



Applying for recognition of customary interests

UNDER THE MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011

When to use this form

Use this form if you're an iwi, hapū or whānau applying for recognition of customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

The deadline for making an application is 3 April 2017.

Getting more information

For more information about the Marine and Coastal Area (Takutai Moana) Act 2011 and help filling in this form, please go to justice.govt.nz/maori-land-treaty or email maca@justice.govt.nz

Privacy statement

We'll use the information in this form to process your application, including researching historical information, land records and resource consent information. This form and our research may be:

- shared with other government agencies
- published on the Ministry of Justice website (as part of our public notification of applications)
- given to people requesting it under the Official Information Act 1992.

If you're concerned about protecting any sensitive or confidential information, please contact us at maca@justice.govt.nz before sending in your application.

Sending in your application

The deadline for making an application is 3 April 2017.

Please send us this form and any supporting documents by emailing it to maca@justice.govt.nz or by freepost to: The Minister for Treaty of Waitangi Negotiations

Parliament Buildings
Private Bag 18041
Wellington 6160

Step 1 Give us your details

Who is this application for?

Name of iwi, hapū or whānau applying for recognition of customary marine title or protected customary rights.
(An applicant group can be one or more iwi, hapū or whānau.)

The iwi, whānau and hapū of Ngātiwai

Name of the person, representative group or legal entity making this application on behalf of the iwi, hapū or whānau.

The Ngātiwai Trust Board

Who is the contact person for this application?

Full name Justine Inns

Postal address Oceanlaw New Zealand
PO Box 921
Nelson 7040

Phone no. day 03 548 4136 evening 027 2275 324

Email justine@oceanlaw.co.nz

Can you give us any more information to help identify your group?

This information isn't compulsory, but will speed up researching your application.

If you need more room, please attach extra pages.

Who are the founding tūpuna and ancestors of your group?

Ngātiwai descends from Manaia, Manaia II and his people of Ngāti Manaia. From Ngāti Manaia lines come Tahuhuniorangi and Te Rauotehuia, descending to Te Rangikapikitia; thence to other key tūpuna, including Te Kura Makoha, Whāpapa, Te Wairua, Hikihiki I and Huruhurumaiterangi. From Whāpapa and Te Wairua come Toremātao, Te Rangapū and Te Rangihokaia and his descendants (known as Ngāti Wai ki te moana).

Which iwi, hapū and whānau are associated with your group?

Hapū that are of Ngātiwai or share whakapapa lines with Ngātiwai include: Ngare Raumati, Ngāti Tautahi, Te Uri o Hikihiki, Te Whānau-whero-mata-moe, Te Aki Tai, Te Kainga Kurī, Ngāti Toki ki-te-moana, Te Whānau ā Rangiwakaahu, Ngāti Takapari, Ngāti Kororā, Te Waiariki, Patuharakeke, Ngāti Rehua, Ngāti Manuhiri.

Which marae are associated with your group?

Ngaiotonga, Tuparehuia, Punaruku, Ōtetao, Mōkau, Ōakura, Whanānaki, Matapōuri, Ngunguru, Pātaua, Takahīwai, Ōmaha, Motairehe and Kawa marae.


Step 2 Apply for customary marine title

Fill in this step if you're applying for recognition of customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011. *Go to step 3 if you're only applying for protected customary rights.*

Tell us the boundaries of your application areas. You can describe it or tell us the GPS coordinates.

The Ngātiwai rohe moana (as shown on the attached map) extends from Tapeka Point, in the north, to the Matakana River in the south and encompasses the chain of islands from Motukōkako off Te Rāwhiti, Rimuriki off Mimiwhāngata, Tawhiti-rahi and Aorangī (the Poor Knights), High Peak Rocks, Sugar Loaf Rocks, the Marotiri Islands and Tārnaga (the Hen and Chickens Group), Tūturu (Sail Rock), Pokohinu and Motukino (Mokohīnau Islands), The Hauturu o Toi (Little Barrier), Aotea (Great Barrier) and its surrounding islets and rocky outcrops, Te Kawau-tūmaro-o-Toi (Kawau Island) and Te Mau Tohorā-o-Manaia. The rohe is not delineated by artificial legal boundaries but extends to, and well beyond, the 12 nautical mile limit.

It is acknowledged that Ngātiwai whānau and hapū hold mana, rangatiratanga and rights over various parts of this extensive rohe, and that parts of it also lie with the domain of other iwi, hapū and whānau. Ngātiwai views these overlapping interests as a form of joint exclusivity, with rights jointly exercised by the various whānau, hapū and iwi in accordance with tikanga. The Ngātiwai Trust Board wrote to Te Rūnanga o Ngāti Whatua and Te Rūnanga a Iwi o Ngāpuhi on 15 March 2017 advising those entities of the Board's intention to lodge this application, and seeking cooperation on a joint strategy in respect of shared areas of the Ngātiwai rohe moana.

 Attach maps with the application areas clearly marked.
If you need help getting a map, email us at maca@justice.govt.nz

Tell us anything else (and attach any supporting documents) that might help us assess your application, such as how you use the area or proof of ownership of neighbouring land.

Ngātiwai are, quite literally, the people of the sea, and their exclusive use and occupation of large areas of their rohe moana for navigation, fishing, and gathering resources, waging war and making peace has continued from 1840 to the present day without substantial interruption and is well-documented. Tauranga waka and archaeological sites remain as evidence in the land- and sea-scape of these activities. Ngātiwai iwi, hapū and whānau hold these areas in accordance with tikanga (in some cases jointly with other iwi, hapū and whānau) and wāhi tapu (including undersea burial caves).

Some activities within this rohe, such as retrieving and using whalebone and other resources from marine mammals, have continued unabated since time immemorial, while more recent developments have driven Ngātiwai to uphold and defend their rights in other ways. These have included litigation (decisions in 1998 decisions of the High Court and Māori Land Court, respectively upholding Ngātiwai's customary fishing rights around the Poor Knights and customary ownership of rocks and islets around Aotea) and protesting proposed legislation extending limitations over various marine areas and demonstrating their mana over the area of Mimiwhāngata by placing a pouwhenua there in August 2016.

The majority of land reserves granted to Ngātiwai post-1840 were on the coast, reflected the coastal marine area's centrality to the Ngātiwai way of life and a number of these blocks remain in the hands of Ngātiwai whānau. In the 1970s, the Ngātiwai Land Retention Committee was formed to fight attempts by the Whangārei County Council to separate those land blocks from the coast by the imposition of public reserves.

Step 3 Apply for protected customary rights

Fill in this step if you're applying for recognition of protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011. If you're applying for recognition of more than 1 protected customary right, please repeat this page for each activity.

Describe your activity. Include information about how it's carried out and how often it's carried out.

Ngātiwai iwi, hapū and whānau have exercised a bundle of customary rights in respect of their rohe moana encapsulated by the concept of kaitiakitanga. This is a bundle of rights that are manifested in a number of physical activities and uses related to natural and physical resources, including the placement and maintenance of pouwhenua, the performance of karakia and the undertaking of hīkoi on the coast and at sea. In contemporary terms, Ngātiwai has expressed its kaitiakitanga through participation in legal processes (for example under the Resource Management Act 1991) and through litigation in the Environment Court, High Court, Māori Land Court and others.


Other customary rights for which recognition is sought include: spiritual activities in relation wāhi tapu (including underwater burial caves); collection of rongoa; access to sites of marine mammal strandings; navigation and transportation (including tauranga waka, safe harbours and refuge caves) for a range of purposes

Tell us what tikanga governs this activity.

There is extensive tikanga underpinning the Ngātiwai concept and practice of kaitiakitanga and the bundle of customary rights and responsibilities that comprise it, as well as the other customary rights of Ngātiwai. The nature of this tikanga is indicated in the affidavit of Hori Temoanaroa Parata, which is attached to this application.

Tell us where you carry out this activity. You can describe your application areas or give us the GPS coordinates.

Kaitiakitanga and other customary rights are practiced throughout the Ngātiwai rohe moana as shown on the attached map.

 Attach maps with the application areas clearly marked.
If you need help getting a map, email us at maca@justice.govt.nz

Step 4 Sign and date this form

- I understand the Ministry of Justice (including the Office of Treaty Settlements) will publicly release the information in this application. Such as names, contact details and general geographic location for this application. I also understand that the Official Information Act applies to all the information in this application.
- The information in this application is true and correct to the best of my knowledge and belief.




Full name (of person completing this form) Justine Inns (Oceanlaw New Zealand)

Date 31 March 2017

Step 5 Do a quick check

Before sending in your application check

Have you followed steps 1 to 4?

- Have you given us your contact person's and group's details in step 1?
- If you're applying for recognition of customary marine title, have you filled in step 2?
 -  Have you attached a map?
 -  Have you attached any supporting documents?
- If you're applying for recognition of protected customary rights, have you filled in step 3?
 -  Have you attached a map?
- Have you ticked the boxes and dated this form at step 4?

If you have any questions, please go to justice.govt.nz/maori-land-treaty or email maca@justice.govt.nz

Step 6 Send us your application

The deadline for making an application is 3 April 2017. Please send us this form and any supporting documents by emailing it to maca@justice.govt.nz or by freepost to: The Minister for Treaty of Waitangi Negotiations

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What happens next?

You'll get a confirmation letter and we'll begin an appraisal of your application. You can expect to hear from us if we need more information, and again when a decision is being made. It can take several months for your application to be processed.