

IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY

No: CIV:

CIV-2017 -485-226

UNDER THE

**Marine and Coastal Area
(Takutai Moana) Act 2011,**
Section 98 and 100

AND

IN THE MATTER

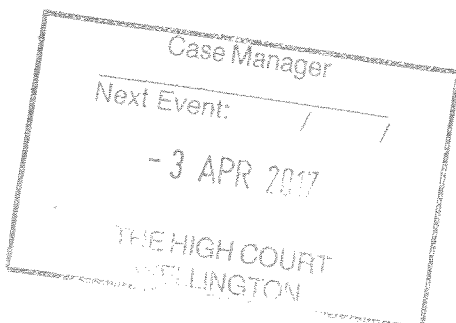
of an application by **Rebecca
Harper**, on behalf of Te Hika o
Papaūma, for orders
recognising Customary Marine
Title and Protected Customary
Rights

**Originating Application on Notice for Recognition Orders Pursuant to the
Marine and Coastal Area (Takutai Moana) Act 2011**

Dated: 3 April 2017

TamakiLegal
Barristers & Solicitors

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

No: CIV:

To the Registrar of the High Court at **Wellington**

and

To the **South Wairarapa District Council** and the **Solicitor General** on behalf of the Attorney General

This document notifies you that —

1. The Applicant **Rebecca Harper** (“the Applicant”) will, on 3 April 2017, apply to the Court for Recognition Orders under s 98 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”).
2. The Applicant will seek a Recognition Order for Customary Marine Title (“CMT”) under the requirements of s 58 of the Act.
3. The Applicant will seek to include recognition of wāhi tapu and wāhi tapu areas in a CMT Order under s 78 of the Act.
4. The Applicant will seek a Recognition Order for Protected Customary Rights (“PCRs”) under the requirements of section 51(1) of the Act.

The Applicant Group

5. The Applicant Group is Te Hika o Papaūma (“the Applicant Group” or “Te Hika o Papauma”).
6. Te Hika o Papaūma are located in the Wairarapa on the South-East Coast of the North Island of New Zealand.

Representative of Applicant Group

7. The person who will be the representative of the Applicant Group and the holder of the Court Order or Orders is the Applicant, Rebecca Harper.

Contact Details

8. Contact details for Rebecca Harper are as follows:

- i. Telephone number: 06 304 7902
 - ii. Physical Address: Flat 7/31 Pah Road, Papawai, RD1, Greytown 5794
9. Contact details for Te Hika O Papaūma are the same as those for Rebecca Harper.

Specified Area to which Application Relates

10. The common marine and coastal area to which this application relates is situated on the east coast of the southern-western part of the North Island starting at Akitio River/Cape Turnagain in the north, then south to Whareama River, and extending 12 nautical miles seaward from the boundary markers and all points in between them (“the Specified Area”).
11. **Attached** to this application and marked ‘A’ is a map of the Specified Area.

Grounds for CMT Application

12. The Specified Area has been held by Te Hika o Papaūma in accordance with tikanga since 1840.
13. Title to the Specified Area has not been extinguished as a matter of law.
14. Further grounds in support of the CMT application are contained in the **attached** affidavit of Rebecca Harper (“the affidavit”) and include:
- a. That Te Hika o Papaūma members own lands abutting the Specified Area and have done so, without substantial interruption, from 1840 to the present day; and
 - b. That Te Hika o Papaūma and its members exercise non-commercial customary fishing rights in the Specified Area, and have done so from 1840 to the present day.

Wāhi Tapu

15. Various wāhi tapu and wāhi tapu areas, of importance to Te Hika o Papauma are located within the Specified Area.

16. If this application for a CMT recognition Order is successful, Te Hika o Papauma will seek to include recognition of these wāhi tapu as part of the Order under s 78 of the Act.
17. For the purposes of this application the Applicant reserves the right to include any wāhi tapu as part of the CMT application subsequent to consultation with any pukenga appointed by the Court or as a result of any historical research that is commissioned in relation to the making of this application.

Description of PCRs

Kaitiaki

18. The Applicant Group continue to carry out their kaitiakitanga responsibilities within the Specified Area.
19. The Applicant Group's kaitiakitanga involves, in part, the passing on of Maori lore and ecological knowledge to the younger generations.
20. The Applicant Group's kaitiakitanga also involves conservation, protection and supervision of the Specified Area.
21. The Applicant Group requires access to the Specified Area so that its members can continue their customary supervisory and protective role.

Kaimoana Gathering and Protection

22. The Applicant Group continues to gather kaimoana for customary usages.
23. The Applicant Group's kaitiakitanga extends to the protection and management of kaimoana in the Specified Area.
24. The Protected Customary Rights described above—
 - a. Have been exercised since 1840;
 - b. Continue to be exercised by members of Te Hika o Papaūma in the Specified Area in accordance with tikanga; and

- c. Are not extinguished as a matter of law.

Affidavit in Support of Application

2. The Affidavit of Rebecca Harper in support of this Originating Application is attached.


Memorandum

This document is filed by **Darrell Naden**, Solicitor for the Applicant, of the firm Tamaki Legal Limited. The address for service of the Applicant Group is at the offices of Tamaki Legal Limited, AMI Building, 15 Osterley Way, Auckland, 2104, New Zealand.

Documents for service on the Applicant may be left at that address for service or may be –

- posted to the Solicitors at PO Box 75-517, Manurewa, Auckland, 2243, New Zealand; or
- emailed to the Solicitor at darrell@tamakilegal.com

Date: 3 April 2017


Darrell Naden
Solicitor for Applicant