

Rongomaiwahine Iwi Trust

Te Takutai Moana Act

What is the Takutai Moana Act?

The common marine and coastal area (MACA) is from mean high water springs (generally speaking the high tide mark) out to the edge of the territorial sea, excluding land that is privately owned, conservation areas, national parks, and certain reserves. Under the Act no-one owns the common marine and coastal area.

What is customary title?

Customary marine title (CMT) is one way the customary interests of iwi, hapū, and whānau groups in a specific part of the common marine and coastal area can be recognised under the Takutai Moana Act. Customary marine title recognises the mana tuku iho exercised by tangata whenua in the common marine and coastal area.

A customary marine title is not the same as a title to dry land. The rights of customary marine title are different to the normal rights that owners of dry land have. A group that has customary marine title cannot generally prevent members of the public from accessing a customary marine title area, except in limited circumstances. Public access, recreational use, fishing (whether recreational or commercial), and navigation are unaffected by customary marine title. The limited exceptions are where it is necessary to protect wāhi tapu and wāhi tapu areas. If the responsible Minister (Hon. Andrew Little) recognises customary marine title, that recognition is given effect through an Act of Parliament.

Where has Rongomaiwahine applied for CMT to be recognised?

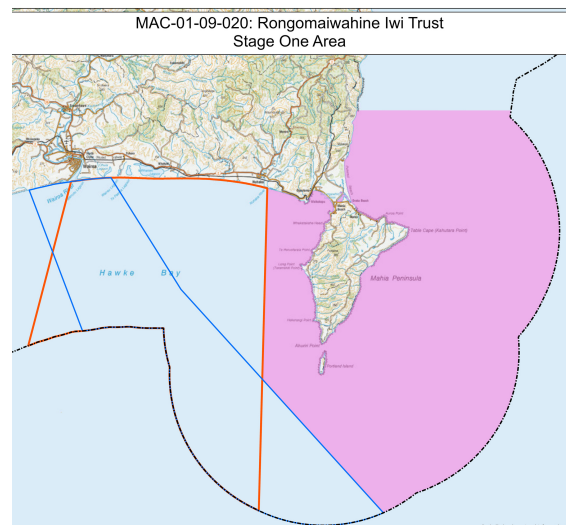
Rongomaiwahine is progressing with part of its MACA claim and began public consultation in July 2023.

RIT has decided to progress its MACA claim in 2 parts:

- The first part of the claim will look at the claim area where no overlapping interests exist
- The second part of the claim will look at the area where overlapping claims exist.

Map for phase 1 of Rongomaiwahine MACA claim

The shaded pink area of the below map indicates the area included in Rongomaiwahine's first phase of its MACA claim.



Why are Rongomaiwahine approaching their MACA claim in two phases?

The second area of Rongomaiwahine's claim includes cross-claims from whānau in the area. We want to take time to use a tikanga process to engage with our whānau on a pathway forward that upholds the mana of all involved. We do not want to have these conversations as part of the Crown process and instead want to have those conversations with our whānau on our own terms.

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How do groups meet the test for recognition of customary marine title?

Groups must have made an application to the High Court or to the Crown for recognition of customary marine title. Ngāti Koata Trust made its application in 2013.

To have customary marine title recognised, groups must show they:

- Hold the specified area in accordance with tikanga; and
- Have exclusively used and occupied the area from 1840 to the present day without substantial interruption or
- If the area was received through a customary transfer or tuku (an area gifted by one group to another) after 1840, have exclusively used and occupied
- the area from the time of the transfer
- to the present day without substantial interruption.
- The High Court has issued judgments which explain in more detail how the test is to be interpreted and applied.

What does recognition of customary marine title mean for the general public?

Public access, recreational use, fishing, and navigation are unaffected by customary marine title except if a lawful restriction applies (including any necessary to protect wāhi tapu and wāhi tapu areas). All existing rules for commercial, recreational and customary still apply.

Customary marine title groups may exercise the rights set out in te Takutai Moana Act 2011. These include rights to say yes or no, or to be consulted in relation to, certain conservation and resource management processes, rights to apply for wāhi tapu protection, and rights in relation to taonga tūturu. These new rights do not apply to various accommodated activities.

Is fishing affected?

Public access, recreational use, fishing, and navigation are unaffected by customary marine title (except if a lawful restriction applies, including any necessary to protect wāhi tapu and wāhi tapu areas). All existing rules for commercial, recreational and customary fishing still apply.

Are marine farms affected?

Customary marine title does not affect the existing consents for marine farms. Someone proposing a new marine farm or seeking to extend an existing marine farm may need to seek the views of a customary marine title group. Depending on the circumstances, the proposed activity may be one which the customary marine title group can say yes or no to.

Where can we go for more information?

More information about the rights can be found on the Te Arawhiti website and you can contact Rongomaiwahine Iwi Trust using the following contacts

[0800 100 967](tel:0800100967)

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