

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

2017 485 260

CIV-

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

AND

IN THE MATTER of an application by Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust, a duly registered charitable trust under the Charitable Trusts Act 1957, for the benefit of the people of the iwi of Te Atiawa, for an order recognising customary marine title and for an order recognising protected customary rights.

ORIGINATING APPLICATION FOR RECOGNITION ORDER

Dated: this 3rd day of April 2017

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|------------------------------|
| Case Manager |
| Next Event / / |
| 03 APR 2017 |
| THE HIGH COURT WELLINGTON |

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To the Registrar of the High Court at Wellington

This document notifies you that –

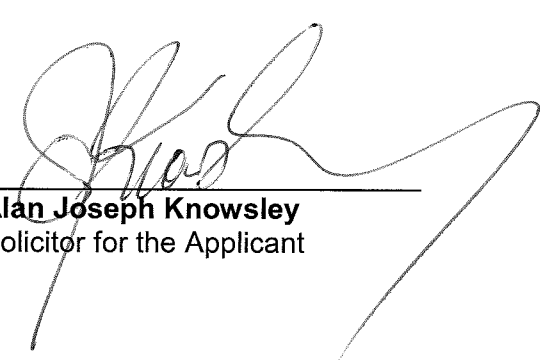
1. The applicant, Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust will on _____ at _____ am/pm apply to the Court for an order recognising a customary marine title and an order recognising protected customary rights under Part 4 of the Marine and Coastal Area (Takutai Moana) Act 2011.
2. The application is made for the benefit of the people of the iwi of Te Atiawa (“the applicant group”). The contact details for the applicant group are PO Box 36–111, Wellington Mail Centre 5010, Lower Hutt.
3. The holder of the order will be the Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust as the representative of the applicant group. The contact details for the Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust are PO Box 36-111, Wellington Mail Centre 5010, Lower Hutt.
4. The application relates to the following particular area of the common marine and coastal area:
 - (a) from Pipinui Point to Turakirae Head in the lower North Island as shown on the attached map and as described in the supporting affidavit of Te Rira Puketapu (“the specified area”).
5. The grounds on which the application for an order recognising a customary marine title is made are as follows:
 - (a) the applicant group holds the specified area in accordance with tikanga; and
 - (b) the specified area has been exclusively used and occupied by the applicant group from 1840 to the present day without substantial interruption.

6. The application relates to the following customary rights of the applicant group exercised in the applicant group's customary marine and coastal area:
 - (a) customary fishing activities within the applicant group's marine and coastal area;
 - (b) customary gathering and regulation of stock levels of shellfish and other species in the applicant group's marine and coastal area; and
 - (c) customary notification of rahui (temporary prohibition from an area).

7. The grounds on which the application for an order recognising protected customary rights is made are as follows:
 - (a) the rights have been exercised since 1840;
 - (b) the rights continue to be exercised in the applicant group's marine and coastal area in accordance with tikanga; and
 - (c) is not extinguished as a matter of law.

8. The application is made in reliance on:
 - (a) Sections 51, 58 and 94, and sections 98-113, of the Marine and Coastal Area (Takutai Moana) Act 2011;
 - (b) Rule 19.2 of the High Court Rules 2016; and
 - (c) The matters as set out in the affidavit of Te Rira Puketapu dated 3 April 2017 filed in support of this application.

Dated at Wellington on the 3rd day of April 2017.



Alan Joseph Knowsley
Solicitor for the Applicant

This document is filed by Alan Joseph Knowsley, solicitor for the applicant, of the firm Rainey Collins. The address for service of the applicant is Level 19 PWC Tower, 113-119 The Terrace, Wellington.

Documents for service on the filing party may be left at that address for service or may be—

- (a) posted to the solicitor at PO Box 689, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to SP20010;
or
- (c) transmitted to the solicitor by fax to (04) 473 9304; or
- (d) emailed to the solicitor at aknowsley@raineycollins.co.nz.