



TAKUTAI MOANA – FORESHORE AND SEABED REFORM

National Iwi Leaders' Hui, Rotorua

10th November 2009

Agenda

- Context;
- Current Status;
- Report Back;
 - Basis of engagement;
 - Policy Issues
- Proposed engagement framework;
- Proposed key steps;
- Proposed regional hui agenda;
- Preliminary framework for discussion



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Context



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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 place by December 2010



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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



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Report Back- basis of engagement

- Statement to meeting with Prime Minister and senior Ministers on 26th August 2009:
 - That the Treaty of Waitangi underpins the relationship between Iwi and the Crown and is the basis for all engagement concerning the foreshore and seabed;
 - Provision for the exercise of mana to recognise customary authority, customary use and the right to development in a way that allows for the Iwi and hapū to express their autonomy, rights and tikanga, as distinct within their territories;
 - That the negotiations with Ngāti Porou, Te Whanau a Apanui, Te Rarawa and Ngāti Pahauwera must be respected, as must Treaty Settlement negotiations touching on foreshore and seabed matters;
 - Simultaneous repeal and replacement;
 - Related reform – constitution and oceans



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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 detailed or open type statute; and
 - Policy Development Programme – the process for developing the policy framework and enacting the replacement regime.



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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**

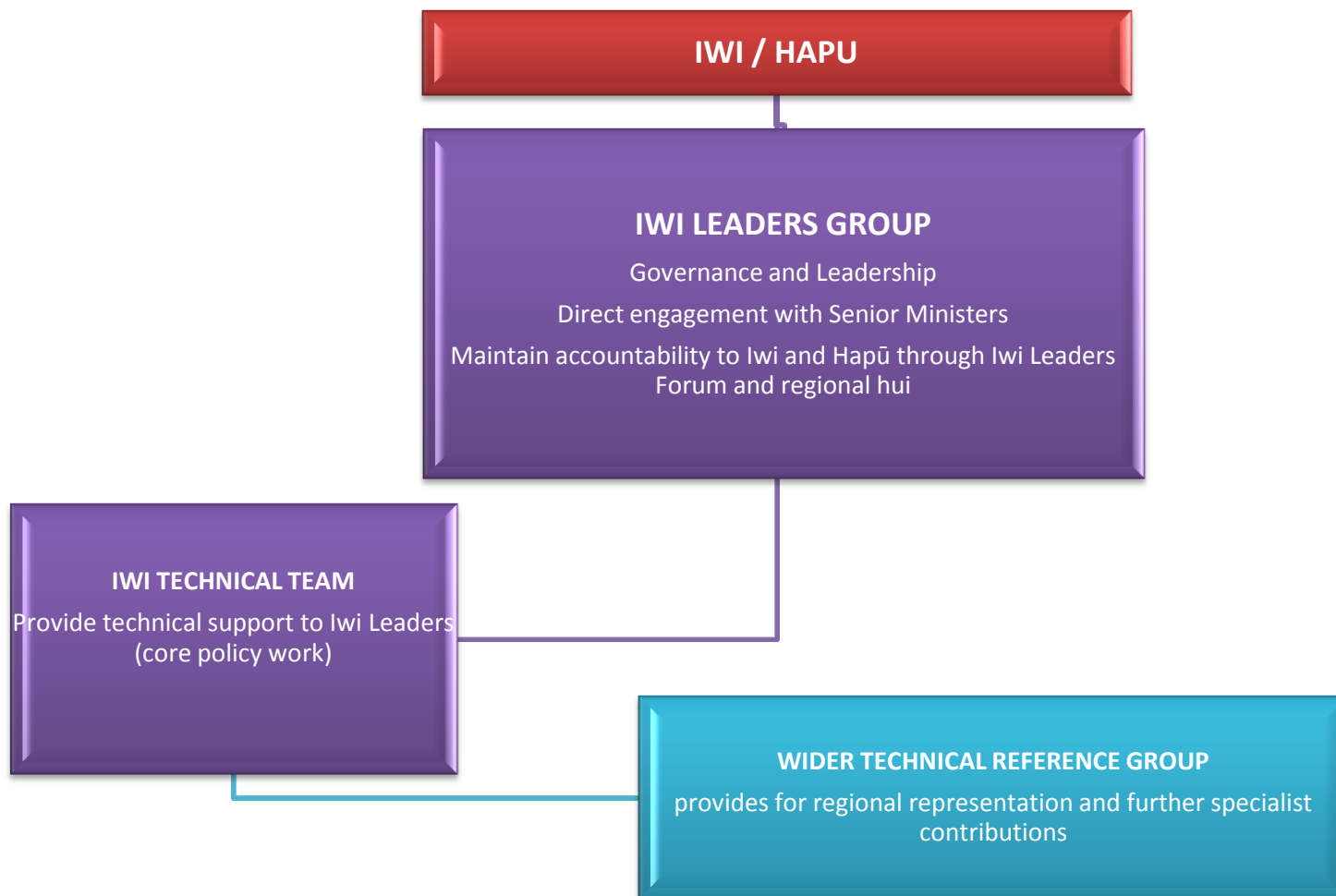


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Proposed engagement framework



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Proposed regional hui agenda

- Detailed update on engagement;
- Nominations for regional representative;
- Discussion on priorities, objectives and fundamentals for the takutai moana;
- Discussion on regional differences;
- Discussion on potential mechanisms for the replacement regime;
- Invitation to Crown to attend hui in Feb-March 2010



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Regional Hui Nov-Dec 09

| | | | |
|----------------------|-------------------|--------------------------------|---|
| 14 th Nov | 9.30am- 2.00pm | Wairariki/Mataatua/ Hauraki | Ngahutoitoi Marae Paeroa |
| 15 th Nov | 1.00pm- 5.00pm | Hauaauru | Kingsgate Hotel 379 Victoria Avenue Whanganui |
| 20 th Nov | 12-3pm | Te Tau Ihu | Waikawa Marae Picton |
| 21 st Nov | Morning | Te Waipounamu | Oraka Aparima Riverton |
| 4 th Dec | TBC | Tairawhiti | Pukemokemoke |
| 9 th Dec | 10am – 2pm | Taitokerau | Pehiawiri Marae Whangarei |
| 15 th Dec | TBC | Waikato | Hopuhopu |

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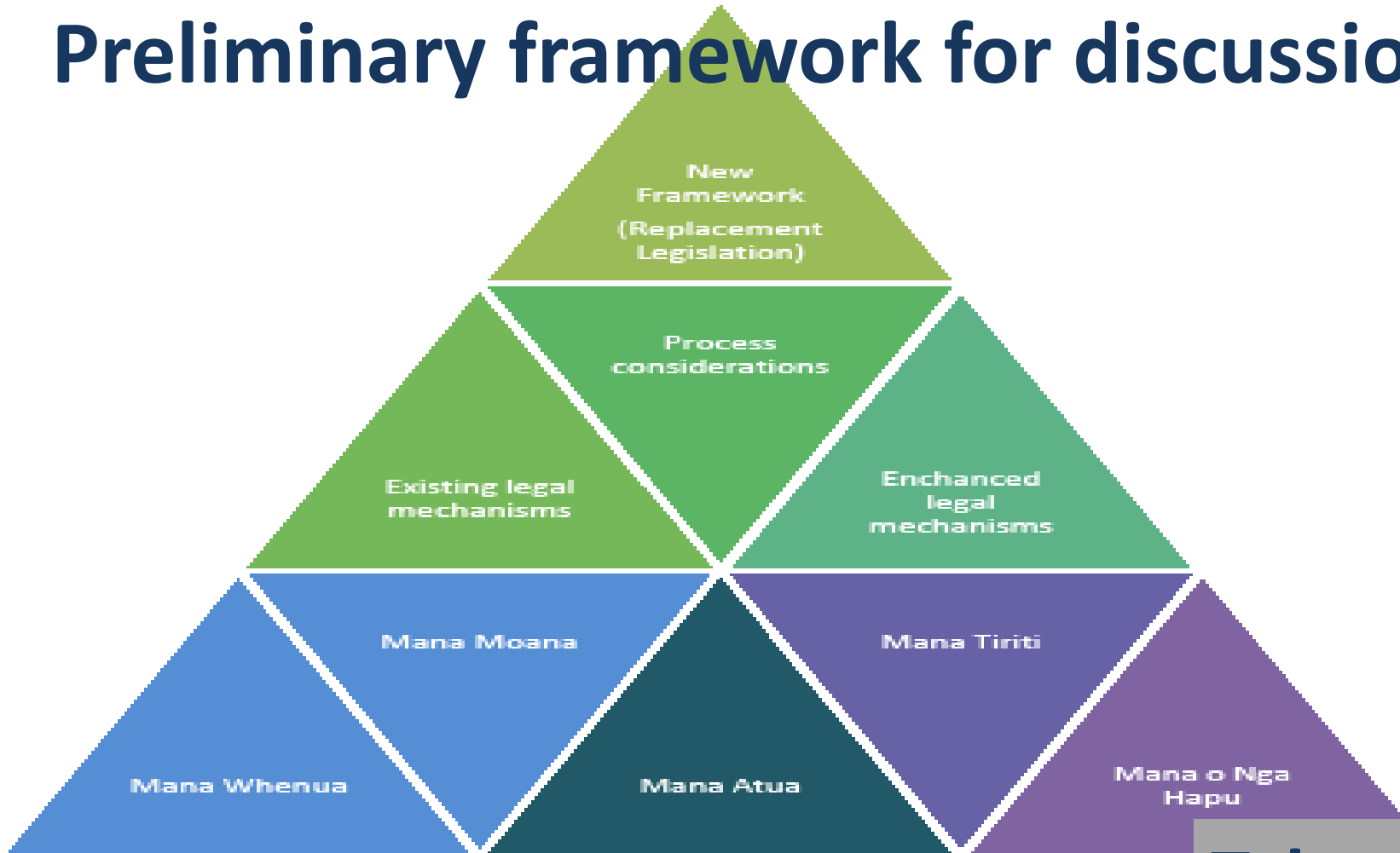
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Preliminary framework for discussion

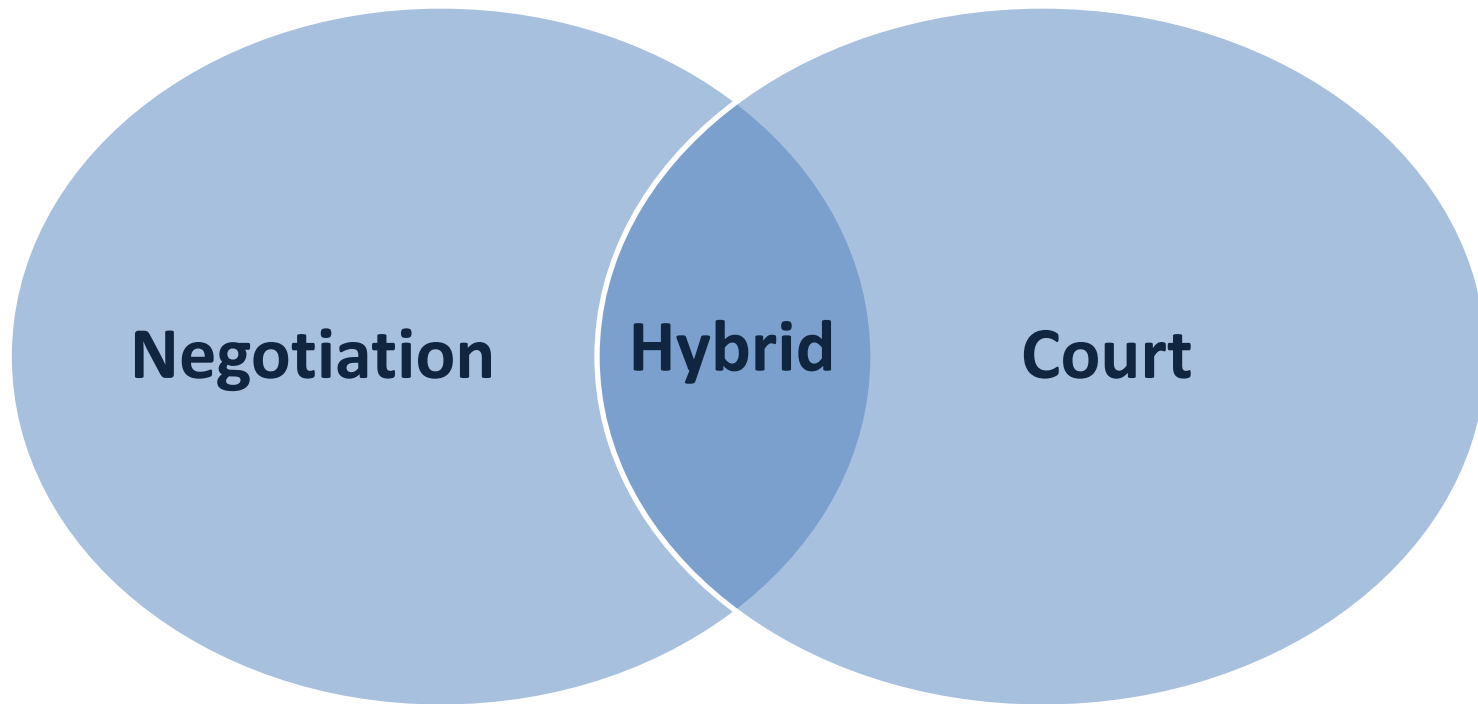


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Crown's current outlook



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Likely limitations

- No compensation;
- Matters outside replacement framework;
- Ongoing involvement of central and local government;
- Thresholds for mechanisms.



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Next Steps

- Regional hui (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)



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