

**Foreshore & Seabed Hui
Pukemokimoki Marae, Ahuiriri
15th April 2010**

Karakia: Haami Hilton

Mihimihi: Ngahiwi Tomoana

Also, welcomed and acknowledged Sascha Mc Meekhan - Responsible for drafting the submission for the United Nations and more recently working with the Iwi Leaders Group.

SPEAKER	HE TAKE'	KEY POINTS	ACTION
Moana Jackson	Crown Consultation Document	<p>Repeal of the FSSB Act was an agreement between National and Maori party to repeal the 2004 Act.</p> <p>Pro's</p> <ul style="list-style-type: none"> ▪ Have agreed to appeal 2004 Act. ▪ Restore the right of due process. ▪ Makes commitment for those Iwi who have negotiated in Good Faith will be honored. <p>Con's</p> <p>4 possible options to replace FSSB Act.</p> <ol style="list-style-type: none"> 1. FSSB belong to Iwi/hapu 2. FSSB belong to the Crown 3. FSSB Radical Title Govt. Preferred Option 4. <u>No Ownership regime - Establish a public domain</u> <p>Within this empty domain it is stated that Maori can claim customary rights as defined in pakeha law under the</p>	

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		<p>doctrine of Aboriginal title which is pertaining to the 'Empty land rights' (ie. Necessarily Diminished Rights).</p> <p>More Concerns...</p> <p>The Crown determines the rules by which Maori have to prove their Customary Rights to the FSSB.</p> <p><i>Example: Napier City Harbour does not have to prove their right to be where they are – and yet we do.</i></p>	
		<p>The difference between Lore and Law?</p> <p>When we talk about our rights Moana prefers the term Tikanga Rights as opposed to Customary Rights as the latter description is more defined by Pakeha law as opposed to Maori Lore.</p> <p>Our rights and entitlements are not frozen in 1840...those rights and entitlements have evolved as they are entitled too.</p> <p>He MAUI</p> <ul style="list-style-type: none"> ▪ Migrating ▪ Across ▪ Universal ▪ Intentions <p>We are suggesting that the Crown pass legislation of Tipuna Title – and simply acknowledge and recognize that.</p> <p>We then can hold Hui A Iwi and Hui A Hapu to determine</p>	<p>We will be asking the Crown that:</p> <ul style="list-style-type: none"> ▪ The FSSB be invested in Hapu as per our Lore. ▪ Tipuna Title – the right to develop and evolve is inherent in that Title.

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		how we will work it out for ourselves.	
Ngatai Huata	Submission	Tikanga in terms of Best Practice. We always talk about things in terms of 'Best Practice'. Toitu te kupu, Toitu te mana, Toitu te whenua , Toitu te moana	
Leon Hawea	Submission	Relates to our first submission and links to as per the previous submitter re Ownership we focused on: <ul style="list-style-type: none"> ▪ Whakapapa ▪ Kaitiaki ▪ Tikanga Rights 	
Sascha McMeekhan	Iwi Leaders Group	<ul style="list-style-type: none"> ▪ Iwi Leaders Group is Chaired by Mark Solomon and this group was put together to help Govt better understand how Iwi think. ▪ The Group are not interested in Aboriginal title – Empty Land Title. ▪ He Whakapapa mai ra no mo te tonu ake. 	
Speaker?		Dealing with the Waitangi Tribunal to employ a 'World Indigenous Court' to adjudicate in all issues.	

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Speaker?		Asking all submitters to include in their korero the 'issue' of Discrimination (ie. Maori rugby, etc).	
Moana Jackson	The key focus of the NK submission.	<p>The three key areas of our submission this afternoon.</p> <ol style="list-style-type: none"> 1. Go over the shortcomings and injustices in the proposal. 2. Looks specifically at the idea of 'No Ownership'. 3. We want to find a solution. – through 'Tipuna Title'. <p>It is a right from Whakapapa – it is not given to us as we grow... we have this right from the time of birth.</p>	

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HUI WITH MINISTER FINLAYSON	
Karakia: Haami Hilton	
Mihimihi: Ngahiwi Tomoana – seeking a Maori Aotearoa Solution	
Government Representatives	
<ul style="list-style-type: none"> ▪ Attorney General: Chris Finlayson ▪ National Ministers: Craig Foss, Chris Tremain 	
SUBMISSIONS	
Speaker	He Whakaaro
Rt Hon Chris Finlayson	<p>This is a consultation process.</p> <p><u>Background</u></p> <ul style="list-style-type: none"> ▪ Ngati Apa Decision – Ngati Tama/Te Tau Ihu ▪ 1997 brought a claim to court ▪ 2003 Decision was open to go to the Maori Land Court to investigate customary title. ▪ National said that they would review the 2004 FSSB Act. ▪ 2008 set up a ‘Ministerial Advisory Panel’ ▪ Conducted a consultation and produced a report 2009. ▪ This Consultation document is now published. The Government are seeking views and then to follow on from that

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	<p style="text-align: center;">shape the legislation followed with another Consultation round.</p> <p>This Document – Reviewing the FSSB Act 2004</p> <ol style="list-style-type: none"> 1. Respectful of the Treaty – both process and outcome (ie. Working towards a just and enduring solution). 2. Public access to the foreshore and seabed. 3. Access to justice. 4. Aiming for certainty & efficiency. <ul style="list-style-type: none"> - Restore the ability for iwi and hapu to go to court. - Make it clear that all understandings to public access are still there. - Repeal explicitly states the Crown does not own the FSSB. - The paper also provides tests to proving ‘Customary Title’. - The Minister endorses that we must find an Aotearoa solution. - Have introduced the idea of tikanga. - Major pages are set out on page 36 of the document. <p>The proposal in the paper is a ‘Shared Burden’ of proof initially and then moves to the Crown.</p>
Ngatai Huata	<p>Toitu te kupu, Toitu te mana, Toitu te whenua , Toitu te moana</p> <p>The essence of her submission is ‘Mana’ – and the practices of our Tipuna.</p> <p>He Whakapapa - Our claim from the Gods to Paptuanuku and for Ahuriri ki Heretaunga to Tangaroa is through Pania.</p>
Leon Hawea	<p>He Tipuna - Te Hapuku Te Ika Te Moana</p> <p>Resubmitting the same submission they did at the time of the 2004 Act as it still applies.</p>

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	Our geneology binds us to tangaroa.
Moana Jackson	The Hikoi <ul style="list-style-type: none">- 7 waves of the Takitimu- 42 hapu made submissions previously and we will be building on that for this round here today. <i>Note: Read as per the submission.</i>
John Nepe Apatu	Submission based on whakapapa.