



PĀNUI TAKUTAI MOANA

July 2021 - Information for applicants

Kia ora koutou! Me mihi ka tika i roto i te āhuatanga o te wā. Pānui Takutai Moana provides you with the latest updates and developments that will help you with your application under te Takutai Moana Act 2011.

Takutai Moana Engagement Strategy

Earlier in June the Minister for Treaty of Waitangi Negotiations announced a new approach the Crown will be taking to support the progression of your takutai moana applications.

The Takutai Moana Engagement Strategy has been designed to enable working with applicants across 20 coastal areas, through three distinct phases. The three phases, which focus on different parts of the process, are:

- initial engagement;
- research and evidence gathering; and
- determination and recognition.

The strategy is focussed on achieving a fair, transparent, and timely determination of your takutai moana application. You can find more information on our website [here](#).

We will be contacting you in the coming months to discuss your application and how we might best be able to support you.

Resource Management Act Reform

You may have seen that the Government is working to repeal and replace the Resource Management Act 1991 (RMA). Information on how you can be involved in these reforms is available on the Ministry for the Environment's [website](#).

In summary, you can:

- register to attend regional hui on the reforms for iwi, hapū and whānau; and
- make a written submission to the Select Committee, which is currently holding a public inquiry into some of the text of the new RMA (more information on making a submission can be found [here](#)).

If you are a member of a Post Settlement Governance Entity (PSGE), you can also talk to them about providing feedback directly to the Ministry for the Environment.

As part of our work with the Ministry for the Environment we can also pass on any specific feedback you might have on RMA reforms directly, so please feel free to [contact us](#).

Summary of Whakatōhea Decision

A group of applicants based around Ōhiwa harbour have successfully applied to the High Court for customary marine title and protected customary rights under te Takutai Moana Act 2011. The applicants included six hapū of Whakatōhea, as well as groups representing Ngāti Awa and Ngāi Tai. Justice Churchman's decision (*Re Edwards (Whakatōhea No. 2)*) was released on 7 May 2021.

This decision is significant as it is the first High Court decision to consider overlapping and shared interests under te Takutai Moana Act 2011. Justice Churchman found that most of the applicant groups have met the statutory tests for customary marine title and protected customary rights.

A second hearing has been scheduled for February 2022 to decide the terms of the joint customary marine titles, and the exact boundaries of the customary marine title areas.

Several parties have appealed against the judgment, including some applicant groups and the Landowners Coalition, who appeared as an interested party in the hearing.

The Attorney-General is not appealing the judgment and has filed an application for leave to intervene. Leave to intervene will enable the Attorney-General to make legal submissions in any appeals, without taking a formal position.

You can find more information on the Whakatōhea judgment [here](#).

Update on review of the financial assistance scheme

Last year the Takutai Moana Financial Assistance Scheme was reviewed, and we wrote to ask you to make submissions on how the scheme could be improved. Your feedback and the findings of the review are very clear; changes are needed to ensure applicants are adequately funded in both the High Court and Crown Engagement pathways.

In the coming weeks we will share more with you on the findings of the review, and the changes we're working on to improve the scheme. This update will include the process by which we will seek decisions from Ministers on changes to the scheme, as well as when we plan to consult with you on how any changes to the scheme can be delivered to support you.

HOW TO CONTACT US

For any queries about this pānui please contact us at takutaimoana@tearawhiti.govt.nz.



Takutai Moana Engagement Strategy announcement, Kaiuku Marae- Māhia, 12 June 2021.