

# Te Rūnanga o Whaingaroa Marine and Coastal Area (Takutai Moana) Act 2011



Te Rūnanga o  
Whaingaroa



# Background / Refresher

- Two pathways –
  - Crown engagement
  - High Court
- Ultimate outcome if successful – the legal recognition of customary rights and interests
- Two broad ‘categories’ of rights under Act
  - Customary Marine Title (‘CMT’) – form of title
  - Protected Customary Rights (‘PCRs’) – relating to specific rights and uses



# Background / Refresher cont.

- Benefits for CMT holders –
  - Resource Management Act ('RMA') permission right,
  - conservation permission right,
  - wāhi tapu protection rights,
  - ownership of non-Crown owned minerals
- Benefits for PCR holders –
  - ability to carry out the protected rights with some RMA benefits
- Different to a Treaty Settlement



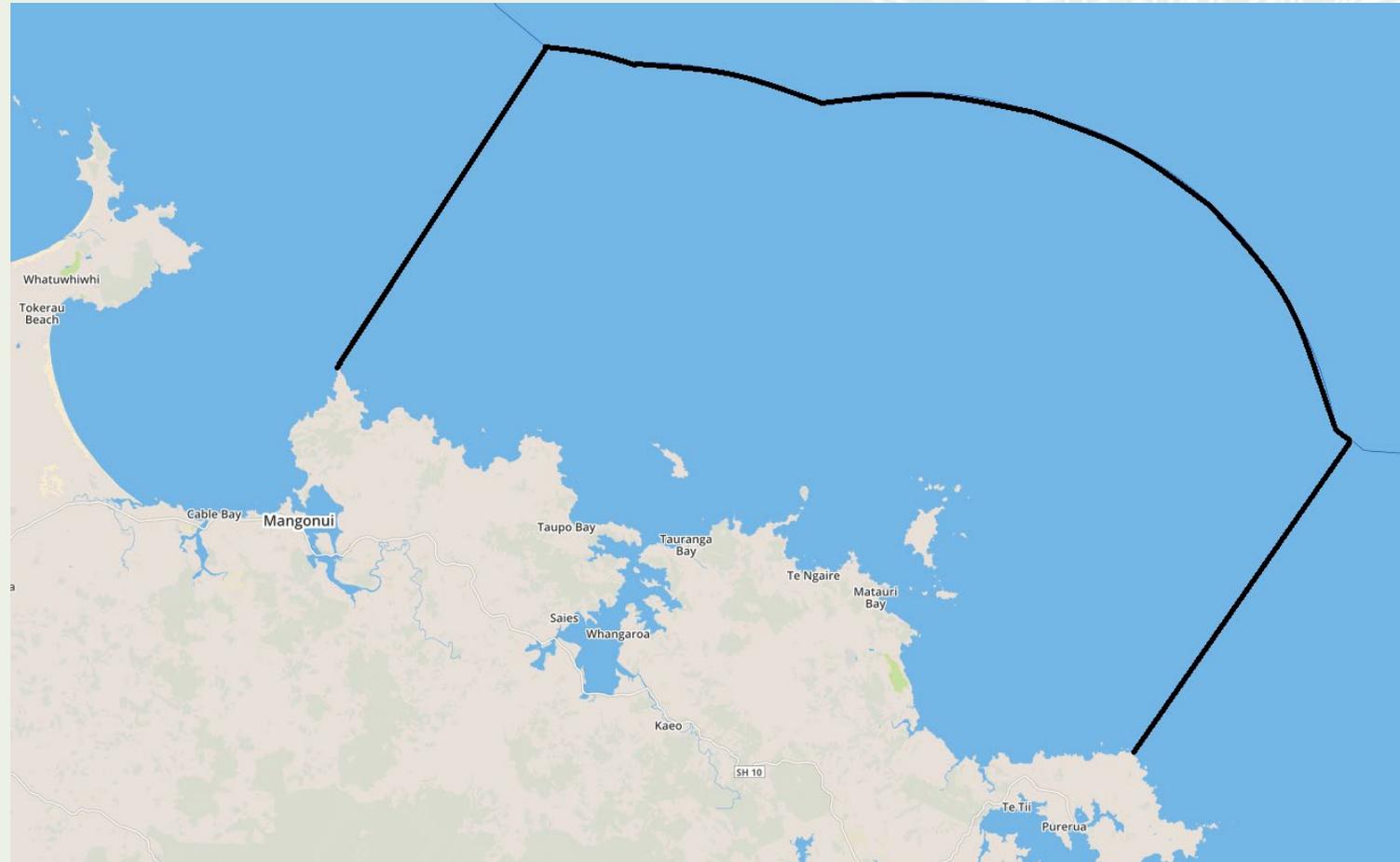
# Events to date

- Application filed (in accordance with statutory deadline)
- Case Management Conference- Whangarei, June 2018
- Funding applied for, Runanga required to make submissions on complexity – September 2018
- Funding approved, ‘very high’ complexity confirmed- November 2018
- Memoranda filed with Court- 14 August 2017, 13 April 2018



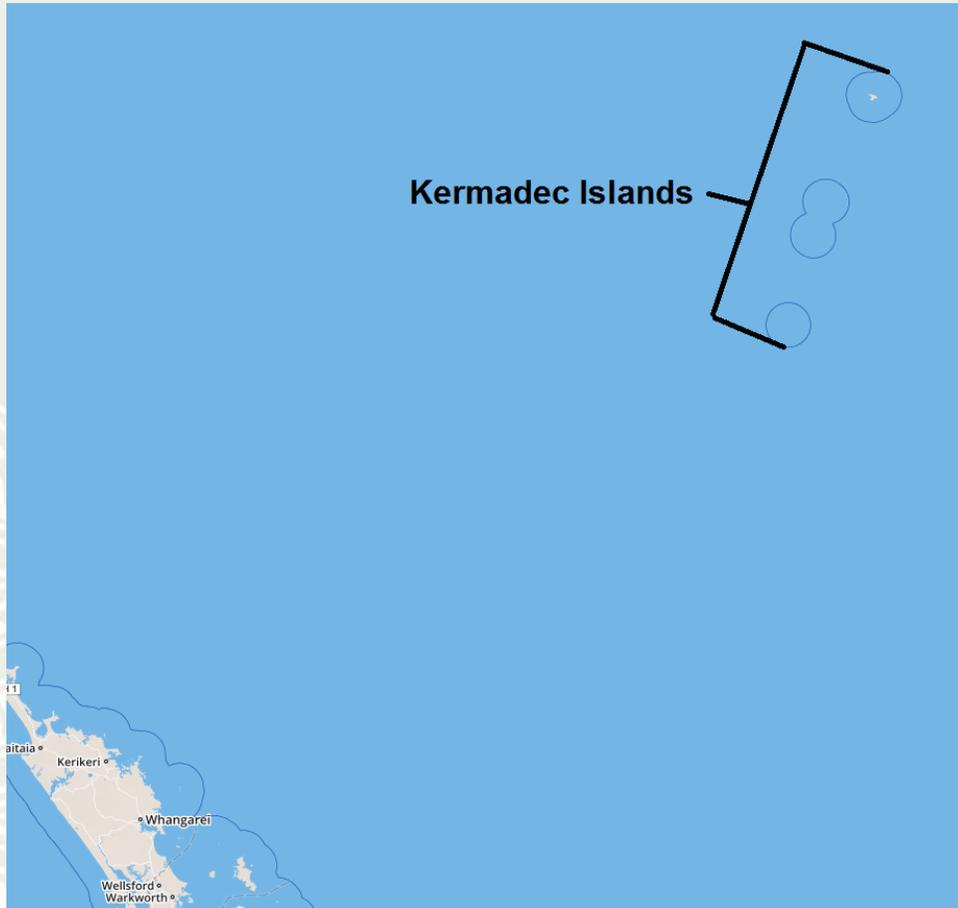
# Application Area

From Berghan's Point in the North, out to 12 nautical miles and along the eastern coastline heading south to Rocky Point in the Purerua Peninsula, including among others the Moturoa Islands, Stephenson Island, the group of islands in the Whangaroa Harbour (including Peach Island) and the Cavalli Islands east of Opounui Point and 12 nautical miles out from the coastlines of those islands.





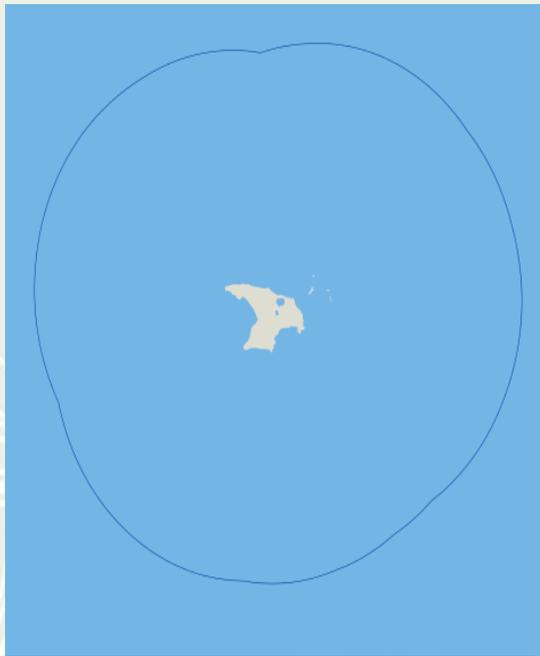
# Application Area cont.



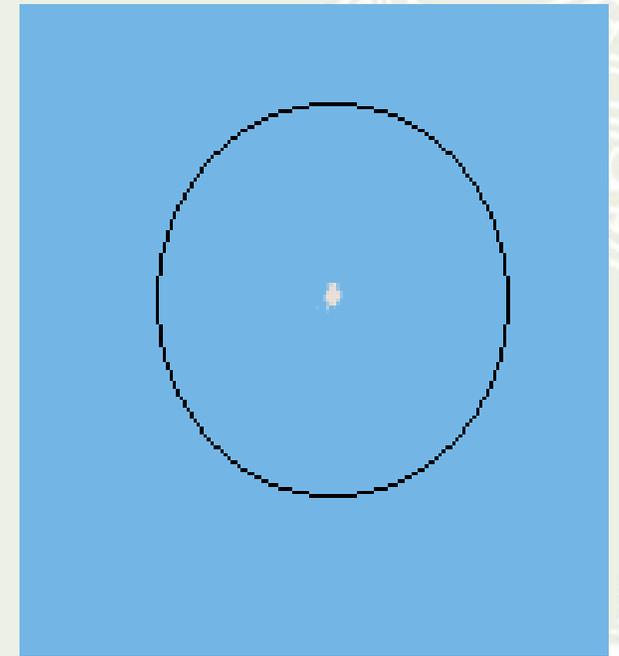
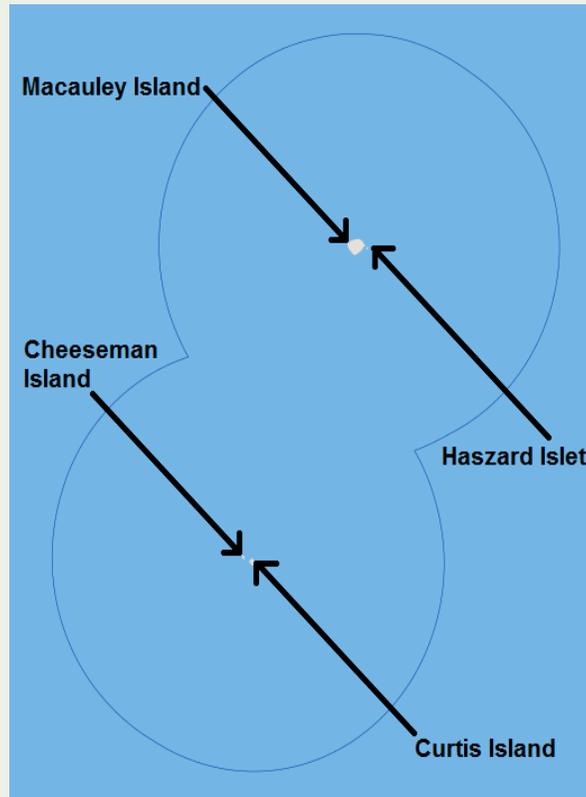
12 nautical miles out from the Kermadec Islands' coastlines. From north to south, the islands are: Raoul Island, Macauley Island and Hazard slet, Cheeseman Island and Curtis Island, and L'Esperance Rock.



# Application Area cont.



Raoul Island



L'Esperance Rock

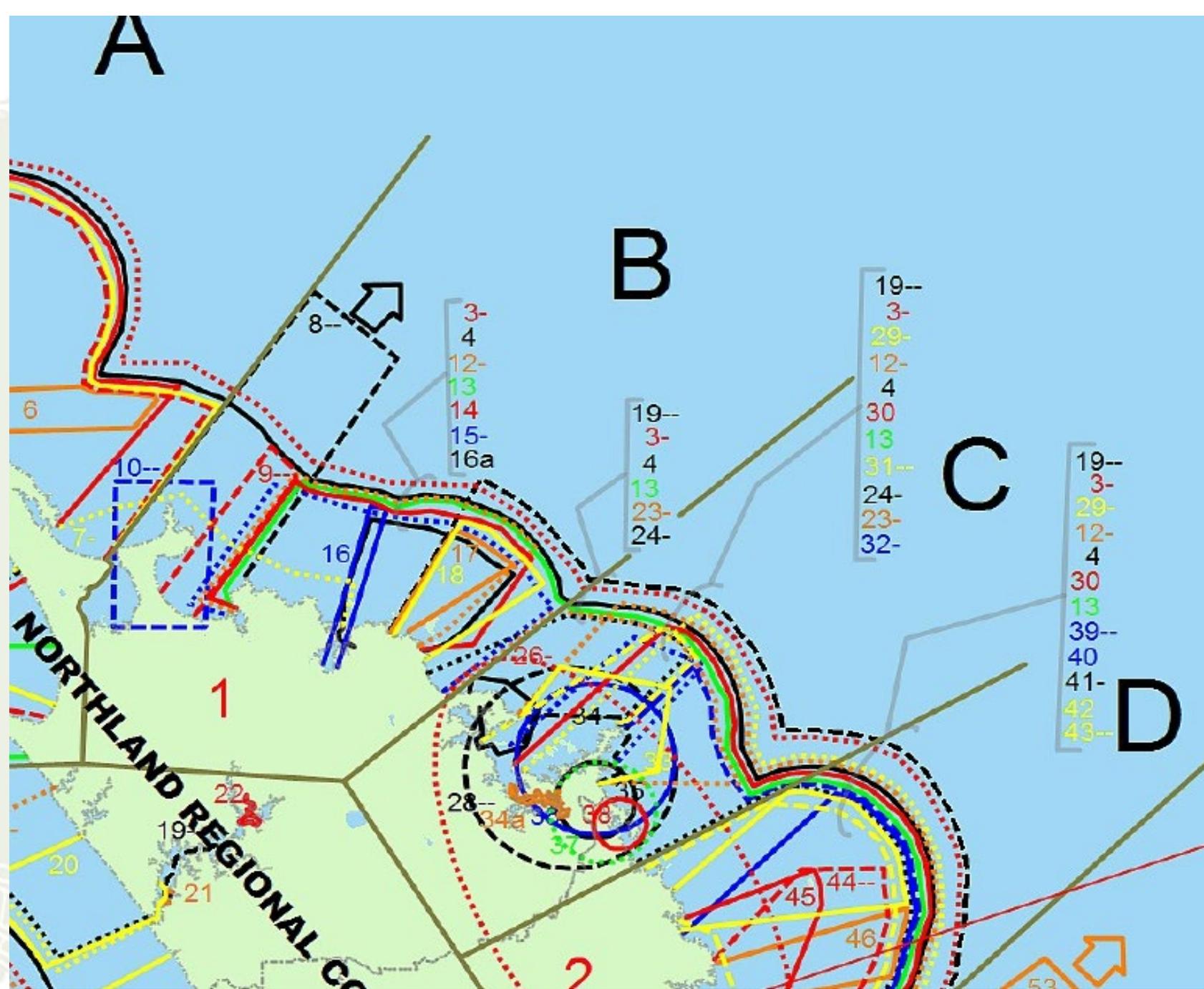


# Overlapping applications

- *Note: statutory deadline for filing applications was in 2017. No new applications can be made.*
- Can have an effect on mandate, and also legal tests for CMT due to a requirement for exclusivity.
- Collaborative approach encouraged if possible.



# Overlapping applications cont.





# Next steps

- Case management conference- Whangarei, 25 June 2019
  - Likely to be seeing where parties in Areas 'B' and 'C' are at with their cases.
  - To consider dates for hearings, CMCs will be "to put in place a timetable for the steps required to progress each application to substantive hearing."
- Costs reimbursement
  - To submit forms with OTS to pay for costs to date in bringing the application to Court and maintaining the application.
- Evidence gathering
  - Stocktake of readily available material.
  - Tāngata Whenua and Historical evidence to be gathered.
  - Workstreams established for gathering evidence in accordance with legal tests.
- Establish Legal case
  - Theory of case.
  - Match legal tests to evidence available.



# Other relevant issues

- Some hearings for priority proceedings
  - Some hearings have been held for priority applicants
  - Substantial hearings set down for 2020
- Waitangi Tribunal proceedings
  - Tribunal proceedings challenging the processes under the Act
  - Monitoring progress in parallel to Runanga application
- Role of the Crown
  - Interlocutory application challenging role of Crown in opposing applications
  - Not funded by MACA funding, participation outside of reimbursement
  - Monitoring in parallel with Runanga application
- Test case proposal
  - Some applicants submitted for test case proposal due to legal tests, does not overlap with Runanga application
  - Monitoring in parallel with Runanga application