

MACA FAQs



What is Te Takutai Moana Act?

Te Takutai Moana Act 2011 provides for recognition of customary interests of iwi, hapū, and whānau in the common marine and coastal area of Aotearoa, including its offshore islands. The Act also provides for the right of all New Zealanders to access and use the common marine and coastal area.

The common marine and coastal area (MACA) is from mean high water springs (generally speaking the high tide mark) out to the edge of the territorial sea, excluding land that is privately owned, conservation areas, national parks, and certain reserves. Under the Act no-one owns the common marine and coastal area.



What is customary marine title?

Customary marine title is one way the customary interests of iwi, hapū, and whānau groups in a specific part of the common marine and coastal area can be recognised under te Takutai Moana Act. Customary marine title recognises the mana tuku iho exercised by tangata whenua in the common marine and coastal area.

A customary marine title is not the same as a title to dry land. The rights of customary marine title are different to the normal rights that owners of dry land have. A group that has customary marine title cannot generally prevent members of the public from accessing a customary marine title area, except in limited circumstances. Public access, recreational use, fishing (whether recreational or commercial), and navigation are unaffected by customary marine title. The limited exceptions are where it is necessary to protect wāhi tapu and wāhi tapu areas. If the responsible Minister (Hon. Andrew Little) recognises customary marine title, that recognition is given effect through an Act of Parliament.

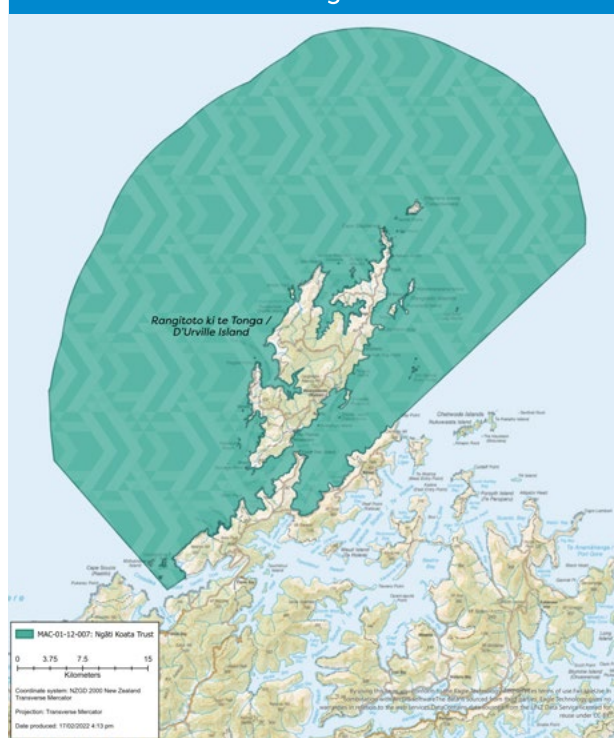
More information about customary marine title can be found on the Te Arawhiti [website](#).



Where has Ngāti Koata applied for CMT to be recognised?

The Ngāti Koata Trust have applied for Ngāti Koata to have customary marine title recognised for the area surrounding Rangitoto-ki-te-Tonga (d'Urville Island). A map of this area is below.

MAC-01-12-007: Ngāti Koata Trust





How do groups meet the test for recognition of customary marine title?

Groups must have made an application to the High Court or to the Crown for recognition of customary marine title. Ngāti Koata Trust made its application in 2013.

To have customary marine title recognised, groups must show they:

- » Hold the specified area in accordance with tikanga; and
- » Have exclusively used and occupied the area from 1840 to the present day without substantial interruption; or
- » If the area was received through a customary transfer or tuku (an area gifted by one group to another) after 1840, have exclusively used and occupied the area from the time of the transfer to the present day without substantial interruption.

The High Court has issued judgments which explain in more detail how the test is to be interpreted and applied which can be found on the [High Court website](#).



What does recognition of customary marine title mean for the general public?

Public access, recreational use, fishing, and navigation are unaffected by customary marine title except if a lawful restriction applies (including any necessary to protect wāhi tapu and wāhi tapu areas). All existing rules for commercial, recreational and customary still apply.

Customary marine title groups may exercise the rights set out in te Takutai Moana Act 2011. These include rights to say yes or no, or to be consulted in relation to, certain conservation and resource management processes, rights to apply for wāhi tapu protection, and rights in relation to taonga tūturu. These new rights do not apply to various accommodated activities.

More information about the rights can be found on the Te Arawhiti [website](#).



What was the public consultation process that was recently run?

Te Arawhiti ran a public consultation process for the area surrounding Rangitoto-ki-te-Tonga. This took place from 9 January to 17 February 2023 and submissions were invited from the general public, including the local community that use the marine and coastal area surrounding Rangitoto-ki-te-Tonga.

The information provided during public consultation will inform the Minister's decision on the Ngāti Koata application for customary marine title.



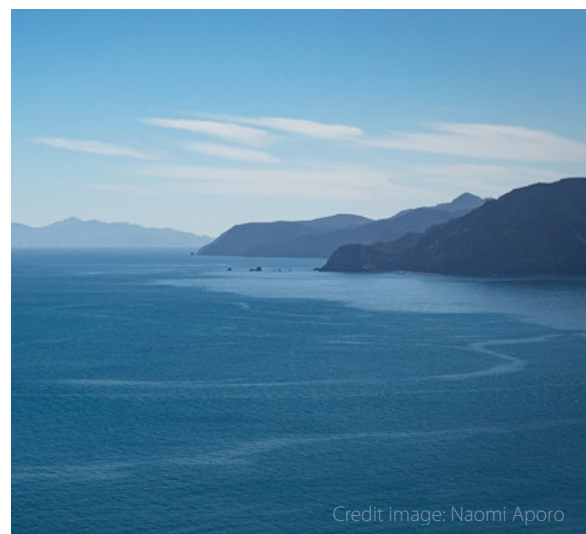
Is fishing affected?

Public access, recreational use, fishing, and navigation are unaffected by customary marine title (except if a lawful restriction applies, including any necessary to protect wāhi tapu and wāhi tapu areas). All existing rules for commercial, recreational and customary fishing still apply.



Are marine farms affected?

Customary marine title does not affect the existing consents for marine farms. Someone proposing a new marine farm or seeking to extend an existing marine farm may need to seek the views of a customary marine title group. Depending on the circumstances, the proposed activity may be one which the customary marine title group can say yes or no to.



Credit image: Naomi Aporo

