

Report

Hokianga Accord

Whakamaharatanga Marae Hui

A hui to discuss non-commercial fishing interests and Maori customary forums.

29 – 30 August 2005



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Contents

Executive Summary	3
Introduction.....	4
Hokianga Accord	5
Non-Commercial Representative Organisations.....	5
Crown’s Statutory Obligations	7
Essentials for Progress.....	9
Role of the Forum	9
Extension Officers.....	10
Representation on Customary Forums	10
Terms of Reference and MOU.....	12
Fisheries Management.....	15
Management Input.....	17
Fisheries Plans.....	17
Conclusion	18

Appendices

Appendix One	20
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Executive Summary

Ongoing concerns about fisheries mismanagement and improving the protection of our marine environment led to a series of meetings between Maori customary and recreational fishing interests during 2004 and 2005. These discussions resulted in three hui being held in Northland between April and August 2005. This is a record of discussions held at the third hui, at Whakamaharatanga Marae, Hokianga from the 29th – 30th August 2005. This report was commissioned by the Hokianga Accord and was written by Trish Rea with input from Sonny Tau and Scott Macindoe.

The Hokianga Accord is a unique regional Maori customary Forum as it includes Maori customary, Maori recreational and non-Maori recreational fishing interests. Ngapuhi, Ngati Whatua, Ngati Wai and Te Rarawa representatives have been clear that working together will achieve a better outcome for all interests and more importantly to accomplish the common goal of *“more fish in the water”*.

The Crown has a statutory obligation to tangata whenua in relation to section 12 of the Fisheries Act 1996 and also the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. In order to satisfy these obligations the Ministry of Fisheries (MFish) has initiated the regional Maori customary Forums to deliver fisheries management outcomes that meet the aspirations of Maori.

The Hokianga Accord has a decision-making role rather than a purely consultative function. It is obvious from the outset that the \$20,000 allocated to the Forum will be insufficient to provide for the *input and participation* of tangata whenua in the formal MFish processes. Sustainable funding and resources are essential for the Hokianga Accord to succeed.

An Extension Officer will be provided by the Ministry to assist the Forum with technical services. The Hokianga Accord can decide what role the Extension Officer fulfils within the Forum and externally.

Due to the decision-making capacity of the Hokianga Accord it is important that those in the Forum are representative of the people that have appointed them and that they can make decisions.

Terms of Reference between the parties of the Hokianga Accord have been drafted and circulated for input. A Memorandum of Understanding describing the relationship between the Hokianga Accord and the Ministry of Fisheries is also being drafted and circulated for feedback. A Working Group has been nominated to present completed drafts to the next hui.

Fisheries management and the impact current MFish strategies are having on non-commercial fishers were explained by Paul Barnes. Interest was high as Paul explained

why fishing during spawning season makes very little difference to the numbers of fish in the water. The value of pooling our resources to achieve better fisheries outcomes was clearly explained and generated positive discussion during the hui.

The Ministry recommend the Hokianga Accord formulate fisheries plans for important species. The Hokianga Accord envisages additional MFish funding will be required for the implementation, maintenance and research of any fisheries plans.

With the active participation of MFish's Terry Lynch and the Customary Relationship Unit (Te Tari o te Kahui Pou Hononga) staff this hui was another successful occasion. The commitment shown by all participants was heartening. There is a greater understanding of fisheries issues and an appreciation of the mammoth task in front of the Hokianga Accord. Undaunted, the Forum has committed to working collaboratively to address common issues and achieve the goal of –

“More fish in the water”
“Kia maha atu nga ika i roto te wai”.

Introduction

After assembling outside the Whakamaharatanga Marae in Waimamaku, Hokianga we were treated to a welcoming powhiri by the Hokianga hapu of the Ngapuhi iwi. Sonny Tau, Ngapuhi Runanga Chairman and facilitator of the hui welcomed all those who had come to discuss the non-commercial fisheries Forum and customary Maori management tools.

Background

The Ministry of Fisheries (MFish) have initiated a process for Maori customary regional forums to be established around the country. The Customary Relationship Unit (CRU), Te Tari o te Kahui Pou Hononga, has been created and will be providing funding of \$20,000 per annum to each customary regional forum. Each region has a representative in the Unit; Graeme Morrell is one of two Pou Hononga for Te Tai Tokerau (Northland).

Accompanying Graeme Morrell to the hui were other MFish staff. Carl Ross, Manager of CRU, Operations Manager (CRU) Tom Teniti, Terry Lynch and George Riley.

Discussions are still underway whether there will be two Forums or one in the north. This will be confirmed at a later date. Currently there are three customary Forums established in other parts of the country.

Parallel to these customary Forums is a series of regional recreational fisheries Forums. The major difference being the Minister of Fisheries appoints the representatives to the proposed recreational forums and they are not Ministry funded.

At the last hui in July Ngapuhi, Ngati Whatua, Ngati Wai and Te Rarawa representatives were adamant they would not participate in segregated forums and wanted their customary Forum to include recreational non-commercial fishing representatives¹. We have been advised that the Ministry are struggling to find volunteers to fill the positions available on the Northland recreational Forum. It was suggested to MFish that the Te Tai Tokerau Forums be combined to represent all non-commercial fishers interests and the money to support the Forums also be combined. No formal response has been received regarding these suggestions.

A series of points agreed upon during July's hui included the recommendation that non-commercial recreational fishing and Maori customary representatives should be funded by the Ministry to reconvene within four weeks to discuss:

- Terms of Reference for the Forum.
- A Memorandum of Understanding (MOU).
- A strategic plan for the Forum.

Hokianga Accord

At the conclusion of this latest hui it was agreed that the next Forum would meet at Whakamaharatanga Marae. This joint Forum of non-commercial recreational and customary Maori fishing interests would be called the **Hokianga Accord**.

Non-Commercial Representative Organisations

NZ Recreational Fishing Council

The NZRFC has historic connections with tangata whenua. The "Rotorua Accord" led to changes in their constitution to give recognition to Te Tiriti o Waitangi 1840. Arising out of the 1990's Accord was the facility to have up to four tangata whenua delegates nominated to the Council of the NZRFC. Current President, Keith Ingram, advised the hui that it was up to tangata whenua to organise and nominate the delegates to the Council. It was not for the NZRFC to stipulate who the tangata whenua delegates should be. This news was accepted by the hui and would be discussed by tangata whenua at a later time.

NZ Big Game Fishing Council

Richard Baker represented the NZBGFC at the hui and once again offered valuable advice and a unique perspective on the topics discussed. The NZBGFC has 60 member clubs with 30,000 affiliated members and a national management structure of eight zones feeding into the management committee. The focus of the Council has broadened in recent years and it actively participates in other management processes concerning

¹ Whakamaharatanga Hui Report 27-29 July 2005

fisheries of importance to the public including Maori. John Holdsworth is one of the contractors the Council employs to represent our interests.

The NZBGFC is heavily committed to supporting the Kahawai Legal Challenge both financially and with resources. Council President, Jeff Romeril has completed an affidavit to support the judicial review of the Minister's 2004 kahawai allocation decisions. The NZBGFC fully supports the development of the Hokianga Accord and is very keen to participate.

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option4 has been consistently represented at these three hui by Paul Barnes, Scott Macindoe, Trish Rea, Jeff Romeril, John Holdsworth, Richard Baker and Don Glass. As a result of their attendance there is now a greater understanding of fisheries management and the various Ministry of Fisheries processes.

One of option4's functions within the Hokianga Accord could be communication. option4's existing networks allows it to communicate with a large section of the fishing public who, we believe, would be interested in measures to achieve better marine protection and the goal of **“more fish in the water”**.

It was important New Zealanders were given the opportunity to learn about the different marine protection tools available, apart from marine reserves, and the tools available to tangata whenua. Once people were educated, understood the issues and recognised the benefits of using Maori management tools to protect our marine environment there would be less chance of a backlash against these initiatives. Some participants in the Hokianga Accord already had initiatives rejected by an “uninformed” public. Judah Heihei's group in the Bay of Islands now realise the opposition to their mataitai initiative was born more of ignorance than anti-Maori sentiment. It is obvious a publicity campaign is needed to educate the public before we progress too far with any initiatives. To illustrate this Sonny Tau reminded the hui that it was only very recently that Maori had come to realise that 99.9% of the time Maori fished to feed the whanau, Maori were categorised as recreational fishers.

The hui agreed that it was the Ministry's responsibility to fund such public awareness campaigns and option4 was willing to do its best to assist in creating a more receptive environment for Maori initiatives to be implemented.

It was important to have measurable outcomes so that the Hokianga Accord could verify people's understanding of the tools available to protect and enhance our marine environment. Only when there was sufficient understanding would it be appropriate to initiate and install any measures that we could offer. The process would need to be inclusive of the public to avoid resistance to new measures.

Reference to the Treaty of Waitangi

It was recommended to option4 and the other recreational representative groups present that the organisations should consider making reference or clearly stating a position on the Treaty - Te Tiriti o Waitangi 1840. This needs to be discussed and agreed upon amongst each group.

Crown's Statutory Obligations

The Crown has a statutory obligation to tangata whenua in relation to section 12 (1)(b) of the Fisheries Act 1996, as follows:

Section 12 – Consultation

1) Before doing anything under any of sections 11 (1), 11 (4), 11A (1), 13 (1), 13 (4), 13(7), 14 (1), 14 (3), 14 (6), 14B(1), 15 (1), and 15 (2) or recommending the making of an Order in Council under section 13 (9) or section 14 (8) or section 14A (1) of this Act, the Minister shall—

(b) Provide for the input and participation of tangata whenua having—

- i. A non-commercial interest in the stock concerned; or*
- ii. An interest in the effects of fishing on the aquatic environment in the area concerned—*

and have particular regard to kaitiakitanga.

It was debated several times during the hui whether the proposed regional customary Forums would actually fulfil the statutory obligations of the Crown in respect to section 12 above. MFish considers these Forums, if established correctly, will meet their obligations.

MFish Response (Terry Lynch unless stated otherwise)

“From the Ministry’s perspective, our statutory obligation is to provide for the input and participation of tangata whenua, hapu and iwi, into the big decision making processes. The Government has given us some resources to put some policy skills on your side of the table so you can plan for your future and bring them to us instead of us telling you what your future should be.”

Terry went on to say that the Ministry’s responsibilities were:

- Liaison facilitation
- Resourcing the meetings
- Capacity building and training for the people on the forums

Pou Hononga would have up to 15 Extension Officers available to work with the customary Forums to assist with their participation into fisheries management processes and other matters that affect Maori customary fishers. Currently there are four Extension

Officers, all based in Nelson. The expected number of Extension Officers is comparable to current numbers of MFish staff in policy/fisheries management around the country.

MFish envisage each Forum compiling a plan with annual targets included of what is desired by the Forum, for their area of interest, preferably in a priority list.

The Ministry suggested the Hokianga Accord work together, without their involvement, to decide on what it wants to do and achieve. The Extension Officer can assist the Forum at any stage but it would be beneficial to only call a meeting with MFish after the Forum has made its own decisions.

Effective Input and Participation

Input and participation was also required in the annual fisheries management processes if the Forum was to be successful. There has been no *input and participation* by tangata whenua with a non-commercial interest in fisheries, at any of the meetings recreational interests have attended in the past few years.

Working Groups, research planning and management processes are devoid of active input from tangata whenua non-commercial interests. This is an area where the recreational fishing groups could offer some assistance, by being present, representing non-commercial interests and reporting back to the Forum. It is possible, depending on experience, that the Extension Officer could fulfil this role for the Hokianga Accord and possibly other Forums as well. There is likely to be some fisheries that are of common interest to all of the Forums and one representative at these meetings could suffice.

The Hokianga Accord does not take away the ability of each individual, whanau, hapu, iwi or group to have input into fisheries management processes. This is a forum to talk directly with MFish on issues to achieve a common goal.

“In terms of decision-making, the Forum can make its decision about what its own aspirations are for the management of the fishery. Input and participation for tangata whenua is the right to be involved in the decision processes, with the Crown, about how those fisheries are managed.”

Settling on a Terms of Reference and a Memorandum of Understanding is an important part of the Forum establishment process. Crucial to this process will be the nomination of who will be participating in the executive of the Hokianga Accord.

Essentials for Progress

Legislation allows for the involvement of both hapu and iwi in the customary forums. Ngapuhi is keen for Te Rarawa, Ngati Wai and Ngati Whatua to be included in the Hokianga Accord. Agreement has already been reached that non-commercial recreational fishing interests will also be part of the Accord.

Participation on the executive would be confirmed at the next hui. Ideally the Forum would be open to input from everyone with the executive doing what needs to be done, as directed by the Forum. MFish advised us the Bay of Plenty Forum meets every two months with the executive meeting monthly.

Role of the Forum

The Forum has a decision-making role rather than purely a consultative role. The objective of the Forum should be to deliver fisheries management outcomes that meet Maori aspirations. This will only be achieved if the Forum is empowered enough, particularly in regards to resourcing and funding. There was some concern amongst hui participants that we did not want the Hokianga Accord to fail due to a lack of sustainable funding.

Resourcing

The Ministry had already indicated it didn't have the resources or capacity to consult fully with all the iwi and hapu around the country. It is obviously a very extensive and expensive consultation process that is required. The Ministry seem to be devolving that responsibility back to Maori with limited resourcing.

It seems like a particularly cheap option for the Ministry to fulfil its obligations as required under section 12 of the Fisheries Act. It shifts a huge burden of human and financial cost of consultation to the groups involved in the Forums.

The hui discussed the history of previous forums established for recreational fishers. The only forum to succeed from that initiative was the group that enjoyed ongoing support from MFish. If there is insufficient funding support for the customary forums everyone will be worse off and it could easily be interpreted as another "Maori" failure.

The \$20,000 available per annum to the Forum is not given to the group outright but on an "as required" basis. It can be used to pay for hui, venue, secretarial support or transport. This amount is clearly not enough to adequately resource the Forum and its activities. It certainly doesn't provide for the *input and participation* in fisheries management Working Groups or other forums by a contractor.

MFish Response

“The Government has set aside funds for the Forums, it is up to the Forum to work out with people like Stan [Crothers, MFish deputy CEO] how the extension officer will be used, whether the funding can be used to pay contractors.”

Some Forums have chosen to use the \$20,000 from MFish to pay for a secretary.

The Minister of Fisheries and Stan (Deputy CEO) are both happy with the arrangement to have tangata whenua and non-commercial recreational interests working together on the Forum. *“The Government has given the Ministry of Fisheries \$3.1M for tangata whenua, nobody else. They have given some money for recreational fishers in a different putea. If we spend money outside of that putea then my Chief Executive has misappropriated funds voted by Parliament for a certain purpose.”*

Consultation is still an obligation MFish have to fulfil. The Government would not be willing to give any agency the money to fully consult with all iwi and hapu in the country. MFish want to concentrate some of the ideas from iwi and hapu into regular meetings or forums.

Extension Officers

There will be up to 15 Extension Officers employed by the Ministry of Fisheries who will be available to customary Forums around the country. They will provide technical services and the Forum can decide what they need the Officer to do.

There was some concern that these Officers would not be employees of the actual Forums. The Hokianga Accord requested the opportunity to participate in the appointment of the Extension Officer that will be working with this Forum. The role and skills required of the Extension Officer will need to be determined before their appointment. They maybe required to attend fisheries management Working Groups on behalf of the Hokianga Accord and possibly other Forums as well. The Extension Officer working with the Hokianga Accord should ideally be employed through the Forum.

Representation on Customary Forums

There were lengthy discussions on who should be on the Forum and whether different rules were being applied to the Maori customary forums, the Ministerial Advisory Panel and the regional recreational fishing forums, both of which were appointed by the Minister. There was some concern that the hurdles were being set higher for the customary forums. MFish disagreed.

MFish Response

“ Cabinet rules say that whoever is on your forum has to be representative of the body that has appointed them there and that they can make decisions”. There has been some issue with this point within the Bay of Plenty forum.

“The Minister’s Advisory Forum is just that, it’s a sounding board for advice of the decision. Where decisions and resources are binding or you are going to be looking at a thing that will affect anyone’s rights then Cabinet’s decision is that the person or body that affects that right has to be representative.”

Hokianga Accord Interests

The four interest groups that will be involved in the Hokianga Accord are:

- Non-commercial Maori customary fishing interests
- Non-commercial recreational fishing interests
- Maori commercial interests
- Environmental interests.

MFish suggested the Terms of Reference should include how the non-commercial recreational fishing representatives would be selected; in order to meet the representative criteria the Government has for those participating in the Forum. This would be in line with the representative status of the Maori customary participants in the Forum.

There are some limitations as to the representative nature of the Forum participants according to the Justice Department, Cabinet decisions and the Minister’s directions.

While the Hokianga Accord will be open to anyone, an executive is required to complete the work required, as directed by the Forum. Numbers and representatives would not be confirmed until after the conclusion of this hui. Executive members should have expertise in one or more of the above interest group categories. There is no reason why one person could not fulfil more than one function on the executive. Ultimately the roles of the executive will determine its size. Other people can be co-opted on as required.

Executive *(To be confirmed):*

1 x Chairman

1 x Secretary

3 x Iwi (TBC), Ngapuhi, Ngati Wai, Ngati Whatua with Te Rarawa to be confirmed.

2 x Non-commercial recreational

1 x Ministerial Advisory Panel representative i.e. Lorraine Hill

1 x Extension Officer (as required by the executive) – can be the person that participates in the Working Groups, sustainability rounds, research planning processes etc.

Carl Ross, manager of the Pou Hononga was keen for the hui to agree on who would be the executive and Chairman. All elected Chairman of the customary Forums would

combine to form an Executive Forum. The first meeting is scheduled for the 10th October. The purpose of the Tauranga hui was to discuss Terms of Reference for the combined Forum. Sonny Tau had been Chairman of the first three hui we had been involved in. Sonny agreed to act as interim Chairman until the Hokianga Accord had completed the formal selection process.

Terms of Reference and MOU

The Terms of Reference of the Hokianga Accord should describe how the parties involved in the Forum choose to work together as well as the width and scope of what the Forum hopes to achieve; it is essentially an internal document. On the other hand the Memorandum of Understanding describes the relationship between the Hokianga Accord and the Ministry of Fisheries. It also contains working protocols that are acceptable to both Parties to the MOU.

There was a good suggestion put forward that there should be a MOU between the non-commercial customary and recreational fishing interests involved in the Forum. This will need to be developed as well. Recreational fishers groups were more than happy to produce these documents. The shape and form of these separate MOU's will be discussed at future hui.

A group of people were nominated to continue working on the draft Terms of Reference and MOU after the hui. The outcome of that work would be sent to all for input from their respective groups and feedback. The final drafts would be presented to the next hui for finalisation and hopefully, ratification.

Background information describing the history of Whakamaharatanga Marae as being a fisheries wananga should be included in at least one of the Forum documents. Te Pania Kingi will supply this history for future reference.

Terms of Reference

The Terms of Reference should include a clause on the Hokianga Accord expectation that the Ministry should provide adequate resourcing to meet the obligations of *input and participation* in s12 of the Fisheries Act 1996.

We should also include the Principles of the Accord. Final draft of these Principles will be presented to the next hui for endorsement.

Memorandum of Understanding (MOU)

The MOU should be a simple document that sets out what is required of the Ministry to fulfil its s12 obligations. It explains the working relationship between the Ministry (not the Minister) and the Forum.

The obligations of how the Ministry provide support/services to the forum -

- How the Ministry provide information.
- How the Ministry commit to getting involved in the statutory processes the Forum would be involved in.
- How the Ministry will finance the Forum.
- Where/when the Forum would meet.
- How the Ministry will involve the Forum in fisheries management decisions.
- The skills required of the Extension Officer (this could change over time).

Terry explained “*MOU's are good for the Ministry as it holds the Ministry accountable for their behaviour. What is Ministry's commitment to work with the Forum, timelines for distributing information, the disciplines, protocols of how parties behave?*”

MFish produced a draft MOU under development by the Bay of Plenty Forum. It has taken 18 months to develop and has not been approved by Cabinet yet. MFish were keen for the hui to go through the draft MOU and consider using it as a template for the Hokianga Accord's MOU. There is no real hurry to complete this document, as we want to ensure every possible angle is covered.

Objections were raised as to MFish's timing of presenting the draft MOU to the hui with an expectation that people would have time to read, consider and understand its contents. Ministry could easily have sent the draft through electronically a week prior to the hui so everyone had time to read it before they arrived. As it was, there were not enough hard copies for all participants to read at the hui. Four weeks after the hui we were given an electronic copy of the document, after repeated requests. This was a timely reminder for us to nail down formal protocols for information sharing.

We were advised by Tom Moana, Tainui representative, that they had had input into an MOU for working with the Ministry which was completed some five years ago and still nothing was finalised. The Hokianga Accord need to make sure we have a faster process and not get too involved in developing the MOU at the direct expense of achieving anything else. This was good advice for those of us who have very little experience in developing MOU's.

MOU Contents

Bottom line contents were developed to go into the MOU. These to be infused into the document and sent out for discussion before the next hui:

- Preamble to refer to **Te Tiriti o Waitangi** 1840, not the Treaty of Waitangi.
- Comment on representative nature of Forum participants.
- Forum will be focussing on Maori customary management tools i.e. Mataitai, taiapure, temporary closures (s186A of Fisheries Act 1996).
- Forum specifically wants important shared fisheries run above or significantly above Bmsy – as per the new policy outlined by the Minister in July 2005.
- Specify the unique nature of the Forum – includes non-commercial recreational fishing interests as well as customary.
- Pubic awareness will need adequate resourcing. A separate budget will be required as the \$20,000 annual input from MFish will not be sufficient to address this issue. We need to relate this back to statutory obligations of the Crown.
- We need a commitment from all parties to deliver on measurable outcomes, not just ‘facilitate, promote or enable’.
- Engagement protocols.
- Principles of the Hokianga Accord.
- Obligations of the Hokianga Accord to the Ministry of Fisheries.
- Acceptance from MFish that mataitai and taiapure have to be recognised as a start to qualifying as a Marine Protected Area (MPA).

Separate to the MOU the Hokianga Accord would like to ask the Minister not to establish a regional recreational fishing forum in Northland. We would prefer to work together to achieve good outcomes for all fishing interests.

Fisheries Management

Paul Barnes gave an overview of definitions and an explanation of terms used when discussing fisheries.

Definitions

Bmsy is –

The level of biomass, or numbers of fish in the water, that will support the Maximum Sustainable Yield (MSY).

MSY is –

The greatest yield that can be achieved over time while maintaining the stock's productive capacity, having regard to the population dynamics of the stock and any environmental factors that influence the stock².

Current Management

A virgin fishery is a fishery that is unfished. In NZ fisheries management terms they usually use 1931 as the year fish stocks were in their original state, unfished commercially on a large scale. There are lots of big fish and very few small fish in a virgin fishery.

As you fish the fish stock down it is like cutting your lawn. Fisheries management aims to a level between 20 to 25% of the original (virgin) stock size. This means around 75% of the fish are extracted from the water. Fisheries managers consider the 20-25% level to be the most productive level for a fishery. There will be lots of small, fast growing fish left in the water. We do not believe that small, fast growing fish are what Maori customary or other non-commercial fishers want.

Snapper 8 (SNA8)³ on the west coast of the North Island is down to 10% of the virgin stock size, 90% of the stock has been removed. The outcome of this management strategy is there are fewer fish, the fish are more dispersed, making them harder to catch and there are fewer year classes. There are also less big fish available.

The Minister addressed the NZRFC earlier in the year and said that he wants to manage shared fisheries above Bmsy or significantly above Bmsy. This means more than 25% of the virgin stock size will be left in the water making the yield slightly less than what it is now.

² Fisheries Act 1996

³ The SNA8 fishery is in a very vulnerable state at the moment and has been for some time. Consultation is currently underway on future management of this species. The Minister is expected to make a final decision before October 1st 2005.

Maori need to be aware that managing fisheries above Bmsy could mean cuts to commercial and possibly non-commercial limits, including customary take, as the fishery rebuilds.

Fishing during spawning season

Fishing during spawning season makes very little difference to the numbers of fish in the water. More important is water temperature. If the water is warm then most of the eggs that are produced hatch and survive. In colder years the majority of these eggs die. Warm water on the east coast of the North Island can result in up to 25 million snapper making it through to become one-year old fish due to the water temperature. In a cold year only half a million snapper may survive to the one-year stage.

Fishing during spawning season only results in a small percentage of the total fishery being removed from the water therefore only a small amount of eggs have been lost from the water. We don't have a shortage of eggs in the snapper or scallop fisheries. What we need is the right environmental conditions for those eggs to survive i.e. Warm water, good water quality.

Customary Management Tools

At the previous hui we all agreed (including MFish) that mataitai and taiapure were potentially excellent tools for managing sedentary species but were unlikely to have much effect on mobile finfish stocks⁴.

With the limited resources being offered by the Ministry to the Hokianga Accord we should consider concentrating our efforts, the Extension Officer's efforts and formulating Fisheries Plans to focus on these tools.

Managing vast areas of coastline using mataitai and taiapure does not seem to be an effective strategy, at this stage. If aspirations cannot be met using mataitai or taiapure then the Forum needs to look at promoting the subdivision of the Quota Management Areas (QMA'S) into smaller areas.

Recent history has proved that areas such as the Kaipara Harbour require much finer scale management that is currently being used. With smaller QMA's commercial quotas can be set to allow a fishery to rebuild. The management toolbox we have at the moment is inadequate for finfish species.

An obvious flaw that we need to consider with a mataitai is the issue of commercial take. Initially commercial fishing is prohibited from a mataitai. If approved, commercial fishers can be allowed to fish within a mataitai but no specific fisherman can be

⁴ Whakamaharatanga Hui Report 27-29 July 2005.

nominated. There is no provision to give existing fishers first priority to continue their activity within the mataitai area. This could conceivably create opposition from commercial operators who could be fulfilling the needs of the local community. This is an unnecessary impediment to the creation of a mataitai that we will need to discuss.

Management Input

Achieving our objective for finfish stocks means the Forum will need to have *input and participation* in the fisheries management processes.

The value of the Hokianga Accord is that we can pool our resources, bring in other people from different iwi to work with us, learn from those more experienced and collaborate to achieve the fisheries outcomes we want - fisheries managed above Bmsy. ***“more fish in the water”***.

Collectively we can consult widely and submit jointly on Ministry proposals. There is no reason why the Forum cannot suggest measures such as GPS monitoring for commercial fishing activity in inshore waters.

The Hokianga Accord should expect the Minister to meet his obligations according to section 12 of the Fisheries Act that stipulates he must provide for the *input and participation* of tangata whenua *and shall have particular regard to kaitiakitanga*.

MFish Response

“We have only just started, in the last couple of years to look at a planned approach to fisheries management. It went to laissez faire with quota. The responsibility went to commercial fishers, Maori and everybody to look at their own rights and exercise them. It worked to an extent but it didn’t work for the fisheries. Our new Chief Executive [John Glaister] has taken a step back and said no, he wants the Ministry to retain a role in there, lead the development of structured fisheries plans including targets but they must include everybody’s aspirations. That’s where he wants to go.”

Fisheries Plans

The development of fisheries plans was discussed over the course of the hui. Several iwi/hapu have initiated their own plans for their rohe, with one almost completed. After some discussion it became obvious that additional funding will be required to implement and maintain the plans. Funding will also be required to assist with research requirements.

Historically, developing fisheries plans in conjunction with commercial fishing interests has not proved successful. One recreational representative explained his experience of

attending over 70 consultation meetings with commercial fishing representatives for no tangible outcome.

MFish Response

“The Minister still has discretion with fisheries management decisions but the Ministry are recommending the Forum puts together fisheries plans for species of importance. The Minister has to take those plans into consideration. If passed, other departments such as the Department of Conservation and local authorities will have to consider that plan as well when they make decisions.”

Conclusion

The evaluation section of the hui is always the best time to judge the value of a hui. As the participants individually stood and expressed how they had been touched by the issues discussed at in the Forum. Some of the comments were magnificent and the growth of individuals was tangible. Some of the conclusions will be raised again in future hui as more often than not individuals find something to say after hearing others first express their views.

One particular comment is memorable – “Don’t forget us young people, we have so much energy and desire to contribute.” Beautifully said and an absolute challenge for all involved. It is critical we bring forward new people, young people to become involved as early as possible.

The two-day hui had been another successful event for Maori customary, Maori recreational and non-Maori recreational fishing interests. The presence of the MFish team was appreciated, as they were able to respond immediately to the many questions put to them. The facilitator, Sonny Tau, had done another outstanding job and was well supported by Graeme Morrell.

There is a good relationship developing amongst participants to these hui aided by the free and frank exchange of information. Tangata whenua and non-Maori alike continue to learn a great deal from each other.

Using our collective strengths and skills to address common issues is a prospect worth striving for and the commitment from all parties is encouraging.

The contribution and leadership being shown by the kaumatua is deeply appreciated. It is particularly significant as the venue, the Whakamaharatanga Marae, was a fisheries wananga (learning institute) in previous times.

The true test of the Hokianga Accord’s success will be when we follow through with our first mataitai, taiapure or temporary closure application. The response will be a

measurable outcome of what we have achieved and what needs reviewing. Participants to the Forum are very aware that there are many sceptics who will need educating in the benefits of what we are trying to collectively achieve.

Working Groups will be drafting the Terms of Reference and Memorandum of Understanding for distribution and feedback from Forum participants. The final drafts will be presented at the next hui for further additions and endorsement.

This hui did not have time to develop a strategic plan for the Forum as discussions focussed on the Principles, Terms of Reference and the MOU. The strategy will become more obvious once these documents and the Forum participants, including the executive, are appointed.

The facilitator thanked all in attendance with a special thanks to Keith Ingram, President of the New Zealand Recreational Fishing Council for making himself available to the hui. The Council will become an integral part of the Forum as we squeeze the Ministry into actioning our concerns. MFish were also well represented and the Forum certainly appreciates their input.

The next hui will be held from 10th to 11th November at a venue to be confirmed.

Appendix One

Why not close the snapper fishery during the spawning season?

Then there would be more fish able to spawn, more eggs in the water and more fish in the future.

The simple answer is that more eggs do not mean more fish will survive from that breeding season.

Fish Biology

We are not talking sheep here. There is no lambing percentage where the number of offspring is directly related to the number of breeding females.

Female snapper, like most fish, produce 100,000s even millions of eggs each, but the mortality of eggs and juveniles is extremely high. Almost all of them will die. However in warm years survival can be 10 times, even 100 times higher than cold years. Fish have developed a breeding strategy that is more dependant on environmental conditions than the number of breeding adults. This is to take advantage of good years.

It's a gamble like rolls of the fruit machine. Some years they hit the jackpot, when all the favourable factors line up. Like:

Good Summer	No storms	Warm Water	Plenty of Food	Few Predators
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Even so, if too many young survive, come winter there will be much less food and too many mouths to feed. Many will starve and mortality could skyrocket.

Does it matter when you fish?

What is the difference if you catch a female snapper during spawning or if you catch a snapper a week before spawning? Surely it will have the same effect. That fish wont spawn. What about 6 months before spawning? You still remove it from the breeding population. What is important is that each year the reproductive potential of the population is sufficient to take advantage of the good seasons. Some very successful snapper spawning seasons have occurred in the 1990's at the current stock size. 1991, 1995 and 1996 were all strong year classes.

Snapper do not spawn over a set period of time, spawning is dependant on things like, water temperature. Also fish may spawn several times during the spring /summer period.

It would be impossible to forecast what sort of summer we are expecting in order to forecast when to allow fishing to avoid catching spawning fish.

Management Concerns

You can convince some people that there is no biological reason that spawning success will be improved by a ban on fishing during the snapper-spawning season. Often their real concern will soon surface. “But they take too many” they say. Snapper school season arrives and those commercial fishers, or those guys down the road, or those charter boats, they catch heaps “They are going to wreck it”. But these are management issues – more about the sustainable yield, quota and bag limits – not issues about spawning success.

A lot of time and money (mostly funded by cost recovery from commercial fishers) is spent on making sure that snapper is being fished sustainably. But it is a big fishery in New Zealand; about 13,000 tonnes a year are landed nationwide. That’s a lot of fish. Probably 12 million snapper taken per year and about half of those are by recreational fishers. Still the fishing was very good over the summer of 2002/03 in the Hauraki Gulf but not so consistent in Northland or Bay of Plenty. Current stock assessment is that the main east coast snapper fisheries are rebuilding.

A ban on fishing for snapper during the spawning season would be a disaster. How would you manage it? For example, where could you fish in the Hauraki Gulf and avoid catching snapper in spring? You would catch them just about everywhere. Many fish could survive catch and release but you would also have to throw back the hook damaged ones to die. Enforcement on the boat ramps and marinas would be a nightmare. The only way it could work would be to close the Gulf to all fishing in spring. Imagine the reaction from the fishing industry and their lawyers. And what about all the recreational groups, fighting hard to defend our right to fish in the sea? They would most likely view this as a huge loss to the public access right. If the same amount of fish were taken out of the fishery over the whole year then there would not seem to be any benefit to outweigh the huge disruption of closing areas during the spawning season.

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