

TAKUTAI MOANA – FORESHORE AND SEABED REFORM

As provided to Regional Hui
November-December 2009

Agenda

- Presentation:
 - Context
 - Current Status
 - Report Back
 - Proposed process
 - Current Crown thinking
- Questions/Discussion
- Framework – questions/discussion
- Next steps – regional contacts



Takutai Moana

Context



Takutai Moana

Current Status

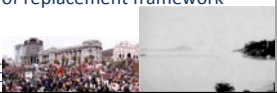
- Confidence and supply agreement with Māori Party;
- Ministerial Review Report – recommended repeal and replacement
- Prime Minister has announced intention to repeal the Foreshore and Seabed Act 2004, subject to an appropriate replacement regime being developed
- Timeline is fast– repeal and replacement regime in place by December 2010



Takutai
Moana

Report Back- overview

- Iwi Chairs Forum at Hopuhopu August 26th 2009 – mandate for Iwi Leaders to engage with the Crown on framing the process to achieve repeal and develop the replacement regime.
- Outcomes from engagement with Crown:
 - Commitment to engagement in development of replacement regime;
 - Resources to support hui amongst Iwi and Hapū;
 - Principles of replacement framework



Takutai
Moana

Report Back- basis of engagement

- Statement to meeting with Prime Minister and senior Ministers on 26th August 2009:
 - The Tiriti underpins the relationship between Iwi and the Crown and is the basis for all engagement;
 - Provision for the exercise of mana: recognise customary authority, customary use and the right to develop and allow Iwi / hapū to express their autonomy, rights and tikanga;
 - Negotiations with Ngāti Porou, Te Whanau a Apanui and others must be respected, as must Treaty Settlement negotiations touching on foreshore and seabed matters;
 - Simultaneous repeal and replacement;
 - Related reform – constitution and oceans



Takutai
Moana

Report Back- policy issues paper

7th October to Attorney General:

- Addressing the mamae;
- Redressing the mamae;
- Details:
 - Vesting of foreshore and seabed –the ownership issue;
 - Title and the Role of the Courts – if there is a form of title (customary or tūpuna) how get it and outcomes from having it;
 - Provision for the Exercise of Mana – how Iwi and hapū mana is given effect on the ground;
 - Scheme of Replacement Regime – the lawyers’ game of detail or open type statute; and
 - Policy Development Programme – the process for developing the policy framework and enacting the replacement regime.



Takutai Moana

Wānanga
3rd November 2009

Proposed key steps

- **Nov-Dec 09 – National and Regional Hui** (Iwi and hapū discussions on priorities, objectives and fundamentals amongst ourselves)
- **Feb 10 – National Hui at Waitangi** (update on engagement);
- **Feb-Mar 10 – Regional Hui** (invite Crown to attend hui to discuss replacement framework)
- **May 10 – National Hui at Turangawaewae**



Takutai Moana

Wānanga
3rd November 2009

Proposed engagement framework



Takutai Moana

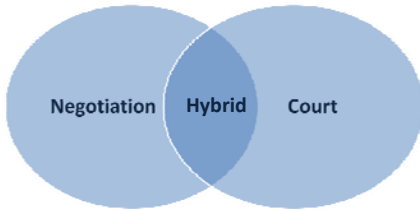
Regional Hui Nov-Dec 09

14 th Nov	9.30am-2.00pm	Wairariki/Mataatua/Hauraki	Te Pai o Hauraki Marae Paeroa
15 th Nov	1.00pm-5.00pm	Hauaauru	Kingsgate Hotel Whanganui
20 th Nov	12pm – 3pm	Te Tau Ihu	Waikawa Marae Picton
21 st Nov	Morning	Te Waipounamu	Oraka Aparima Riverton
4 th Dec	10am – 2pm	Tairawhiti	Pukemokemoke
9 th Dec	10am – 2pm	Taitokerau	Pehiawiri Marae Whangarei
15 th Dec	TBC	Waikato	Hopuhopu



Takutai Moana

Crown's current outlook



Takutai Moana

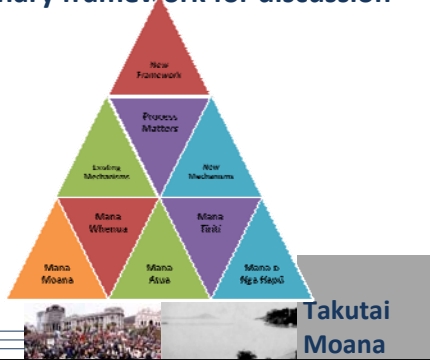
Likely limitations

- No compensation
- Matters outside replacement framework;
- Ongoing involvement of central / local government
- Thresholds for mechanisms
- No new bodies/bureaucracies
- Infrastructure, public interests, economic development

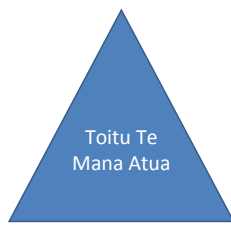


Takutai Moana

Preliminary framework for discussion



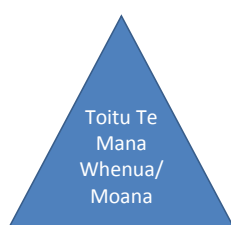
Preliminary framework for discussion



- He tapu
- Ehara no te Karauna
- I heke iho mai no na tipuna
- Kaore na te Karauna te mana motuhake
- I roto i te reo a te ture
 - 'enduring' – mai rano – mo ake tonu atu
 - 'inalienable' – kaore he tae ki te hoko



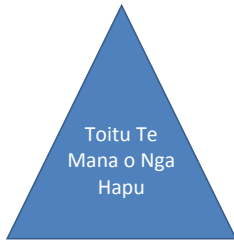
Preliminary framework for discussion



- Ko te Ao Turoa tenei
- He tapu te whakapapa
- Ko te oranga o ngā tuakana
- Ko te oranga mo tatou



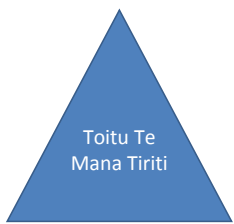
Preliminary framework for discussion



- Kei ngā hapū te mana
- Na ngā hau kainga e kawē tenei kaupapa



Preliminary framework for discussion



- He tapu te kawenata i waenganui i te Karauna me ngā hapū
- Na te Tiriti (noaiho) te mana o te Karauna – engari kei kona tonu, i roto i te Wahanga Tuarua, ta tatou rangatiratanga



Next Steps

- Regional hui (Nov/Dec)
- Build regional network /Technical Reference Group (Nov/Dec)
- Email update of discussions at regional hui (December)
- Email update on any further engagement with Ministers (December)
- National Hui- Waitangi report back on policy development (Feb)
- Iwi and hapū invite Crown to hui (Feb/March 2010)
- National Hui – Turangawaewae discuss response to Bill (April/May)

