



FoMA
Federation of Maori Authorities
Me Uru Kahikatea

20 May 2008

Local Government and Environment
Parliament House
Wellington

The Federation of Māori Authorities submission on the Walking Access Bill 2008

Mihi

Ka rere atu ai ngā mihi mahana ki a koutou e awahi i ngā take i runga i ngā āhuatanga o tēnei kaupapa, arā, te uru whenua. Ki a rātou e takahi ana i te ara whānui a Tāne, haere aru ra, okioki ai. Ki a tātou nei te hunga ora, tēnā koutou, ā, tēnā hoki tātou katoa.

Points of the Submission

The Federation of Māori Authorities wishes to acknowledge their support of prior negotiation and agreement of walkways and easements across private lands, including any lands however defined owned by Maori.

FoMA is not supportive of the alienation of Maori lands.

Background

The Federation of Māori Authorities (FoMA) represents a membership comprising of Ahuwhenua (Land Owning) Trusts, Māori Incorporations, Runanga and Māori Trust Boards. There are currently 143 members of FoMA collectively administering approximately 800,000 hectares of land on behalf of an estimated 100,000 Māori beneficial owners. FoMA's membership ranges from small, single farm businesses to diversified enterprises managing interests across many primary industry sectors, processing and servicing sectors, and equity interests in the New Zealand and global stock markets. The collective asset base of the FoMA membership is significant.

FoMA has as its principal objective Māori economic independence. One approach FoMA takes towards achieving this objective is the collective representation of the interests of the FoMA membership in dealing with the issues that may affect the sustainability of Māori land and moana assets or impede the economic development of Māori and Māori resources.

FoMA members and representatives have made multiple submissions on this issue, the latest being in 2006.

Submission

This submission is not substantially different from previous submissions on connecting from the queen's chain and the outdoor walking access submissions from previous years.

FoMA is pleased to see that progress has occurred in the area of negotiation and agreement with land owners.

FoMA's main issue with the initial proposals was that negotiation and agreement was not a strong concept. We are in full agreement that the access should be negotiated and agreed upon by land owners before being granted.

It is important that private property is not unduly affected by this Bill and the negotiation and agreement aspects will ensure that any negative effects are mitigated.

FoMA agrees that where an easement is granted, this may be on a lease basis and monies may be paid to the landowner for this easement

FoMA would also like there to be consideration of Treaty settlement lands that have walking access granted before settlement is achieved, these should be renegotiated once settled or during the settlement process.

FoMA is not supportive of walkways or easements being perpetual or enduring. Renegotiation should be considered, especially where a walkway or easement is granted over unmanaged Māori land if and when the landowners take control of that land.

FoMA cannot support any taking of Māori owned land (under any title) to be taken to create a walkway or easement, we reiterate that the past century has unduly affected Māori land holdings and ownerships. Alienation of Māori owned land is not condoned by the Federation.

FoMA is pleased that liability of landowners has been taken into consideration, but does not feel that it take onus off landholders, if recreational users are to use private land then they should take appropriate measures to be aware of any health and safety issues.

FoMA is wary of the Commission, as we see there are still issues with the Funding; we understand that the Department of Conservation Grants and Gifts Trust Account will be used by the Commission. FoMA agrees that the Crown should contribute to the establishment and maintenance of the Commission in carrying out their functions.

FoMA is supportive of the provision for one of the Commission members to be knowledgeable in tikanga Māori. This is a positive aspect of a Crown Māori Relationship, and is important if the Crown is serious in considering Māori issues to access across their lands. It is also important for the rights of Māori to access urupa and significant cultural sites that have been inaccessible in the past.

FoMA would like to suggest and encourage that once the Committee is established that under their constitution/rules or other provisions a clause to provided to include the Treaty of Waitangi. This is important for this Bill.

Article 2 of the Treaty granted Tangata Whenua tino rangatiratanga . . . o ratou whenua o kainga me o raotu taonga katoa, or the full and undisturbed possession of their lands and estates.

Article 2 guarantees Māori the rights to manage their lands and therefore the right to determine access across their lands.

Where Māori land has been allocated a walkway or easement, then the controlling authority (cl.38) should have a representative from the landowners, however this should not have any negative economic impacts on the landowner.

FoMA is supportive of a code of responsible conduct.

The review of the act, under cl.77, in 10 years time is also supported.

Conclusion

FoMA supports the proposal in the Bill for prior negotiation and agreement before the granting of access across Māori land and private land.

FoMA would like time to appear before the select committee.

We thank you for the opportunity to make a submission on the Māori Trustee and Māori Development Bill.

Nga Mihi

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