**Marine and Coastal Area Act
My Evidence – Instructions**

**Please read this information before completing the “My Evidence” document.**

Under the Marine and Coastal Area Act, Maori applicants must prove they have used and occupied their claimed area “exclusively” and “continuously” since 1840 to the present day, according to tikanga. Their “evidence” of *exclusive* and continuous use may be based on oral history, but in the absence of any contrary evidence, the Court may accept their assertions.

To assist those who are opposing these claims in the High Court, we are asking locals to share their own evidence of how the claimed beaches have actually been utilised since 1840. To make that task easier, we have prepared a template that you can use. It is copied below with suggestions in square brackets outlining the sort of information that you could provide.

Please provide as much detail as you like, including photos and any other documentation that you think may be useful. If your family such as parents and grandparents have lived in the area as well, please comment on what they did in the past. As well as your personal history, the community history in the area will also be important, so you may need to do a bit of research or visit the local library.

**REMEMBER that the purpose of your evidence is to show that applicants have not “exclusively” used and occupied the coastal area ‘from 1840 to present day without substantial interruption’.**

***Please complete the “My Evidence” template and email it to*** ***claims@nzcpr.com*** ***or post it to Claims, PO Box 984, Whangarei.***

Also, please note that the Marine and Coastal Area Act (it can be seen [HERE](http://www.legislation.govt.nz/act/public/2011/0003/54.0/DLM3213131.html)) defines the two types of claims that are being made in the following way:

**51 Meaning of protected customary rights**

1. A **protected customary right** is a right that—
	1. has been exercised since 1840; and
	2. continues to be exercised in a particular part of the common marine and coastal area in accordance with tikanga by the applicant group, whether it continues to be exercised in exactly the same or a similar way, or evolves over time; and
	3. is not extinguished as a matter of law.

**58 Customary marine title**

1. Customary marine title exists in a specified area of the common marine and coastal area if the applicant group—
	1. holds the specified area in accordance with tikanga; and
	2. has, in relation to the specified area,—
		1. exclusively used and occupied it from 1840 to the present day without substantial interruption; or
		2. received it, at any time after 1840, through a customary transfer in accordance with subsection (3).

**MY EVIDENCE**

**This evidence relates to the following application:**

**Clarkson CIV-2011-485-789**

**It is also relevant to any application under the MACA Act in the areas of:**

**Whangaehu to Poroporo (Cape Turnagain inclusive)**

**My full name is:**

**My occupation is:**

**My address is:**

**PROPERTY INTERESTS**

**My property interests in the area are:**

*[family home/holiday home/farm/land etc]*

**Describe your proximity to the beach/coast:**

 *[How close are you to the coast/do you have views of the coast/ are there tracks/roads down to the beach]*

**My family history of living in the area:**

*[describe when your ancestors first arrived in the area and where they lived; when you first arrived in the area and where you have live/d]*

**My family’s use of the coast:**

*[has the coast ever been used for transportating produce/livestock; do you have/had a boat, where is it launched/moored; fishing; beach/coastal recreation such as walking, swimming, sunbathing, fishing, diving; collecting shell fish/shells/sand/gravel/drift wood/seaweed from the beach]*

**Local Maori:**

*[have local Maori ever told you that you or your ancestors could not use the beach/sea; have you ever needed to seek their consent for using the beach or the sea]*

**PUBLIC USE AND COMMUNITY INTERESTS**

**Describe all of the public and community facilities in the area and their history:**

*[wharves/jetties/marinas/boat ramps/sea walls/ship wrecks/picnic areas/seats/playgrounds/public toilets/camping grounds]*

**Describe the activities of community organisations and their history:**

*[sailing clubs/boating clubs/surf-life saving clubs/fishing clubs/coastguards/fisheries officers]*

**Describe any other community events:**

*[whale rescue/fishing competitions/sand castle competitions/beach cleanups/school visits]*

**BUSINESS USE**

**Describe the business interests you have or have had in the area:**

*[farm/commercial property/commercial fishing licence/aquaculture/tourism/boat building/shipping]*

**Describe any permits, resource consents, and other form of legal permission you have obtained to carry out your business activities:**

*[from port authority/district council/regional council/wharf authority]*

**Describe any interaction with the local iwi to obtain these legal permissions:**

*[iwi consultation/fees paid/approvals/refusals]*

**Describe any industry group that you are a member of:**

*[describe the group, membership, activities, history]*

**MAORI USE**

**Describe your awareness of the local Maori applicants:**

*[do/did they live in the community; do/did they use the beach, sea, community facilities; are you aware of local areas of cultural or historical significance]*

**Have the local Maori applicants ever been known to stop people using the beach or the sea:**

*[describe details]*

**HOW SUCCESSFUL CLAIMS MAY AFFECT YOU**

**If local Maori applicants are granted a Customary Rights Order which allowed them to take resources from the beach, or use the beach for ‘cultural’ purposes, how would this affect you and your business and family:**

*[describe how their taking of driftwood, the launching of waka, the removal of hangi stones, and the right of veto over the activities of other people, may affect your use of the marine and coastal area]*

**If the local Maori applicant was granted a Customary Marine Title which allowed them to charge local businesses for using the area, extract mineral resources such as sand or gravel, require anyone needing consents for their activities to seek their approval, and impose wahi tapu and rahui over parts of the area, affect you and your business and family:**

*[describe the detail of the impacts including cost of consents, delays in obtaining permissions]*

**Some of the local Maori have their own business interests that are in competition to mine.**

*[outline the details - include website links]*

**Our business has already been affected by the MACA Act. We have had to notify Maori applicants when we were obtaining consents:**

*[describe the detail – including if any investments have been postponed due to uncertainty etc]*

**Our involvement with the MACA Act and applications has resulted in a financial loss to our business:**

*[describe any financial costs including changes in property prices, costs in consulting with claimants, costs in legal advice and in preparing notifications and Notices of Appearance etc]*

**My involvement with the MACA Act and applications has caused me a great deal of concern:**

 *[describe the impact]*

**ANY OTHER INFORMATION**

***Signed:***

***Date:***