



Marine and Coastal Area (MACA) Mandate Guidelines

Applications for Crown engagement under the Marine and Coastal Area (Takutai Moana) Act 2011 (the **Act**) are progressed in three phases: Pre-engagement, Determination and Finalisation. The engagement process is designed to be efficient, transparent and consistent across applicant groups. For more information on the engagement process, see: [process for Crown engagement under the Act](#).

After an application for customary interests has been received, and before the Minister for Treaty of Waitangi Negotiations (the **Minister**) decides to enter into the Determination phase, the Crown will invite the applicant group who made the application to seek a mandate from the iwi, hapū or whānau (**applicant group**) on whose behalf the application was made. This is called a marine and coastal area (**MACA**) mandate.

What is a MACA mandate?

A MACA mandate is evidence that an applicant group has given a person or entity authority to represent them in the Crown engagement process under the Act. The representative person or entity needs to demonstrate that they represent the applicant group, and the applicant group needs to be informed the representative person or entity has legitimately gained the right to represent them.

What does a MACA mandate achieve?

The objectives of a MACA mandate are to give the Crown assurances that:

- the representative person or entity have a mandate, from the iwi, hapū or whānau they purport to represent, to engage with the Crown for recognition of customary marine title and protected customary rights under section 95 of the Act;
- a fair, open and transparent process has been undertaken to secure that mandate; and
- the mandated representative person or entity will be accountable to the applicant group.

If the Minister decides to enter into formal engagement with an applicant group, the MACA team will develop a terms of engagement with the mandated representative.

How is a MACA mandate obtained?

Tikanga, circumstances and the size of the applicant group will determine the exact MACA mandate process for each applicant group. For a MACA mandate to be recognised, the

Minister and the Minister for Māori Development will consider whether a MACA mandate process:

- was fair, open and transparent;
- provided enough public notice to members that a MACA mandate was being sought;
- provided enough information to members about the purpose of the MACA mandate;
- provided for the applicant group to vote or otherwise demonstrate support for the proposed mandate; and
- demonstrates that the applicant group supports the proposed mandate.

If approved, the Minister and the Minister for Māori Development will provide written confirmation of the MACA mandate. The mandated representative person or entity will be required to provide evidence to prove ongoing support from the applicant group.

What funding is available to applicant groups?

A Crown contribution to applicant groups for engagement with the Crown, including mandating costs, is available subject to certain terms and conditions. This contribution is managed by the representative entity on behalf of the applicant group. The onus is on the representative entity to be accountable to its applicant group. For guidelines on Crown contributions see: [funding for applicant groups engaging with the Crown](#).

What role does Office of Treaty Settlements play in the MACA mandate process

The Office of Treaty Settlements (OTS) will work with applicant groups who need a MACA mandate. If you have an enquiry related to a MACA mandate you can contact the MACA team at OTS through: maca@justice.govt.nz.