THE MARINE AND COASTAL AREA (Takutai Moana) ACT 2011 (“the Act”)

The Act defines the Common Marine Coastal Area and provides for three levels of protection for Māori customary interests in the CMCA:

1. *Participation in conservation processes in CMCA;*
2. *Protected customary rights; or*
3. *Customary marine title.*

Consequences of a grant in favour of Customary Marine Title

Customary marine title is the ‘greatest’ of the three potential interests under the Act and includes:

* *The right to permit (or withhold permission for) activities requiring resource consent in the area covered by the title (existing consented activities and some others are exempted from this);*
* *The right to permit (or withhold permission for) certain conservation processes, e.g. the establishment of marine reserves;*
* *Input into the New Zealand Coastal Policy Statement and applications for marine mammal watching permits.*
* *The ability to prohibit or restrict access to wāhi tapu within the customary marine title area;*
* *Prima facie ownership of taonga tūturu (historical artefacts) found in the customary marine title area;*
* *The ownership of non-nationalised minerals within the customary marine title area; and*
* *The right to prepare a planning document setting out the objectives and policies for the customary marine title area which would be recognised and provided for by the regional council in relation to resource management issues.*

Customary marine title areas remain subject to the right of free public access, and public rights of fishing and navigation (except some wāhi tapu areas). Existing resource consents and other legal interests continue until the end of their term.

Te Rūnanga o Ngāi Tahu Application for Customary Marine Title

* Made on behalf of all Ngāi Tahu whānui to ensure the statutory deadline was met.
* Te Rūnanga will work with rūnaka and land owners to ensure title of each area rests with mana whenua.
* This application does not overlap and will not hinder any valid application made by Ngāi Tahu whānau in the Ngāi Tahu takiwā. Te Rūnanga supports those applicants exercising their own mana.
* Te Rūnanga has applied for both formal pathways provided by the Act, direct negotiation with the Minister for Treaty Settlements, and the High Court. As the kaupapa progresses the best pathway for each area will be taken.