

# The tests for customary marine title (CMT) & protected customary rights (PCRs)



## What is the test for CMT?

To get CMT requires proof that Ngāti Koata:

- a. holds the area in question in accordance with tikanga; and
- b. has, in relation to that area, exclusively used and occupied it from 1840 to the present day without substantial interruption.

The following can be taken into account in determining whether the test is met:

- » whether Ngāti Koata or Ngāti Koata members have owned land immediately adjoining the area from 1840 to the present day; and/or
- » whether Ngāti Koata or Ngāti Koata members exercise non-commercial customary fishing from 1840 to the present day.

Other evidence of Ngāti Koata's history and interests in the area is also relevant, as well as how members have used, relied on, and taken care of the takutai moana.



## What is the test for PCRs?

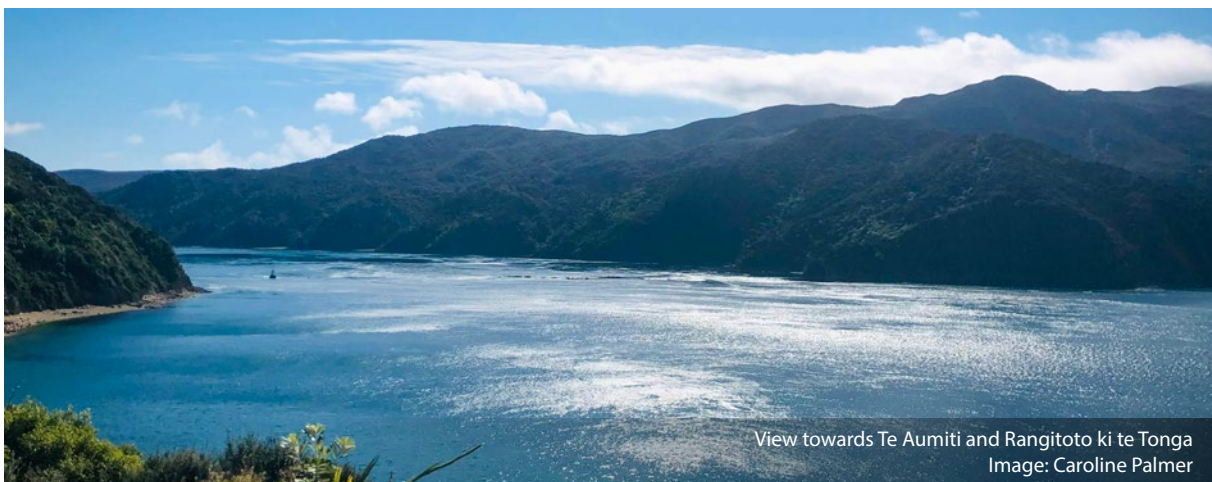
To get recognition of PCRs requires proof that the activity:

- a. has been exercised since 1840;
- b. continues to be exercised in a particular part of the takutai moana in line with tikanga by the applicant group, whether in exactly the same or similar way or whether it has evolved over time; and
- c. has not been extinguished by law.

The following activities cannot be recognised as a PCR:

- » fishing;
- » commercial aquaculture;
- » activities relating to wildlife;
- » activities relating to marine mammals; and
- » activities that are not physical in some way.

This is mostly because these activities are already addressed by other laws, for example the customary fishing regulations and the commercial aquaculture settlement.



View towards Te Aumiti and Rangitoto ki te Tonga  
Image: Caroline Palmer