



FORESHORE AND SEABED

Towards an Enduring Solution

31 March 2010

National is determined to resolve the foreshore and seabed issue once and for all. The current legislation created widespread grievance among Maori, not least because their ability to go to the courts to seek recognition of their rights was taken away.

We want a solution that is enduring and just, that protects the principle of public access to the foreshore and seabed, and that puts in place a way for iwi to have their interests recognised. As such, we propose a new approach to ownership of the foreshore and seabed.

PUBLIC DOMAIN

National's preferred option:

- Repeal the contentious Foreshore and Seabed Act.
- Remove 'Crown ownership' of the foreshore and seabed, and make it a 'public domain' / takiwā īwī whānui.
- State that the public domain is not owned by anyone and cannot be owned by anyone.
- Exclude privately-owned land from any new legislation.
- Restore the right for people to go to Court to establish customary title to discrete parts of the foreshore and seabed, where this can be proved.

OUR COMMITMENTS

The Public Domain proposal assures:

1. **Public access to the foreshore and seabed for all** – subject to specific limitations in discrete areas (such as health and safety restrictions around ports, or restrictions around burial grounds).
2. **Respect for rights and interests** – including recognition of customary rights and interests, and protection of fishing and navigation rights.
3. **Protection of existing use rights** – to the end of their term.

KEY TERMS

FORESHORE AND SEABED

The area of land under the sea out to the 12-mile limit, and the 'wet part' of the coastline that is covered by the tide.

CUSTOMARY TITLE

A common law concept that typically recognises property rights held by indigenous people before the acquisition of Crown sovereignty. This is not freehold title. Customary title is inalienable – it cannot be sold.

CUSTOMARY INTERESTS

Customary practices and activities that have continued since 1840.

TIMELINE

COURT OF APPEAL RULING

June 2003 – The Court of Appeal rules that the Maori Land Court may investigate, in some circumstances, conversion of Maori customary title to freehold title (private ownership). This ruling challenged the assumption of Crown ownership of the foreshore and seabed.

FORESHORE AND SEABED ACT

November 2004 – Labour passes the Foreshore and Seabed Act, vesting ownership of the foreshore and seabed in the Crown. This denied iwi the opportunity to assert their property rights and test them in court.

CONFIDENCE AND SUPPLY AGREEMENT

November 2008 – National and the Maori Party agree to review the Act as part of our Relationship and Confidence and Supply Agreement.

RECOMMENDATION FOR REPEAL

June 2009 – The Ministerial Review Panel recommends the Foreshore and Seabed Act be repealed.

CONSULTATION PAPER RELEASED

31 March 2010 – The Government releases a consultation Paper on options for replacing the Foreshore and Seabed Act.

PUBLIC MEETINGS

April 2010 – The Attorney General and Minister of Maori Affairs will attend public meetings and hui around the country.

PUBLIC SUBMISSIONS CLOSE

30 April 2010 – at 5pm.

HAVE YOUR SAY

We want to hear your views on our Public Domain proposal and urge you to make a submission. Download the full discussion paper at www.justice.govt.nz or contact your local National MP.

Submissions close on 30 April 2010.