

19 November 2010



Maori Affairs Select committee
Parliament Building
WELLINGTON.

Tena koutou,

Submission of the Hauraki Maori Trust Board to the Maori Affairs Select Committee on the Marine and Coastal area. (Taputai Moana bill)

1. This is a submission of the Hauraki Maori Trust Board (the submitter).
2. The submitter wishes to be heard on this submission.
3. The contact details of the submitter are;
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4. Hauraki Iwi have a long standing relationship with their foreshore and seabed that they hold in accordance with tikanga. They have exercised rangatiratanga and kaitiakitanga over these places for centuries. It was also in Hauraki where the first native land court hearings were held in the nineteenth century to investigate customary title to the foreshore and seabed. This subsequently resulted in the crown asserting their title to these lands Tanumeha Te Moananui and other Hauraki rangatira petitioned the crown for justice for taking their "places of the sea" to no avail.
5. Throughout 2003/2004 the Board lead opposition to the Government's proposal to vest ownership of the foreshore and seabed in the Crown overruling the finding of the Court of Appeal that Maori could seek title to the foreshore and seabed. The historical circumstances and continued storm of protest over this action and over the last 142 years are well documented.
6. In 2004 Hauraki marched in Thames, Auckland, Hamilton, Rotorua and took a 500 strong contingent to Wellington to hikoi to tell the Crown not to pass the Foreshore and Seabed legislation. We maintained our challenge through the Select Committee process to stop what we considered the largest confiscation of Maori land in recent history. The Board was part of the Waitangi Tribunal case; it looked at the Crown's Foreshore and Seabed policy and were part of the push to have the crown made accountable in international contexts.

HAURAKI MAORI TRUST BOARD

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7. Since then the National Party and the Maori Party agreed to review the Foreshore and Seabed Act 2004 in their confidence and supply agreement of November 2008. The Ministerial review panel was appointed by the Attorney General in March 2009 and the panel undertook a country wide consultation process. The Board attended the panel's hui at Orakei Marae, Tamaki. The panel's findings concluded that the Act failed to balance the interests of all New Zealanders in the Foreshore and Seabed and was discriminatory and unfair to Maori in particular. It recommended to Government that the law be repealed and be replaced with new legislation. The Government considered the panel's report and engaged in discussions on options and in March 2010 released a consultation document outlining its preferred solution. The Crown met with Hauraki at Te Pai o Hauraki Marae on 23rd April 2010 as part of that process.
8. The Board has consistently supported a regional settlement of Foreshore and Seabed interests within Hauraki and continues to do so.
9. The Board was generally supportive of the high level intent of the Government proposals subject to seeing the detailed wording, now that the submitters have had the opportunity to consider the detailed provisions it is clear that in a number of ways the bill is far more restrictive than originally proposed by the Crown. While the submitter supports the repeal of the Foreshore and Seabed Act 2004, at a substantive and procedural level, the bill does not go far enough in addressing the injustices created by that act and Maori remain in a position where customary rights are not adequately recognised or protected.
10. Further the Treaty of Waitangi should be being given effect to rather than merely taking it into account (Clause 5).
11. Generally, the recognition process for customary rights within the bill is complex and expensive and creates barriers for Maori to engage. Within the bill, customary rights are secondary to the protection of the public interest. This overall framework that relegates customary interests is not supported.
12. Further, the bill's provisions that require participation in relation to selected conservation activities is firmly opposed as the goals and aspirations being discussed in the context of treaty settlement negotiations is co-governance not participation.
13. Thank you for the opportunity to submit to this bill.

No reira, naku noa na, noho ora mai



Liane Ngamane