

A Submission on the Foreshore and Seabed Act 2004 to the Ministerial Foreshore and Seabed Review Panel.

I wish to submit that I object to the Foreshore and Seabed Act 2004 and wish to see it wholly repealed and the status quo after the "Ngāti Apa" decision in 2003 reverted to.

Section 3 of the Act states that the object of the Act is "to preserve the public foreshore and seabed in perpetuity as the common heritage of all New Zealanders in a way that enables the protection by the Crown of the public foreshore and seabed on behalf of all the people of New Zealand, including the protection of the association of whanau, hapu, and Iwi with areas of the public foreshore and seabed".

Section 4 (a) gives effect to the object of the Act, by "vesting the full legal and beneficial ownership of the public foreshore and seabed in the Crown".

Sections 3 and 4 (a) are the main grounds on which I am objecting to the whole Foreshore and Seabed Act 2004, because they take away the "tino rangatiratanga" over the foreshore and seabed of the "tangata whenua" (Māori).

They extinguish the "tangata whenua" (Māori) rights to the foreshore and seabed that are recognised in tikanga, in Te Tiriti o Waitangi, and the common law.

By referring to "public foreshore" the Act excludes areas that are already privately owned, most of which are in non-"tangata whenua"(non-Māori) hands.

In other words this means that the rights of "tangata whenua" (Maori) are taken away, while the property rights of non-"tangata whenua" (non-Māori) are not.

The Act's purpose clearly breaches Article Two of the Treaty as well as the standard common law rules about property rights etc. It also breaches the rights we have always had according to tikanga. It is an unjust raupatu.

By protecting non-"tangata whenua" (non-Māori) rights but not "tangata whenua" (Māori) rights the Act also breaches international human rights norms such as the Convention on the Elimination of All forms of Racial Discrimination.

I make this submission on my own behalf and on behalf of my wife Susan Mary Mueller.

signed,

Franz - Heinrich Mueller