

# New Zealand Big Game Fishing Council

(Incorporated)

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4<sup>th</sup> September 2007

Hon. J Anderton  
Minister of Fisheries  
Parliament  
Wellington

Dear Mr Anderton,

**Fisheries Act, Section 12**

**Governments Statutory Obligation to Provide for Tangata Whenua in Fisheries Management**

I have keenly observed your stance in respect of the shared fisheries process whereby you have voiced on numerous occasions that "If you aren't part of the solution, then you are part of the problem". With this in mind, I seek your guidance on how the following problem might best be resolved.

Over the past 2 years the New Zealand Big Game Fishing Council Inc (NZBGFC) representatives have, by invitation, attended several hui, arranged by Ngapuhi and other mid-north iwi, to discuss various fisheries issues and how the all stakeholders could work together to achieve better management of New Zealand's fisheries and achieve more fish in the sea.

Given that Ngapuhi, and other mid-north iwi, have a legislated customary right, a well founded common law right in respect of their fishing to provide for their whanau with day to day fishing, and by virtue of the Treaty of Waitangi Fisheries Settlement Act 1992, a substantial commercial interest, accepting the invitation and developing a good working relationship with them, has been agreed by the NZBGFC to be a logical step towards better fisheries management.

The series of hui held thus far have resulted in the group that comes together being known as 'The Hokianga Accord' including Ngati Whatua & Ngati Wai. As I understand it, these make up

the total iwi representation in the mid-north and only organisation with legislated Mandated iwi Organisations (MIO) status.

Over time I have become aware that our hosts, Ngapuhi, have been having difficulty obtaining Ministry of Fisheries recognition & funding for what they advise is their 'Mid North Iwi Forum'.

I recently queried why the Ministry of Fisheries has such great difficulty with this and find that I have really opened the proverbial can of worms.

I have found that there is a substantial history of correspondence between Raniera (Sonny) Tau, Chairman - Te Runanga Iwi Ngapuhi and Naida Glavish, Chairman of Ngati Whatua with Stan Crothers, the acting Chief Executive of the Ministry of Fisheries.

For your quick reference, I have found it useful to follow the link below which in the minutes of the Hokianga Accord include the entire history of correspondence.

[http://www.option4.co.nz/Fish\\_Forums/documents/har407.pdf](http://www.option4.co.nz/Fish_Forums/documents/har407.pdf) (pages 68-70)

My understanding is that there has been no further communication from the Ministry of Fisheries for the past 12 months to progress the issue and when analysed, I think that it can be agreed that the recent response from Carl Ross, (Customary Relationship Manager with the Ministry of Fisheries) dated 31/8/07 to my enquiry does little to resolve the problem, and from what I observe, appears to be bent on perpetuating rather than resolving this issue.

I observe that this is clearly only a clash of policy versus the governments' legislated obligations.

Irrespective of the hoops that the Ministry of Fisheries may choose to put in place, in trying to get the Hokianga Accord to meet their policy requirements of their 'Iwi Forum' initiative, what is actually occurring appears to be unlawful, in that by refusing funding, the Crown is failing to meet its legislated obligations under section 12 of the fisheries act which are to provide for tangata whenua's participation in fisheries management.

I could perhaps understand if the parties involved with this spat were a minority radical group versus the lower level of a government department, however, this issue is between the Acting CEO of the Ministry of Fisheries and the leaders of 3 major iwi groups, including the largest in NZ. Surely some sanity must prevail.

It would therefore be appreciated if you could look into this matter and perhaps provide some guidance on how the Ministry of Fisheries might best be able to resolve this matter and in doing so better assist you with fulfilling your statutory obligation which is at the heart of this issue.

Yours faithfully

Richard Baker  
Vice President  
NZ Big Game Fishing Council Inc