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2017 - 485 - 258.

**IN THE HIGH COURTS OF NEW ZEALAND CIV-2017-
WELLINGTON REGISTRY**

In the matter of

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

And in the matter of

an application by
Tiratu Williams for an order
recognising Customary
Marine Title and Protected
Customary Rights.

For an order that

recognises customary marine
title and protected customary
rights.

ORIGINATING APPLICATION BY TIRATU WILLIAMS

**FOR RECOGNITION ORDERS PURSUANT TO THE MARINE AND
COASTAL AREA (TAKUTAI MOANA) ACT 2011**

3 April 2017

Case Manager
Next Event: / /
- 3 APR 2017
THE HIGH COURT WELLINGTON

To: The Registrar of the High Court at Wellington;

and to: The Greater Wellington Regional Council,
the Pōrirua City Council and, Te Runanga o Toa Rangatira

and to: The Solicitor General on behalf of the Attorney-General.

This document notifies you that –

1. The applicant Tiratu Williams will on 3 April 2017 apply under s 100 of the Marine and Coastal Area (Takutai Moana) Act 2011 (“the Act”) for an order(s) that recognises the customary marine title and protected customary rights of the owners of the Hongoeka Blocks, being Māori Freehold Land abutting all of the specified area.

The Applicant Group including contact details

2. The applicant(s) are the beneficial owners and their descendants, (including whāngai, and spouses with life interests) and whānau with customary rights in Hongoeka, who whakapapa to Ropata Hurumutu, Pumipi Pikiwera, Hare Reweti Tangahoe, Tahana Te Pou, Hohepa Horomona and Wi Parata, being the original owners of the Hongoeka Blocks.
3. The applicant’s home is located at 11 Hongoeka Bay Road, Porirua. She can be contacted by phone at 04 233 1136 or by email at tiratu.williams@clear.net.nz

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), to a distance of 1000 meters offshore from the line of mean high water spring. The area is bounded:

- a. on the landward side by the line of mean high-water springs;
- b. on the seaward side to a distance of 1000 meters offshore from the line of mean high-water springs;
- c. on the northward side by a line that extends from the coast abutting Te Horo on the boundary of Haukopua West Block to a distance of 1000 meters offshore from the line of mean high water spring.; and
- d. on the South East by a line that extends from the coast abutting the Motuhara Block to a distance of 1000 meters offshore from the line of mean high water spring.

Grounds on which the customary marine title application is made:

5. The grounds on which this order is sought are:
 - a. the applicant group are beneficial owners in the Hongoeka blocks, the only Māori land of any size left in the Wellington area still owned by successors of the original owners. Their Māori Freehold land interests abut all of the specified area;
 - b. the applicant group has exclusively used and occupied the application area from 1824 to the present day without substantial interruption;
 - c. the applicant group, since 1824 has held the application area in accordance with tikanga through take raupatu and take tupuna;
 - d. the applicant group have maintained their ahi-kā and holds both mana whenua and mana moana;
 - e. customary rights in relation to non-commercial fishing at Hongoeka have existed, uninterrupted, from 1824 to the present day. Since the Fisheries Act 1996 the applicant group still exercises its non-commercial customary fishing rights by applying to the iwi for customary fishing permits;

- f. the applicant group believe that, by virtue of the boundary given on their CT, it has riparian rights, which extend well out beyond mean high water into the “blue waters” of Te Moana o Raukawa (Cook Strait).
 - g. Such further grounds as are set out in the affidavit(s) of Tiratu Williams, Hana Pomare, Toarangatira Woodbine Pomare and James Wirihana Rangihaeta, filed in support of this application.
6. The applicant group will provide more information once funding for research and legal representation is secured.

Protected Customary Rights (PCR)

7. Ancestors of the Hongoeka Blocks utilised the common marine and coastal area for the collection, conservation and for the practice of cultural traditions associated with a diverse range of resources. An example of a specific taonga that is not protected by the Conservation Act or covered by the Wildlife Act is inanga or whitebait.

Grounds on which the PCR order is sought:

8. The grounds on which this order is sought are as follows:
- a. *the applicant group exercises its protected customary rights in the specified area in accordance with tikanga;*
 - b. the applicant group, being a coastal group, have relied heavily on their resources to provide them with the necessities of life and to sustain their lifestyle.
 - c. the applicant group also undertakes the following activities in the common marine and coastal area: rongoā collecting, bird watching, transport, transfer of knowledge of marine culture, trade, communication, seasonal kaimoana exchange, access to and from the sea, access to gardens on land, tangihana, social interaction, manaakitanga and ope mara (labour movement)]; and

- d. the applicant group have maintained their ahi-kā and undertaken these activities listed above since 1824 and continues to undertake these activities in the application area, albeit in some instances using modern equipment.
- e. Such further grounds as are set out in the affidavit(s) of Tiratu Williams, Hana Pomare, Toarangatira Woodbine Pomare and James Wirihana Rangihaeta, filed in support of this application.


Holder of the order including contact address:

9. The orders, if granted, are to be held in the interim by James Wirihana Rangihaeta.
10. The address for service of the intended holder of the orders, is at
9 Totara Park Road, Upper Hutt.

Authority:

11. This application relies on s51(1), s58, s59, s98-113 of the Act, Re Tipene [2016] NZHC 3199 [22 December 2016] and affidavits of Tiratu Williams, James Wirihana Rangihaeata, Toa Rangatira Woodbine Pomare and, Hana Pomare.

3 April 2017



[Signature]

This application is filed by Simon L. Wi Rutene, Project Manager for the abovenamed applicant group. The address for service of the applicant(s) is at 85 Oban Street, Wadestown, Wellington 6012.

Documents for service on the applicant(s) may be left at that address or may be

(a) emailed to tiratu.williams@clear.net.nz

and in each case with a copy sent to simon@hana.co.nz

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MANA AKI WHENUA

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Hongoeka No.6 B

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Title Information

Area: 28.6 ha

Owners: 13

Shares: 11307

Mortgaged: No

Leased: No

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Land Potential

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