

MANIAPOTO MAORI TRUST BOARD

TAKUTAI MOANA INFORMATION

Stemming from the Foreshore and Seabed Act 2004 (repealed), the Marine and Coastal Area (Takutai Moana) Act 2011 was enacted amidst concerns that the Foreshore and Seabed Act had curtailed any interest Maori had in the Foreshore and Seabed. In 2003 the Court system allowed for the possibility of interests and rights being discussed, the Government however was swift in enacting the Foreshore and Seabed Act, which vested most of the Foreshore and Seabed into the Crown, with some parts of the coastline being held privately. This took any possibility of Maori interest in New Zealand's common marine and coastal area off the table.

In 2011 the Marine and Coastal Area (Takutai Moana) Act was enacted in Parliament, which provides for the possibility of Maori interests being heard and considered in common marine and coastal area's via an application process. The interests that can be held are:

- Customary Marine Title
- Protected customary rights

CUSTOMARY MARINE TITLE (CMT)

This title cannot overlap but must be exclusive and means the title holder can (amongst other things)

- a) Own the non-nationalised minerals
- b) can veto / approve resource consents
- c) can veto / approve concessions

If customary marine title is determined, customary marine title holders will have certain management rights that build on existing functions in natural resource legislation. CMT will give the holder the ability, with some exceptions, to prevent activities which require resource consents or permits

PROTECTED CUSTOMARY RIGHTS (PCR)

This recognition can overlap with others and it recognise a customary activity undertaken in a particular place. A protected customary right (PCR) may be granted for a customary activity such as collecting hāngi stones or launching waka etc

- A customary rights determination will confer some rights to customary marine title holders that will strengthen their role under the Resource Management Act 1991 and the Conservation Act 1987.

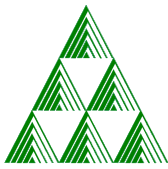
CRITERIA

Before customary marine title can be recognised applicants will need to meet a legal test that is set out in section 58 of the Act and requires that a group:

- holds a defined area in accordance with tikanga (Māori custom), and
- has exclusively used and occupied the area from 1840 until the present day without substantial interruption, or
- Received it, at any time after 1840, through a customary transfer.

WHAT HAPPENS IF APPLICATIONS FAIL AND/OR ARE NOT RECEIVED?

These areas will be known as Common space where, no one will have ownership over it, or will be capable of owning it.



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DETERMINATIONS

The Minister for Treaty of Waitangi Negotiations will determine if customary marine title exists based on:

- historical evidence from public records
- traditional evidence from Māori
- Information collected from the public.

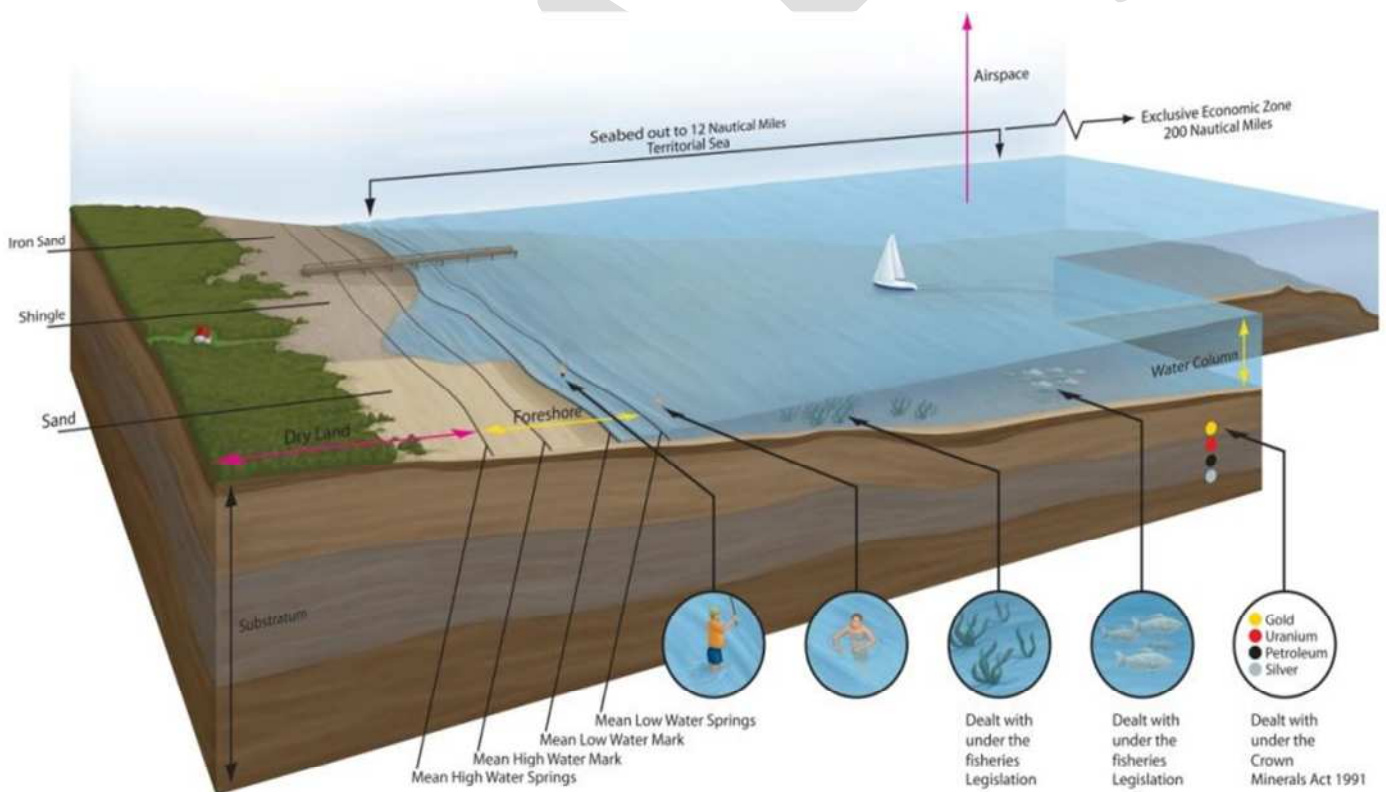
Customary marine title areas will still have free public access. The sole exception being some specified wāhi tapu sites that may require protection, eg sites of particular significance for their connection to ancestors and events associated with them, such as burial grounds.

WHAT AREA IS REGARDED AS THE COMMON MARINE AND COASTAL AREA?

The common marine and coastal area is the 'wet' part of the beach that is covered by the ebb and flow of the tide, from the line of mean high water springs to the outer limits of the territorial sea (12 nautical miles from shore), or a defined area within this zone.

NB:

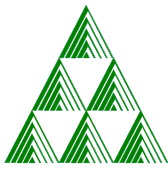
It does not include the dry parts of the beach, existing private titles or certain conservation areas.



MANIAPOTO AREAS OF INTEREST

From Te Raukumara in the North down to Waipingao Stream

- Kawhia Harbour and coastline RMC - 1

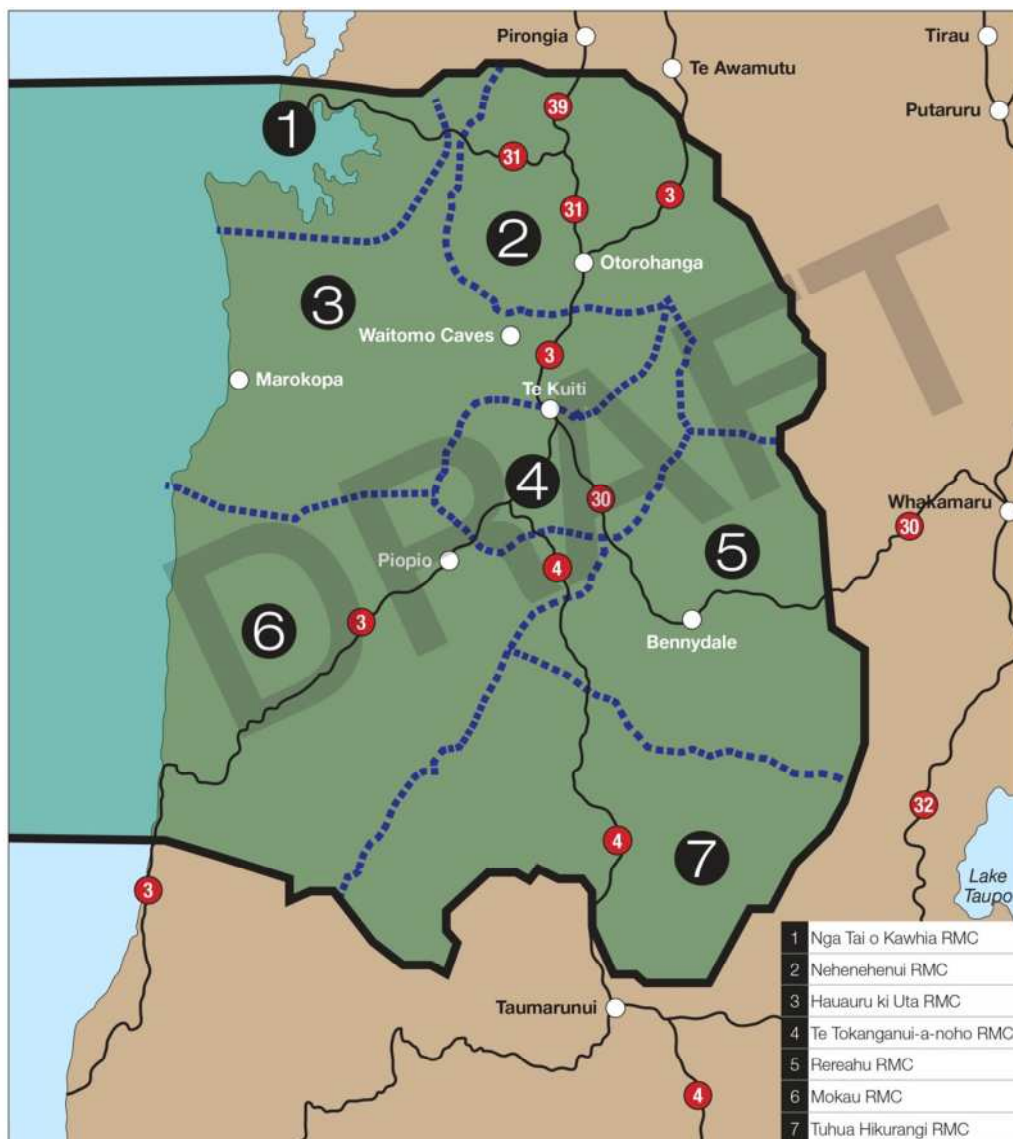


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- Coastline RMC - 3
- Coastline RMC – 6

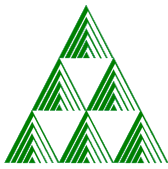
Other interests

- The Kawhia Harbour may have other interests shared by Ngati Apakura, Ngati Te Weehi. These will be discussed and settled before the application process.
- The coastline from the Mokau river to Waipingao maybe shared with Ngati Tama, this will be discussed and decided upon well before the applications process.
- Parts of the Maniapoto coastline are in private hands, and/or are part of Maori Landblocks. These interests will be discussed with the land block owners.



1. WHAT DOES THE CROWN'S APPLICATION PROCESS LOOK LIKE?

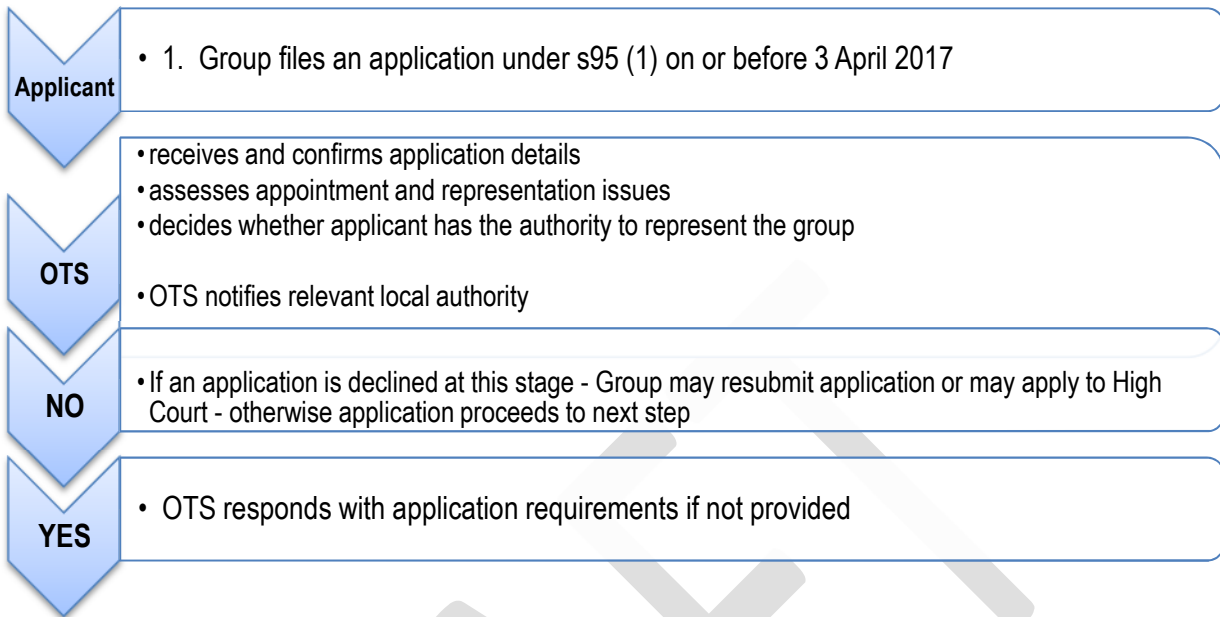
The process for Crown recognition of customary rights is divided into three phases involving six Key Steps:



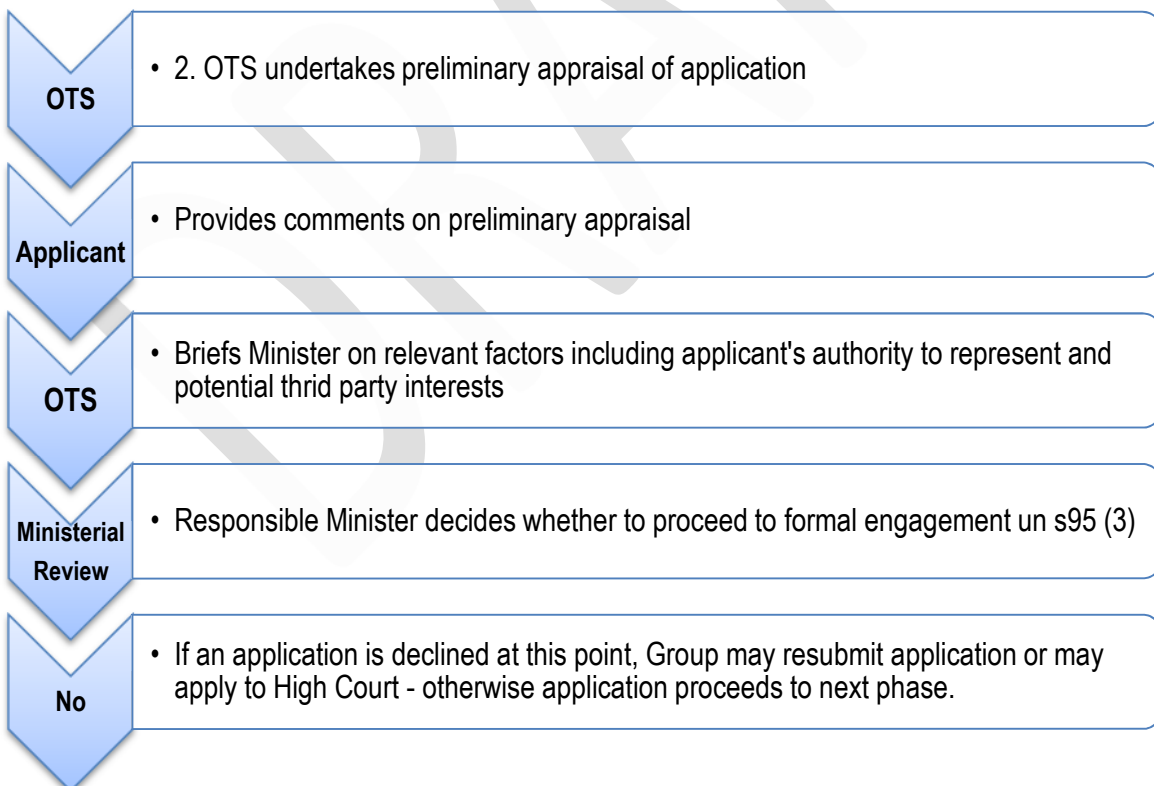
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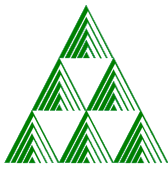
1. PRE-ENGAGEMENT PHASE

STEP 1:



STEP 2:

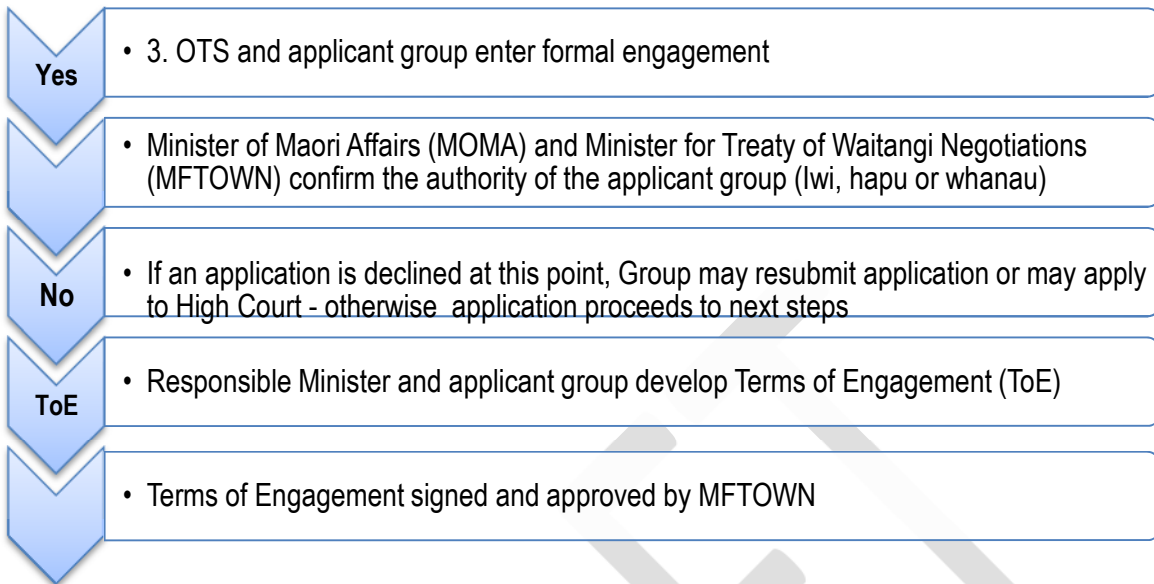




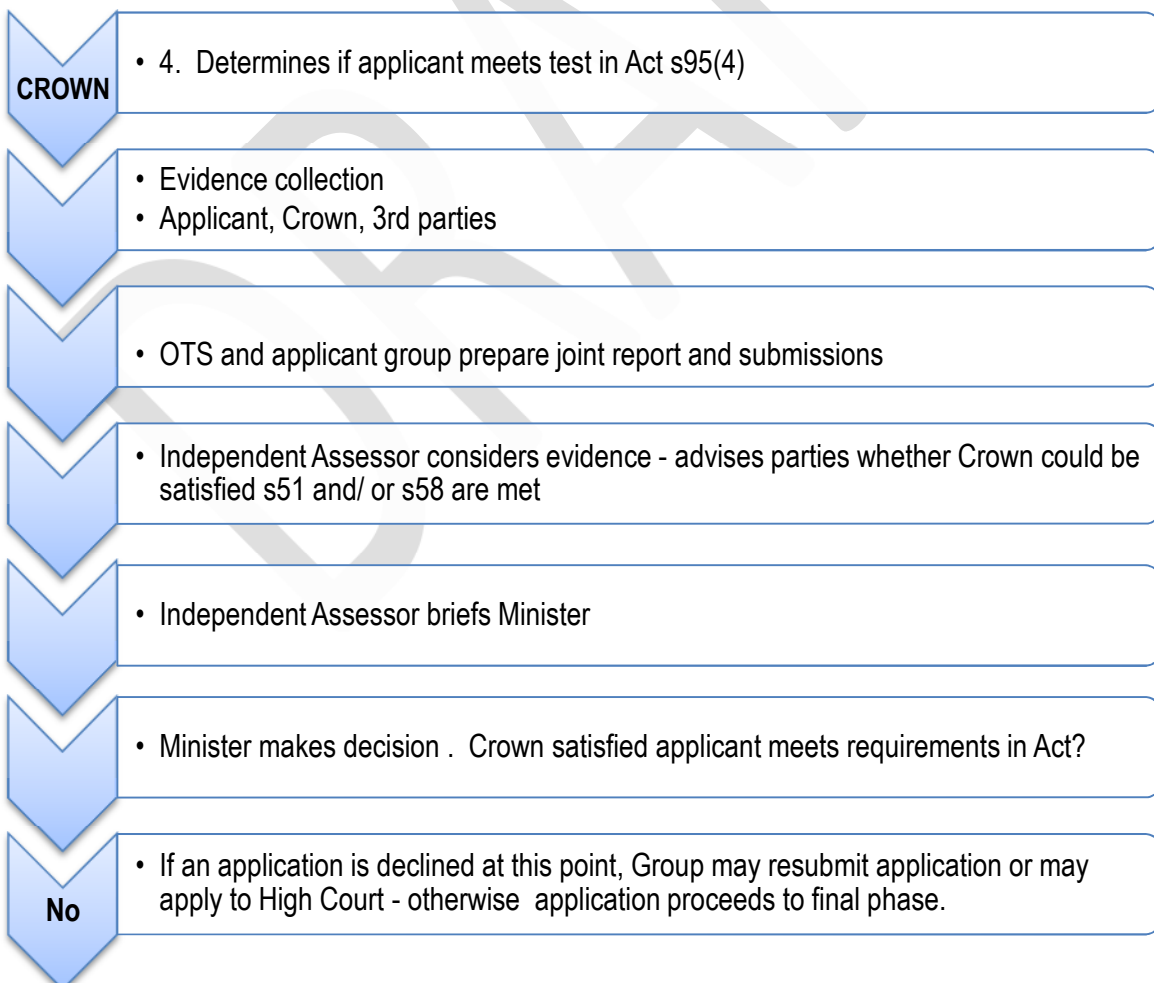
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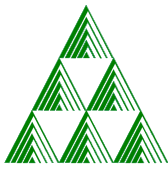
2. DETERMINATION PHASE:

STEP 3:



STEP 4:

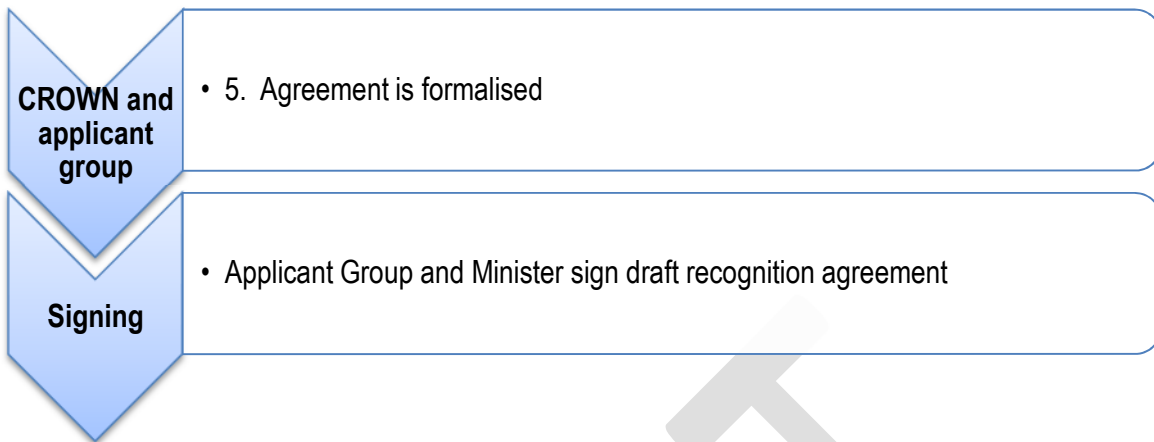




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3. FINALISATION PHASE

STEP 5:



STEP 6:

