier dated 28 March 2017 and filed in support hereof.

**DATED** this 28th day of March 2017



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**Veronica Bouchier**  
**Applicant**