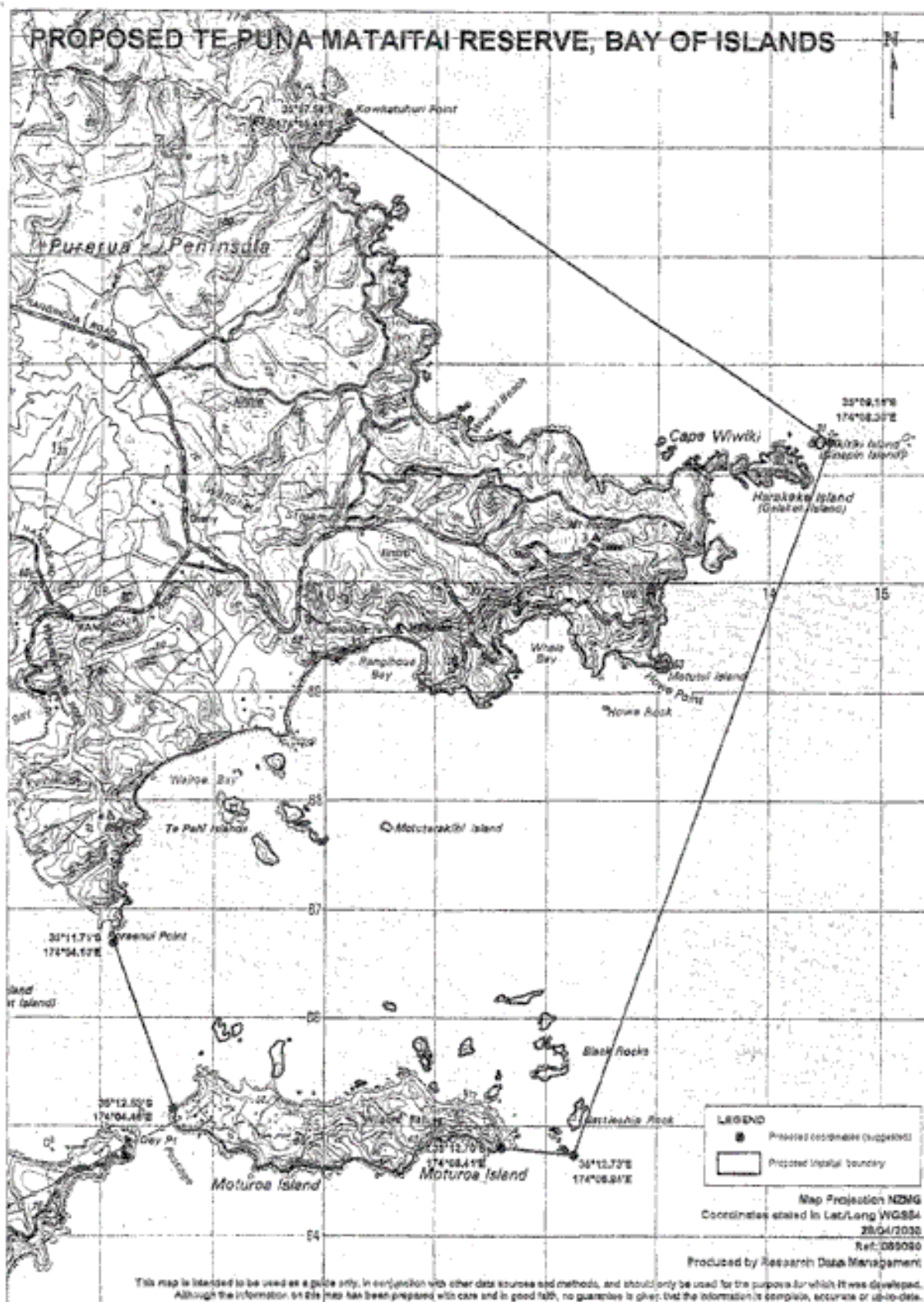


Figure 3: Proposed area for Te Puna Mataitai in the northern Bay of Islands.



Te Puna Mataitai - Update

Joe Bristowe and Paul Haddon, Kaitiaki, Ngapuhi

Judah Heihei, the Hokianga Accord's co-chairman, was due to give the hui this update on Te Puna Mataitai application. Judah passed away at the end of March leaving a yawning gap in many people's individual life and various groups, including Te Runanga A Iwi o Ngapuhi and Ngati Rehia. Unfortunately Aro Rihari and the Ngati Rehia contingent had left the hui earlier so Te Runanga Trustees Joe Bristowe and Paul Haddon were asked to provide some background information on Te Puna Mataitai process.

Te Komiti Whakature I Nga Taonga a Tangaroa lodged a formal application for Te Puna Mataitai with the Ministry of Fisheries on 2 April 2008. Te Komiti represents 14 hapu/marae with an interest in the northern Bay of Islands. Rohe moana was gazetted in 2002, according to the Fisheries (Kaimoana Customary Fishing) Regulations 1998. The proposed mataitai is around 7.6 square miles and extends from Purerua Peninsula, out to the Black Rocks and north past the Ninepin to Kowhatuhuri Point.

Judah was instrumental in raising public awareness and support for the mataitai. Opposition from the community and other hapu had been settled. Despite the best effort of Judah and Te Komiti they could not resolve, by negotiation, the one objection from a commercial fisherman who utilises the area within the proposed mataitai.

MFish were due to assess the application in late 2009 and provide advice to the Minister of Fisheries, Phil Heatley, so he could approve (or not approve) the application.

This mataitai initiative follows a Taiapure application sent to MFish in 1976. That application has since lapsed. Te Komiti has spent more than ten years trying to gain community and Ministry support for their effort to deliver kaitiakitanga in their rohe moana [marine area]. The delay in approval was very frustrating given that Judah has passed away without enjoying a satisfactory outcome and despite Te Komiti completing the necessary application process.

Joe Bristowe went onto describe the difficulties that hapu from the southern Bay of Islands were having with implementing similar marine protection initiatives. Several of the objectors to their proposals had moved offshore and there were communication difficulties, but MFish has insisted they address each objection individually.

Hui Discussion

There was increasing frustration at the Ministry's lack of response to various mataitai and taiapure applications around the motu [country]. It seems the government has decided to put these processes on hold, despite the statutory obligations the Crown had to fulfil in regards to protecting the interests of tangata whenua.

At the last hui there was discussion around the Ministry's letter to the Iwi Reference Group⁸, dated March 2009, advising that, due to their organisational review MFish staff would no longer be promoting mataitai or assisting tangata whenua with drafting any applications.

Irrespective of the MFish review, Te Komiti had the willing support from the community and completed all the necessary steps to achieve approval for the mataitai application.

There is a certain irony in that the one commercial objector was actually fishing quota leased from Ngapuhi.

It was not clear if there were any breaches of 'good faith' negotiation/process on the Minister or Ministry's part. It seemed unreasonable to set Maori down the path of achieving these protection measures and not

⁸ http://www.option4.co.nz/Fish_Forums/documents/har609.pdf, page 78.

deciding on the outcome or meeting the Crown's obligations in a timely manner. A question to the Ombudsman's office may clarify this issue.

There is a major contradiction in the definition of 'consultation' that tangata whenua have to meet when compared with the Crown's application of the same term. There is a double standard being applied to the mataitai process.

Despite the earnest effort of Te Komiti the one objection could not be resolved, whereas there does not seem to be any processes where MFish, or any Ministry of the Crown, is expected to achieve 100 percent consensus before it implements its own initiatives.

This expectation on tangata whenua reeks of inconsistency and obstruction.

At Judah's tangi there was a deep sense of whakamaa [embarrassment] that the Crown could treat tangata whenua, and Te Komiti in this instance, with such disrespect. The Hokianga Accord would be remiss in not addressing this issue on behalf of Judah and Te Komiti.

Resolution

It was resolved that the Accord's constituent groups would work together to develop firstly a letter to Te Komiti seeking their approval to write to the Minister of Fisheries, and secondly a letter to the Minister reiterating the Crown's obligations to recognise and give effect to the kaitiakitanga aspirations of Te Komiti Whakature I Nga Taonga a Tangaroa. This correspondence to the Minister ought to stipulate a timeframe for approval of the Mataitai.

**Following the hui a letter was sent to Te Komiti Whakature I Nga Taonga a Tangaroa seeking their approval to write to the Minister. (Refer Appendix Four.)

