

17-11-2010

To the Clerk of Committee & Members of the Takutai Moana Select Committee,

Please note I have attempted twice to send an online submission regards the Foreshore & Coastal Area Bill using the Parliamentary website but my efforts disappear whenever I send & a note comes up stating it is in an invalid format. I don't know if anyone else is experiencing this problem.

Anyway I hope this time I will be able to attach this & it will be acceptable as I wish to portray a few of my thoughts regarding this proposed bill.

Tena koutou katoa,

Once again as in 2004, as a concerned citizen of Aotearoa, I feel the need to object strongly to several aspects of this legislation. As I stated then in my submissions against the Clark/Cullen Foreshore/Seabed bill, it would do little to enhance race relations in NZ & create further grievance, & this proposed bill will compound the injustice rather than remove it. Certainly it will allow Maori access to the courts to seek clarification of rights a factor that was totally abhorrent in the 2004 act, but the threshold is so high that few Hapu & Iwi will be able to meet the 'test' for customary title. Therefore it is basically discriminatory.

Where I reside, in the rohe of Ngati Kahu, much of the coastal land was classed as 'surplus land' during the 1865 Bell Commission into old land claims, & acquired by the administration of the day, & on sold to private into ownership, thereby separating local Hapu from their coastal & beach areas. Some of this coastal land is still in the ownership of decendants of early missionaries today who do not readily allow access through their perhaps questionably acquired tracts of land. Confiscation & other means of dubious land acquisition occurred throughout NZ. Reserch has indicated that 98 percent of Maori have been denied undisturbed possession since 1840. Therefore very few if any Hapu or Iwi will meet the requirements to establish customary title.

The ACT party's desire for an amendment forbidding Maori alone to charge for access to beach areas is blatantly discriminatory. I often vist Te Oneroa O Tohi (90 mile beach) via Maori owned land. There is a koha box at the gate & I quite willingly deposit a coin or two for the privilege. This would no doubt become an illegality if such an amendment was to be adopted & presumably the owners would quite understandably refuse access in the future. I would of course be similarilly quite happy to do the same if I was to be accessing through land owned by other New Zealanders or Foreigners, but I have yet to see any 'others' willing to allow visitors access in similar situations. In general, they tend to block off access & consider any beaches landlocked by thier property to be private. Interestingly, during recent whale strandings in this region, the only initial access for whale savers was through Maori owned land. The wealthy, neiboughring 'other' owners

were not desirable of anyone coming through their accessways even in such a situation.

An issue that has caused friction in recent years is the ability of local bodies to grant non-notify'd resource consents to developers, such as the Far North District Council & Transit NZ granting permission to one developer to construct a bridge across the highway onto a popular beach. It didn't eventuate but there obviously needs to be mandatory consultation with local residents & Hapu in such situations. Similar situations have arisen on the Coromandel Peninsular & with developments out here on the KariKari Peninsular. The FNDC allowed a wealthy foreign developer to close off what had been a public roadway, beach access for many years & form a goatrack walking track on the border of their property that is very seldom used, which is quite obviously what they desired, & now wants to build several villas on a ridge above an iconic beach on what may well be a wahi tapu area. What I am suggesting is local bodies need to be kept in check by requiring them to have full & proper consultation with local Hapu & residents before any similar situations occur.

There have many instances of legislation being passed & then found wanting & I suggest this bill in its present form will be of such. We are all only temporary citizens & you are only our temporary representatives. As with the previous or existing bill, this bill will be found to be problematic in terms of Treaty of Waitangi obligations & most assuredly it will be found to be unacceptable by any future representative of the UN Committee for the Elimination of Racial Discrimination who visits our shores.

I do wish to appear before the select committee in person as I have more to say but as this is a brief submission I will save that for the time.

Naku Na, I.F. Burke