

Report

Hokianga Accord

Te Whakamaharatanga Marae Hui

A hui to provide for the input and participation of tangata whenua having a non-commercial interest in fisheries, an interest in the effects of fishing on the aquatic environment and having particular regard to kaitiakitanga.

3 – 4 April 2008



*“It is all about sustainability, of fish, the people and our way of life.”
Stephen Pikaahu, Nga Ngaru O Hokianga.*

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Executive Summary

This document is the record of the Hokianga Accord hui held at Whakamaharatanga marae, Waimamaku, Hokianga on the 3rd and 4th of April 2008. This report includes material presented during the Accord's eleventh overnight hui, subsequent discussions, and appendices relevant to the Forum's activities. This report was commissioned by the Hokianga Accord and was written by Trish Rea. Source material for this report was the video taken of the hui.

The Hokianga Accord is the mid north iwi fisheries forum encompassing the interests of iwi and hapu of Te Tai Tokerau. The Forum is intended to assist the Minister of Fisheries (the Minister) fulfil, in part, the Crown's ongoing statutory obligation to provide for the input and participation of tangata whenua having a non-commercial interest in fisheries, an interest in the effects of fishing on the aquatic environment while having particular regard to kaitiakitanga. (Fisheries Act 1996, section 12 (1) (b))

"More fish in the water for tomorrow's mokopuna" was the theme of this hui with particular emphasis on how the Minister, through the Ministry of Fisheries (MFish), will engage with mid north iwi. Both Ngapuhi and Ngati Whatua have committed to working with other iwi and hapu, the New Zealand Big Game Fishing Council (the NZBGFC) and option4, through the Accord, to achieve their aspirations for more abundant fisheries and a healthy marine environment.

After three years discussion and several proposed models of engagement there are still outstanding issues to resolve. MFish has to come to terms with the Accord's decision to include non-Maori in the forum's discussions. Issues confronting all interests were too complex for one group to consider alone, so the Accord will address them collectively.

Further, the Accord has agreed that Ngapuhi and Ngati Whatua iwi leaders will engage at Ministerial level leaving the forum's working group representatives to deal with MFish officials. This resolution is a result of the ongoing obstructive and divisive behaviour of senior managers and the Ministry's lack of support for the Accord.

A national customary forum, Te Kahui Maunga o Tangaroa has been established. This is in addition to the existing national freshwater fisheries forum, Te Ika a Maui. MFish seem to be reluctant to include freshwater issues within the scope of this new national customary group. Clarification on responsibilities will be sought from MFish at the next hui of these forums.

Maori have limited time and resources and it is increasingly difficult for iwi and hapu to engage with numerous government agencies and local authorities. MFish were not providing adequate resources so tangata whenua can have input and participation into many existing processes. The Ministry's proposal to implement 68 Iwi Fisheries Plans will require even more input and seems unrealistic, with or without additional New Initiatives funding.

Full support was given to the proposed education project to teach children how to protect the coastline and fresh waterways so there is abundance for their mokopuna. The NZ Big Game Fishing Council and Ngapuhi will work with 'The Minstrel' to develop educational material for school presentations, a DVD, and possibly a television series.

There is some scepticism about whether the MFish-led Fisheries Plans will have any impact on fisheries abundance, particularly given the current large management areas and the number of species involved. Development of the North Island West Coast plan is underway. It has been helpful to have Hally Toia, Trish Rea and Tommy Moana from Nga Hapu o Te Uru o Tainui advocating for non-commercial fishing and environmental issues in the planning meetings.

Resources will be stretched ultra-thin if MFish conduct their planned review of the Fisheries Act 1996 (the Act) while non-commercial fishing representatives are still engaged in the *Shared Fisheries* and Joint Stakeholder Working Group discussions. There is a risk that non-commercial interests will not be available to address both legislative amendments and devote adequate time and resources to the *Shared Fisheries* issue.

News that MFish were proposing to work with industry and Te Ohu Kaimoana (TOKM) on a quick process to amend section 13 of the Act, in response to a recent court case, was of great concern. Setting the total allowable catch (TAC) under s13 is the most fundamental role of the Minister. The TAC is the cornerstone sustainability measure within the Act. A TAC determines how much fish is extracted from the water annually. Tangata whenua could talk all day about customary tools but if the TAC is set too high and the sea is empty there is little point in having these measures in place.

It was both frustrating and interesting listening to the arguments from the industry and Crown during the Court of Appeal kahawai hearing in February. Sanford Limited, Sealord Group Limited and Pelagic & Tuna New Zealand Limited appealed against the 2007 High Court judgment, which was a 'win' for non-commercial fishing interests. A decision from the Appeal Court is not expected for several months.

It was debatable whether gazetting rohe moana was worthwhile given the wider issues of fisheries and land mis-management. Kaitiaki have no powers to enforce any regulations and limited impact on how fisheries are being managed. Allowing excessive harvesting of fish lowers abundance and alters the mix of inter-related species, while land run-off often affects the marine environment.

Applying customary management tools to a small space within the large quota areas is unlikely to address finfish depletion. Until there are more fish available people were merely arguing over the scraps.

It was no surprise that MFish were struggling to get buy-in from tangata whenua for their various proposals. Many people did not understand the various customary tools or the Crown's ongoing obligations under the Deed of Settlement to give statutory recognition of tangata whenua's right to manage fisheries and their rohe. Without a change of management and the application of the principles of kaitiakitanga to nurture the natural resources there will be no kaimoana for anyone to sustain themselves.

A healthy environment contributed to the wellness of Maori. There is increasing awareness that more sustainable farming practices need to be used to produce healthier food, less soil erosion and cleaner waterways. Maori have the opportunity to advocate for some of the \$700 million government funding available to improve land management practices. Enhancing soil quality and quantity on the vast blocks of Maori land will provide many benefits.

Cage finfish farming and seabed mining can have detrimental environmental effects. By the time people realise the full impact of every compromise made, in environmental terms, it maybe too late to address them. Increasing information demonstrating these negative effects cannot be ignored. This creates a dilemma for Maori who have long-aspired to developing aquaculture as a means of sustainable funding.

Despite the difficulties it is encouraging that everyone involved in the Accord remains passionate and committed to the collective goal of "more fish in the water/ kia maha atu nga ika ki roto i te wai". It is all about sustainability, of fish, the people and our way of life.

Report Acknowledgements

Thank you to Sonny Tau, Scott Macindoe, Max Purnell and Clive Monds for their time so generously given to review the draft report prior to its completion and publication.

Apologies

Mike Austin (Guardians of Mimiwhangata), John Chibnall (New Zealand Big Game Fishing Council and Bay of Islands club representative), Richard Baker (NZBGFC), Larry and Barbara Baldock (Tauranga), Paul Barnes (Auckland), Paul Batten (Mangawhai), Bruce Bell (Whitianga), Garth Bray (Sydney), Peter Campbell (NZBGFC), Juliane Chetham (Te Uri o Hau), Robbie Cullen (Maungaturoto), Alan Dempsey (Auckland), Jonathan Dick (MFish), Grant Dixon (NZ Fishing News), Richard Dods (Auckland), Mark Feldman (Kerikeri), Jason Foord (Guardians of the Sea Trust), Tom Fox (Guardians of the Sea Trust), Bruce Galloway (Auckland), Emma Gibbs, Judy Gilbert (Aotea), Naida Glavish (Chairman, Te Runanga o Ngati Whatua), Neha Hakaraia, Pete Saul (Tutukaka), Martin Irvine (Guardians of the Sea Trust), Alain Jorian (Gisborne), John Kenderdine (Doubtless Bay), Bill Kirk, Harry Mahanga (Ngati Manu), Bob Meikle (Christchurch), Tom Moana (Waikato), Brett Oliver, Hiwi Rihari, Stuart Ryan (Auckland), Steve Sangster, Addie Smith (Ngati Wai Trust Board), Mark Solomon (Chair, Te Runanga o Ngai Tahu), Ian Stewart (NZBGFC), Ross Webber, Wiremu Wiremu, Kim Walshe, Brian Wrathall (Taupo). Tepania Kingi would be arriving later in the day.

Special mention was made of Vern Tonk's passing the previous week, his tangi was held a few days later. Vern had attended previous Hokianga Accord hui at Whakamaharatanga marae. Vern was Chairman of the Guardians of Mimiwhangata Fisheries and Marine Environment/*Nga Kaitiaki o Nga Ika Nga Kaimoana Me Nga Ahuatanga Takiwa o Te Moana o Mimiwhangata*.

Coinciding with this hui was the tangi for a local kaumatua Buster Hancy. Hui participants went to Mataiaranui marae to pay respects to Buster and be with his whanau. This was a new experience for many of the Pakeha at the hui and a special moment to remember.

Haere, Haere, Haere.



Participants in the first Hokianga Accord hui at Whitiara marae, Te Tii, Purerua Peninsula in the Bay of Islands. April 2005.

Background

Since the inaugural Whitiara marae hui in 2005 the Hokianga Accord has been hosted at Whakamaharatanga marae, Hokianga (five visits) and returned to Whitiara in Te Tii, Bay of Islands. Overnight hui have also been held at Naumai marae on the Kaipara, Whakapoumahara marae, Whananaki, Oturei marae in Dargaville and Waipapa marae at Auckland University. Several Working Group hui have also been held in Auckland.

Commitments were made at the November Waipapa hui to report back on a number of issues including MFish recognition of the Hokianga Accord, the national iwi customary forum, the Norwest fisheries planning process, the *Shared Fisheries* debate, the Kahawai Legal Challenge and the Guardians of the Sea Charitable Trust *Nga Kaitiaki o Tangaroa*.

MFish has answered a number of questions from the Waipapa hui regarding the Deed of Settlement Implementation Programme spending and customary fisheries management. The questions and MFish's response are included in this report as Appendices Four and Five.

Despite a number of meetings and an exchange of correspondence there is still no resolution to having MFish recognise the Hokianga Accord as the mid north iwi fisheries forum.

Te Kahui Maunga o Tangaroa was established in November 2007 to represent the national interests of customary fishers. Paul Haddon, Ngapuhi's representative, was one of five people appointed to the forum's working group.

Slow progress is being made in the Northwest Finfish Fisheries Plan process. The first two of eighteen scheduled meetings have been held with the next due in May 2008.

The *Shared Fisheries* Joint Stakeholder Working Group is a multi-interest group established to discuss possible solutions to fisheries management issues. Sonny Tau is now representing customary interests and reporting on the Group's progress. This was an important step as Te Ohu Kaimoana had originally claimed the mandate to speak on behalf of Maori fishing interests.

Ngapuhi and Ngati Whatua remain committed to supporting the Kahawai Legal Challenge. Sonny Tau's affidavit in support of the Challenge was a source of inspiration and ongoing discussion. The Court of Appeal hearing was in February 2008. A decision had not been released prior to this hui. Further details are online at <http://kahawai.co.nz/ngapuhi.htm>.

The Charities Commission has approved the charitable status of the Guardians of the Sea Charitable Trust *Nga Kaitiaki o Tangaroa*. Effort is now focussed on gathering pledges and donations for the Trust, to enable the distribution of funds to support education, kaitiakitanga, fisheries and environmental management and representation of non-commercial fishing interests.

As part of the Accord's public awareness initiatives regular Updates are published in the *New Zealand Fishing News* magazine and online. A record of these Updates, details of the forum's previous hui and submissions are in Appendix Eleven.

The Hokianga Accord includes Ngapuhi, Ngati Whatua, commercial, customary and amateur fishing interests. The New Zealand Big Game Fishing Council and fisheries advocacy group option4 fully support the Accord and it's objective of "more fish in the water/ kia maha atu nga ika ki roto i te wai". Each organisation retains their autonomy but has committed to supporting each other on the broader fisheries management issues that have the potential to affect everyone.



Te Whakamaharatanga marae, Waimamaku Valley, Hokianga.

Introduction

A crisp Hokianga morning greeted around 30 people arriving at Te Whakamaharatanga marae, Waimamaku, for the eleventh overnight Hokianga Accord hui. It was April 3rd and the first formal hui of the mid north iwi fisheries forum in 2008.

Following the powhiri by Nga Ngaru O Hokianga Takiwa, the group settled in for two days of interesting discussions on how best to achieve “more fish in the water for tomorrow’s mokopuna”.

It was a privilege once again to be manuhiri (guests) of Whakamaharatanga marae. It was a timely return to this historic wananga, school of learning, in the Waimamaku Valley of the Hokianga.

Co-Chairmen Raniera T (Sonny) Tau and Judah Heihei welcomed everyone to Te Whakamaharatanga marae. Having a smaller group would enable more focussed discussions and, if there was time, the opportunity to discuss items in addition to those already on the agenda. (Appendix Twelve.)

The Hokianga Accord is a gathering of mid north iwi and their manuhiri (visitors) who were interested in the ongoing sustainability of the fisheries and marine environment. The NZ Big Game Fishing Council and option4 were regular participants at the Accord’s hui and would be contributing throughout the hui. Everyone was encouraged to ask questions and provide their input into the discussions.

Natasha Clarke, the Ministry of Fisheries’ latest Pou Hononga (Relationship Manager) for mid north iwi, was not available to attend this hui due to other commitments. The planned hakataua (welcome) for Natasha was postponed until another occasion.

This hui was an ideal opportunity for iwi to discuss issues regarding their rohe moana and for MFish to report to tangata whenua on their activities. It was also a rare chance to ask MFish senior managers, in person, any fisheries-related questions.

Both Jonathan Peacey the National Manager of Fisheries Operations and Carl Ross, MFish’s Customary Relationship Manager, were at this hui during the first day’s discussions. George Riley, MFish Pou Hononga for the far north iwi fisheries forum, Te Hiku O Te Ika, stayed for both days.

Participants were encouraged to take copies of the material supplied including:

- ⇒ Hokianga Accord hui report, Waipapa marae, November 2007
- ⇒ Hokianga Accord hui report, Te Whakamaharatanga marae, August 2007
- ⇒ Ngapuhi affidavit in support of the Kahawai Legal Challenge, August 2005.

Throughout this and other Hokianga Accord reports recreational fish/fishers/fisheries are referred to as amateur or traditional. The Hokianga Accord does not accept the word ‘recreational’ as reflecting the true nature of traditional fishing or food gathering to feed the whanau.

In keeping with the principles of te tika, te pono me te tuwhera (being righteous, truthful and transparent) the hui was recorded on video by John Holdsworth and Stephen Pugh, to facilitate accurate reporting of the event.



Naida Glavish, Sonny Tau, Joe Bristowe and Judah Heihei at Naumai marae, Ruawai, Kaipara. July 2006.

Mid North Iwi Leaders Hui with MFish

Sonny Tau, Co-Chairman, Hokianga Accord.

On December 19th 2007 mid north iwi leaders and representatives met with MFish in Whangarei. The objective was to determine how iwi want to engage with MFish so tangata whenua can have input and participation into fisheries management processes while achieving the Minister of Fisheries' statutory obligations to Maori.

This has been an ongoing discussion and the subject of the majority of correspondence between the Accord and MFish to date. (Refer Appendix Ten).

After the December meeting MFish sent a letter¹ to Sonny, Chairman of Te Runanga A Iwi O Ngapuhi, Naida Glavish, Chairperson Te Runanga o Ngati Whatua and Addie Smith, General Manager of the Ngatiwai Trust Board. (Refer Appendix One).

There are still outstanding issues that need to be resolved. Both Ngapuhi and Ngati Whatua have committed to working collectively through the Accord to achieve their non-commercial aspirations for fisheries.

Addie Smith of Ngati Wai confirmed on the eve of the hui that, while they were supportive of the Accord their preference was to work directly with MFish on fisheries matters.

Ngapuhi's representative on the Hokianga Accord, Paul Haddon, and Hally Toia, Ngati Whatua's fisheries manager, were both working on a response to the engagement proposals put forward by MFish. Their recommendations would be considered by both iwi before MFish was notified.

* On April 24th another letter from Sonny and Naida was sent to the Minister of Fisheries, Jim Anderton, requesting a meeting to resolve the outstanding issues. This occurred because mid north iwi are tired of the obstructive and divisive behaviour of MFish senior managers and have resolved to dealing directly with the Minister. (Refer Appendix Seven). A brief acknowledgement was received from the Minister's office the same day.

¹ http://option4.co.nz/Fish_Forums/documents/MF_letter_HA_108.pdf



Building framing for the Nikau Whare, Puatahi marae, Kaipara. July 2006.

National Iwi Customary Forum Hui

Paul Haddon, Ngapuhi representative, Hokianga Accord

Background

In November 2007 MFish called representatives from all the iwi fisheries forums to meet in Rotorua to discuss matters of common interest, including the ongoing *Shared Fisheries*² debate. A major concern for Maori was that the planned Joint Stakeholder Working Group (JSWG) process did not include customary interests.

The Shared Fisheries joint working group was made up of representatives from the NZ Seafood Industry Council (SeaFIC), Te Ohu Kaimoana (TOKM) and the NZ Recreational Fishing Council (NZRFC).

One outcome of the Rotorua hui was that five people, including Paul Haddon, were selected to work on how Maori wanted to be represented in the broader *Shared Fisheries* discussions and report back to the collective iwi fisheries leaders.

In conjunction with this development Sonny had gathered the mandate from the iwi leaders to participate in the JSWG on behalf of Maori customary interests. Sonny is also a Commissioner on TOKM's board and part of the joint Working Group as a commercial representative, so he has a dual role in this process.

Sonny acknowledged that Maori would not be participating in the JSWG process without the support of the non-Maori fishing organisations involved in the Hokianga Accord. It was simply too expensive for Maori to do it on their own. The NZ Big Game Fishing Council and option4 had insisted on having a customary voice at the table.

Maori are grateful for the support of the NZ Big Game Fishing Council and option4.

Tight five

During the Rotorua fisheries hui five people were chosen to discuss and report back to iwi on the *Shared Fisheries* debate and other issues, they were:

- ⇒ Tom Paku
- ⇒ Manny Mocomoko
- ⇒ Paul Haddon
- ⇒ Richard Orzecki
- ⇒ Mike Noho.

Another key role of the 'tight five' is to consider the most effective way Maori customary interests can be represented nationally. A new body will be established, this will be known as Te Kahui Maunga o Tangaroa. A management council will be selected in due course. Terms of Reference will be developed in conjunction with MFish.

A discussion paper has been drafted and circulated amongst the group but is yet to be finalised. Another hui is scheduled for April 30th where the discussion paper and a draft constitution will be debated further.

It was recognised that there were a number of processes underway that will have an impact on all hapu and iwi. These included Treaty negotiations, rohe moana gazetting procedures and

² <http://option4.co.nz/sharedfisheries/index.htm>
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other area-specific issues. A priority for the national group was to develop a communication network to keep everyone informed of progress and national issues.

MFish managers were present on the first day of the Rotorua hui. It is envisaged MFish and possibly other government agencies will have a role within the national group however, the framework of how the group will interact with other groups has yet to be finalised.

Hui Discussion

A national freshwater fisheries forum was established around two years ago. Te Ika A Maui only dealt with North Island freshwater fisheries issues because the South Island freshwater fisheries were already included in Ngai Tahu's Treaty settlement with the Crown.

A Working Group from Te Ika A Maui had developed a constitution and was also working on a Memorandum of Understanding (MOU) with MFish. There were concerns that this new national body was simply replicating the process when much of the necessary groundwork had already been done.

Sonny clarified the Rotorua hui had agreed that freshwater fisheries issues were relevant and would be included in the national customary group's discussions. However, after the Rotorua hui MFish had changed their stance and decided it was inappropriate to include freshwater issues within Te Kahui Maunga o Tangaroa. This issue would need to be clarified before the next national hui.

Shared Fisheries debate

A major concern for customary interests was the implications of the *Shared Fisheries* debate. It was all very well talking about customary issues amongst Maori, but the wider debate would have an impact on how much fish was available to customary fishers. By the time the national forum is organised the *Shared Fisheries* debate could well be over.

A report from the *Shared Fisheries* Joint Stakeholder Working Group was due to be given to the fisheries Minister by the end of April but that deadline had been extended.

Currently the Joint Stakeholder Working Group did not have a dedicated customary representative aside from Sonny. Plans were underway to have Richard Orzecki included in those discussions so adequate consideration was given to customary fishing interests.

The Crown, through the Minister and Ministry of Fisheries, has failed to fulfil their statutory obligations to tangata whenua in regards to their non-commercial fishing interests. It has only been in the past few years that MFish has made more effort to address this failure and provide for the input and participation into fisheries management, as per section 12 of the Fisheries Act 1996.

option4 and the NZ Big Game Fishing Council's consistent approach throughout the *Shared Fisheries* debate is that any outcome of the deliberations will lack validity unless there is full input and participation of customary non-commercial fishing interests.

It is naïve to expect a robust outcome if the *Shared Fisheries* process is flawed, to the extent that the majority of customary non-commercial interests are not well informed nor have their representatives been given the opportunity to participate in a constituted, mandated capacity.

Representation

Te Kahui Maunga o Tangaroa, the national customary forum, will need to clarify who it plans to work with to achieve their goals, whether hapu will be involved or only Mandated Iwi

Organisations (MIOs) such as Te Runanga A Iwi O Ngapuhi. Often the aspirations of hapu are different to that of their iwi authority so this needs to be clarified.

Maori need to be realistic about how much input this new group is going to have before the *Shared Fisheries* discussions are over. Tangata whenua also need to recognise and acknowledge that it is the non-Maori amateur fishing organisations and individuals who are 'pushing the Maori barrow' in these complex discussions.

Maori simply do not have the expertise or personnel to do what these organisations have done on behalf of tangata whenua over the past few years. Maori could be romantic and bang on all day about kaitiakitanga but if there is no kaimoana to kaitiaki about then it is hardly worth the effort.

Even Ngapuhi, the largest iwi in the motu (country) does not have the resources or expertise to adequately deal with the major issues such as the *Shared Fisheries* discussions. That is one of the reasons why Ngapuhi is adamant the Hokianga Accord will be the forum to discuss the wider fisheries issues. Maori cannot do it on their own.



Hokianga Accord Working Group hui with MFish officials, Auckland. December 2005.

MFish Expectations for Mid North Forum

Jonathan Peacey and Carl Ross, Ministry of Fisheries

Background

Jonathan Peacey, MFish's National Manager of Fisheries Operations, and their Customary Relationship Manager, Carl Ross, last attended a Hokianga Accord hui in 2006. Their attendance at this hui was in response to the invitation sent to MFish staff, to address a number of issues. In particular, MFish expectations and aspirations for the mid north iwi fisheries forum, including:

- ⇒ Resourcing
- ⇒ Memorandum of Understanding (MOU)
- ⇒ Boundaries set for Pou Hononga (relationship managers).

Input and Participation

Jonathan Peacey acknowledged the Crown's range of statutory obligations to tangata whenua and in particular those related to input and participation into fisheries management. He also acknowledged that it was difficult for MFish to determine what 'input and participation' actually means and how that should be achieved across all iwi and hapu. It was a big task made more difficult by the Ministry's limited resources.

Jonathan acknowledged Sonny's introductory comments and agreed that often MFish staff felt like they were 'in the middle' trying to achieve a lot with the resources allocated by the government.

MFish were not responsible for how much the government allocated to MFish but "*we are responsible for working with you to use those resources in the most efficient way possible and ...we are looking for ways to improve on that*".

There have been a number of earlier initiatives to determine the best way to achieve input and participation. Some of those did not work out too well. In the early 2000's hui were held on marae and with iwi to examine engagement models to meet the Crown's statutory obligations.

One outcome of those hui was the Deed of Settlement New Initiative with funding allocated for a number of components including Pou Hononga (relationship managers), Pou Takawaenga (extension services team), funding to support iwi forums, a boost for inshore management teams and other smaller elements.

MFish believe they have made a lot of progress over the past few years but do acknowledge there are many challenges ahead. In terms of iwi forums and MFish' expectations, "*what we don't want to do is to say, 'this is the way the iwi forum must work, they must be exactly the same around the country'. That just can't work because different iwi will work together in different ways*".

Some forums have now signed formal agreements with MFish. Others are working with their Pou Hononga and Pou Takawaenga to achieve their aspirations. MFish acknowledge the particular challenge they have had with mid north iwi to work out "*an appropriate working relationship and how we do that. The Ministry is committed to continuing that dialogue and engagement until we can sort out something that is suitable for all iwi*".

Jonathan believes the December meeting of MFish, iwi leaders and representatives was very productive. Following that meeting MFish distributed a draft engagement model, similar to that discussed at the meeting. (Refer Figure 1, page 58).

MFish are now considering the feedback and hope to have another meeting with mid north iwi soon. He is confident that an MOU will follow once agreement is reached.

MFish were pleased with the development of the national customary forum, Te Kahui Maunga o Tangaroa. It was a learning process for both iwi and the Ministry.

It was not MFish's role to determine how the national body coordinates its work with each iwi forum, that will need to be worked out amongst iwi. Similarly, it was up to the national forum to decide what role it had in the *Shared Fisheries* debate and other policy discussions.

Iwi forums and Pou Hononga

Carl Ross, MFish's Customary Relationship Manager, emphasised their role was not to impose a framework on how iwi forums should operate. It was up to iwi to decide how that would be done. He reiterated the forum concept had come from hui held with tangata whenua several years ago. There are currently eleven iwi fisheries forums operating throughout the motu.

There are no definitive boundaries that Pou Hononga have to work within. MFish recognises its health and safety obligations to its staff so it has tried to limit the area covered by individual Pou Hononga, so they are not driving too far within a limited timeframe to meet with different groups.

Carl is responsible for the budget that covers the Pou Hononga, their expenses and the annual budget of \$20,000 per regional forum. He was pleased to report that similar funding is now available for the national customary leaders forum.

Hui Discussion

It was "about time" MFish recognised the need to replace the last mid north Pou Hononga, Graeme Morrell. George Riley, the Muriwhenua Pou Hononga, had done a great job in the absence of any other support and Taitokerau Maori were pleased to be working with Natasha Clarke.

It was concerning that the Pou Hononga base maybe shifting south from Kaitaia, possibly even to Auckland. Given George's current limited resources any further cutbacks would have a detrimental effect on tangata whenua's non-commercial fishing interests. More resources ought to be applied to this korero (discussion) not less.

Increasing the Department of Conservation's involvement would be useful too, given their role in the freshwater and marine environments. More meaningful discussions with territorial authorities such as regional councils would also be beneficial.

Tangata whenua are struggling to deal with multiple issues occurring simultaneously, not just in fisheries. Compounding the difficulties is iwi's lack of resources to effectively communicate with their people.

A stumbling block is that most official documentation is written in jargon that is not widely understood. It was difficult enough for those involved in the various processes to keep up, let alone understand and be able to explain the issues in simple language.

MFish and other government departments need to make more effort to produce information in easy-to-read language so everyone has the opportunity to understand the issues. Only then will the iwi affiliates be well informed to appoint people who represent their interests.

Jonathan agreed that it would be helpful for Maori to have a multi-agency approach to the major issues. He encouraged iwi to keep the pressure on MFish to both take that approach and to produce more reader-friendly material. Jonathan cited the Guardians of Fiordland³ multi-stakeholder approach to fisheries management and marine protection as a successful example of this type of collaboration.

Engagement with MFish

Most people at the hui had not seen the draft engagement model presented by MFish after the December 2007 Whangarei meeting. (Figure 1, page 58). There would need to be further discussion, later in the hui, whether the MFish model was acceptable or whether the Accord stood by its draft presented to MFish in early December 2005. (Figure 2, page 60).

Jonathan responded by saying, *“our primary obligation is with the iwi leaders. So, whilst it is clearly not up to us to say what is discussed here and you are welcome to discuss those ideas if you wish...our next step from the Ministry is to meet again with the iwi leaders and we will be guided by them as to how to move forward, in terms of the relationship with the Hokianga Accord”*.

Jonathan’s comment provoked a number of replies including the following observation:

Ministry had spent a number of years talking about meeting with iwi leaders. Those iwi leaders were at the hui. There are around 120,000 Ngapuhi, another 15,000 Ngati Whatua and around 5,000 Ngati Wai. This amounted to around 140,000 individuals.

So, there were around 135,000 out of 140,000 people represented at this hui and it has been that way for eleven hui. It was MFish that had been missing from a few hui but the Hokianga Accord hui had been advocating the same stance for several years.

Sonny confirmed the presence of iwi leaders at the hui and proceeded to point out the different iwi and hapu leaders to MFish.

Jonathan clarified the statutory obligation of the Minister, through the Ministry, to provide for input and participation was with iwi and hapu. *“The Ministry is negotiating with the rest of the main iwi in this region and will continue to do so until we are able to develop a model that is satisfactory, that meets their needs. That’s where our obligation is and we will continue to do that”*.

It was very frustrating that MFish has not accepted the Accord’s alternate engagement model. It seemed that the Ministry were seeking a model that suited themselves, not iwi and hapu.

Ngati Wai were not at this hui. Hally Toia was at the hui for Ngati Whatua, in Naida Glavish’s absence. Te Runanga A Iwi O Ngapuhi has decided that Sonny will withdraw from the MFish discussions and be replaced by others, including Judah Heihei, Paul Haddon and Joe Bristowe. Sonny has been directed by his Board to deal with the Minister of Fisheries, in accordance with his status as an iwi leader, not with MFish officials.

Sonny went on to explain that MFish has to come to terms with the Hokianga Accord and its decision to include the participation of Pakeha in their discussions. The Accord was representing northern fishing interests, commercial, customary and amateur (recreational). While the Accord has appointed different people to specific tasks such as Fisheries Plans and science Working Group meetings, the feedback will be through the Hokianga Accord. This was because northern Maori had come to realise that without the skills and expertise of other non-commercial fishing representatives, they would be “lost”.

³ http://option4.co.nz/Fisheries_Mgmt/fiordland.htm

‘The People's Submission⁴’ was a joint response to MFish’s *Shared Fisheries* Policy. That document was an example of what can be achieved collectively. Tai Tokerau kaumatua, kuia and kaitiaki could not respond at that level.

So it would be a waste of time for Maori to go without the other non-commercial amateur fishing groups. The flipside to that argument is that Pakeha cannot afford to go without Maori non-commercial fishing interests either.

Ngapuhi iwi leaders will not walk away from something that is so beneficial to their people, so they will stick with the Hokianga Accord and its collective skill-base. The issues that were confronting everyone were far too complex for one group to consider alone. The Hokianga Accord will address them collectively.

Tautoko (support) for this stance came from Hally Toia on behalf of Ngati Whatua.

MFish were advised that the Accord would nominate its own representatives to attend subsequent hui to discuss the engagement model. Hally, Judah, Paul and Joe may decide they need to bring along another tautoko person from the amateur fishing groups to assist with the discussions.

MFish response

MFish considered the Hokianga Accord’s December 2005 draft engagement model was good. (Figure 2, page 60). It provided a structure that MFish could fund under their guidelines to support iwi forums.

Jonathan also clarified that Maori could invite whomever they wanted to attend and participate in their discussions. Ministry’s difficulty was clarifying whether all three iwi, being Ngapuhi, Ngati Whatua and Ngati Wai, support the collective approach.

Jonathan continued, “If we get to the stage where two of the major iwi are happy to work together and Ngati Wai does not want to work together under the same forum, then that will say to us that we will need to develop a different model. It may well be that the Hokianga Accord is for two iwi and we will work there and we will have to do something different to provide for the input and participation by Ngati Wai.

“We think it would be desirable if the iwi could work together in the same forum and it’s certainly what the leaders have indicated to us, that they would like to try, but it’s only an invitation.... If we get to the point where it can’t happen we will have to look at other models.....The resourcing may have to be arranged differently.”

MFish still thought the three iwi collective model was a “live option”.

“If you signal to us [MFish] that is not the case then obviously we will have to look at a different approach,” said Jonathan.

Hui response

Given MFish’s supportive response they were reminded of the host marae’s details, information that needed to be included in a cheque to pay the hui fee.

It was made clear that the Pakeha involved in the Hokianga Accord were available to assist tangata whenua achieve their aspirations, which were not that different to those of non-Maori.

⁴ <http://option4.co.nz/sharedfisheries/peoplesubmission.htm>

Tepania Kingi, Ngati Whatua, had described many of the previous hui participants as a “trusted source”. It was a privileged position to be in and MFish was encouraged to advise other MFish staff, Stan Crothers, the new CEO and the Minister, Jim Anderton, that it was a goal of the non-commercial fishing representatives to maintain that ‘trusted source’ status to tangata whenua, irrespective if that was for Ngapuhi, Ngati Whatua or other iwi.

There was no expectation or request for mandate from tangata whenua, it was a supportive role, to stand alongside and assist tangata whenua to achieve their non-commercial fishing aspirations.

Section 12 obligations

Section 12 of the Fisheries Act 1996 sets out the consultation requirements for the Minister and it was critical that both tangata whenua and MFish understood the Minister’s obligations **before** making **any** sustainability decisions.

Section 12:

(1) Before doing anything under any of sections 11(1).....(sustainability measures), **the Minister shall:**

(a) **consult** with such persons or organisations as the Minister considers are representative of those classes of persons having an **interest in the stock** or the effects of fishing on the aquatic environment in the area concerned, including **Maori**, environmental, commercial, and **recreational** interests; and

(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 incorrect for MFish to maintain that they had to deal with iwi leaders before they could provide for tangata whenua’s input and participation when the Act clearly does not say that. Neither does it diminish the Minister’s responsibility for that provision if one iwi does not want to engage with MFish collectively.

Jonathan clarified that MFish understood it was their responsibility to provide for input and participation at an iwi and hapu level. Their intention of talking with iwi leaders was to find the best way to fulfil that obligation to iwi and hapu. The Pou Hononga and Pou Takawaenga were also assisting in this role.



Hokianga Accord hui participants at Naumai marae, Ruawai, Kaipara. July 2006.

Resourcing and Iwi Fisheries Plans

Jonathan Peacey, National Manager of Fisheries Operations, Ministry of Fisheries

Jonathan explained normal government practice is for departments to be given a set amount of funding each year, which is spent as per the agreement with the Minister. MFish receives around \$93 million per annum to cover all its expenditure on research, compliance and standard operations.

An application can be made for 'New Initiative' funds if MFish want funding to complete projects different to those already scheduled. This process usually starts around September so a proposal can be put forward during the budget round. Any successful New Initiatives are announced in the following annual May budget.

The Deed of Settlement (DOS) New Initiative was announced in the early 2000's. This provided funding for the Pou Hononga, Pou Takawaenga, iwi forums and other projects associated with the DOS Implementation Programme.

Answers to the following questions had been sought from MFish,

“Previous new initiative funding to provide for input and participation of \$5 million per annum goes “mainstream” soon – what does this mean for tangata whenua? What is the intent of MFish?

“Rohe moana/iwi fisheries plans explained. New initiatives round – resourcing iwi fish plans – one rohe moana fisheries plan per MIO - \$1.5M for year one and \$1.2M per annum thereafter.

Jonathan explained that some New Initiative funding is project-specific and only available for a limited time. Other New Initiatives have longer-term funding. The \$17 million Deed of Settlement Implementation Programme (DOSIP) is one of the longer-term initiatives⁵.

Ministerial permission, in consultation with the Chief Executive, is required before major amounts can be diverted from a specified programme.

If the New Initiative budget is not spent during the calendar year those funds then become part of the baseline funding and spent within MFish, in accordance with the Chief Executive's agreement. Unless an agreement is reached to spend it elsewhere those funds will continue to be used for the same purpose the following year.

The new Chief Executive, Wayne McNee, has indicated at other hui that he wants to review the Deed of Settlement New Initiative, to make improvements. Discussions with iwi forum will be held throughout 2008 to determine how those funds can be used more effectively. There is no indication that any funding will be diverted away from the current programme.

Rohe Moana/Iwi Fisheries Plans

MFish has proposed to develop 68 Iwi Fisheries Plans by June 2013, in conjunction with tangata whenua. The New Initiative for the Rohe Moana/Iwi Fisheries Plans is one of six bids from MFish for budget 2008 funding. There is no guarantee that any of the bids will be successful.

⁵ DOSIP funding was discussed extensively during the November 2007 Waipapa hui. Online report at http://option4.co.nz/Fish_Forums/documents/har1107.pdf
April 2008 Hui Report

MFish accept there was not a lot of consultation prior to the bid being submitted; this was due to time constraints. If this bid is successful MFish's intention was to talk with iwi to decide on the best way to achieve management plans for each iwi and their rohe moana.

Hui Discussion

Jonathan was asked to clarify how or when iwi will qualify for the assistance that would become available from a successful bid. He explained that Pou Takawaenga were already assisting iwi to develop rohe moana management plans and any extra funding will increase that assistance.

This proposal seemed to be a simplistic government approach to a complex issue. Difficulties arise when there is a perceived conflict of iwi and hapu interests. For example, Ngapuhi has been considering gazetting the whole northern rohe moana yet hapu from the Bay of Islands have had their rohe moana gazetted since 2002. This has created tension and made it difficult for some hapu to support Ngapuhi's proposal.

There were fourteen hapu involved in the northern Bay of Islands rohe moana. These hapu represented more people than some existing iwi.

Where do these MFiSh Iwi Fisheries Plan proposals fit in with hapu aspirations?

Both Jonathan and Carl Ross tried to explain that any additional resources will be used to improve the input and participation of iwi and hapu into fisheries management, and channelled through existing processes.

This answer did not seem to satisfy the concerns of hapu and will need further clarification if the bid is successful.

Unrealistic expectations

Another concern was the increasing demand on Maori to be available and capable of participating in fisheries, coastal, aquaculture and other plans.

There were so many demands on a finite pool of people to deal with the Department of Conservation (DoC), regional and local council issues. Te Hiku O Te Ika, the far north iwi fisheries forum, was struggling to keep up with all the issues even with the assistance of a Pou Hononga.

With or without the additional funding bid MFiSh was not providing adequate resources to tangata whenua to have input and participation into many existing processes.

Jonathan acknowledged that some government processes are formal and others are optional. If MFiSh received strong input from iwi that they wanted to slow some processes down then they would advise the Minister of that recommendation.

Existing Crown obligations

Section 12 exists already so it was not clear why MFiSh needed to wait for additional funds before it fulfilled the Minister's statutory obligation to *provide for the input and participation* of tangata whenua in fisheries management processes.

Jonathan accepts that section 12 prescribes what the government must do but it does not describe how the obligations are to be met. MFiSh accept they could do better so they have applied for more funds to achieve better results.

How is DOSIP funding allocated?

MFish was asked to explain how they allocate the existing DOSIP funding. Over \$17 million was made available in the 2004 New Initiatives fisheries bid for the Deed of Settlement programme, with \$5 million available this and in future years.

Was allocation based on a coastline or population model?

Mid north iwi represent more than 20 percent of the total Maori population. If the allocation model was numbers-based then mid north iwi ought to have had access to over \$3 million since 2004.

On a more practical level, there was supposed to be a Pou Hononga and \$20,000 per annum for each iwi forum. The Hokianga Accord has existed for three years yet no substantial funding has been made available.

In reference to earlier discussions, clarification was also required as to how the \$20,000 annual funds would be split if Ngati Wai decided they would operate directly with MFiSh while both Ngapuhi and Ngati Whatua worked within the Hokianga Accord.

MFish explained there was no specific population or coastline allocation model. Boundaries for each region were based on more practical grounds, such as iwi and hapu affiliations and the ability of Pou Hononga to service an area.

Jonathan explained that Stan Crothers (MFish deputy CEO) had previously advised that more thought will need to be given to funding if all three iwi did not jointly participate in the mid north iwi forum. He added that resources will be spread thinner and MFiSh will not be able to respond to issues as quickly, however, that will need to be discussed when and if that situation arose.

Consultation

It was unacceptable, ongoing practice for MFiSh to consult on issues over the holiday periods, particularly during the summer break.

Jonathan advised MFiSh are about to confirm a Consultation Strategy, which sets out guidelines for consultation taking into account peak holidays by offering longer submission periods. Due to the legislative, research and budgetary timetables the Ministry's Statement of Intent will always be released for comment prior to the December holidays.

Questions for MFiSh

Before Jonathan and Carl left the hui Sonny read out a series of questions for MFiSh, put together by the Accord's Working Group. Those questions would be emailed to Jonathan and Carl in anticipation of comprehensive answers. The questions and subsequent answers (received in May) are included in this report as Appendix Nine.

Particular mention was made of the Hokianga Accord's Update #4⁶ in the *New Zealand Fishing News*, which discussed the \$17M New Initiative Bid, and the Minister's response⁷ that was published in the following month's magazine. (Refer Appendices Two and Three).

Jonathan made a couple of comments and agreed to reply to the Accord after considering the list of 15 questions.

⁶ http://option4.co.nz/Updates_and_Alerts/haupdate4.htm

⁷ http://option4.co.nz/Fish_Forums/documents/Ministers_response_HA_NZFN_108.pdf

Fisheries Act section 13 amendment

MFish were still working through the implications of the February High Court decision for Orange Roughy 1 (ORH1). The Court had ruled the Minister of Fisheries could not set a total allowable catch (TAC) for a fish stock, using section 13 of the Act, without specific information. It was unclear at this stage how many fish stocks would be affected but Jonathan advised it is a “*significant number*” because MFish did not have that data for most fisheries.

“The Minister is having discussions with industry and tangata whenua stakeholders about a change to the [Fisheries] Act, to give him the ability to set TACs.”

When asked to clarify which iwi the Minister was talking with Jonathan explained, *“with the time available, and we are working through this fairly quickly, we’re not sure how best to go to iwi. We don’t have time to work through a cycle of iwi forums. Te Ohu Kaimoana will be involved and we [MFish] are quite aware they do not represent all iwi. And I am not sure what to plan in terms of specific engagement with iwi. I just don’t know at this stage”.*

Amendment - a band-aid solution

Setting the total allowable catch (TAC) is the most fundamental role of the Minister and the TAC is the cornerstone sustainability measure within the Act.

A TAC determines how much fish is extracted from the water and is considered to be the annual sustainable harvest level. Even with current legislation this sustainability level has rarely been achieved so it was important people, particularly tangata whenua, have input into any legislative change.

Tangata whenua could talk all day about customary tools such as mataitai or taiapure but if the TAC is too high and the sea is empty there is little point in these initiatives.

It was concerning to hear MFish suggest that amendments to section 13 of the Act would be made ‘behind closed doors’ because ‘we don’t have enough time’. That will be a band-aid solution that will deny the public a chance to have their say. It will also be a lost opportunity to set sensible, enduring legislation in place.

MFish confirmed any amendment will go through the Primary Production Select Committee so it will not be a completely ‘behind closed doors’ process.

Jonathan continued, *“It [amendment] actually needs a much, much longer process. There is a proposal/intention in our Statement of Intent, and that’s the Ministry’s agreement with the Minister about the work programme coming up, to review the whole Fisheries Act. That will probably take a couple of years. And there’s a whole lot of stuff, especially at the front end, that needs to be sorted out....some could argue that its already out of date, even though its 1996, but its certainly out of date now”.*

Currently the Minister cannot set TACs for the new fishing year starting on October 1st so the intention is to keep the amendment process *“tight...and only make operational what we thought was operational, with no other changes, not to revisit the levels...and next year commence the review of the Fisheries Act”.*

With the exception of a handful of people, most people interested in fisheries sustainability and marine protection issues were volunteers. The proliferation of proposals, policies and now another urgent legislative amendment process will ultimately burn out this good energy from people who were trying to make a difference. MFish should not squander that resource nor their own credibility on a quick, convenient amendment process.

Jonathan and Carl left the hui to return to Wellington. MFish did not pay the fee for this hui nor reimburse Ngapuhi for the Naumai fee from July 2006.

* Following the hui the Hokianga Accord wrote to the Minister of Fisheries expressing concerns about the proposed section 13 amendment and process⁸. (Refer Appendix Six)

* Two weeks after the hui MFish sent Ngapuhi payment for the 2006 Naumai hui fee.

⁸ http://option4.co.nz/Fish_Forums/documents/FA_amendment_letter_HA_408.pdf
April 2008 Hui Report



Education Project for Children

Evan MacKay, New Zealand Big Game Fishing Council

Evan MacKay is one of two Vice Presidents of the New Zealand Big Game Fishing Council (NZBGFC) and a northern zone representative. The NZBGFC has 59 member clubs nationally representing almost 33,000 members. While many are focussed on fishing for big game species like marlin most members are keen fishers looking to put food on the table for the whanau.

Evan grew up in Tai Tokerau and has spent a lot of his time out on the water. He believes we are not looking after our marine environment. It was major concern that children were no longer being encouraged to get outside and enjoy outdoor activities including fishing.

Fishing teaches us many things including discipline, respect for other people and the environment. It is an activity that provides good food while being enjoyable for the whole whanau.

The Minstrel

The NZBGFC wants to encourage more children to go fishing and enjoy the outdoor lifestyle. The Council invited Mark de Lacy, aka 'The Minstrel', to talk with the hui about the proposed education project designed to reach these children through their schools.

Over the past fifteen years Mark has been an entertainer and more recently developed educational material for use in schools. He has sold around 27,000 copies of his book "Hiwi the Kiwi" and CD of songs. Mark and his wife Chris now travel New Zealand visiting every town once a year performing at 150 to 200 primary and intermediate schools.

The NZ Big Game Fishing Council

Earlier this year Mark and the NZ Big Game Fishing Council discussed developing a school resource that covered fishing and the joys of being outdoors. An opportunity also exists to develop material for a television series and a DVD. Mark and Chris were confident of fulfilling their commitment made to the Council, to have at least 150 schools signed up to the programme by October 2008.

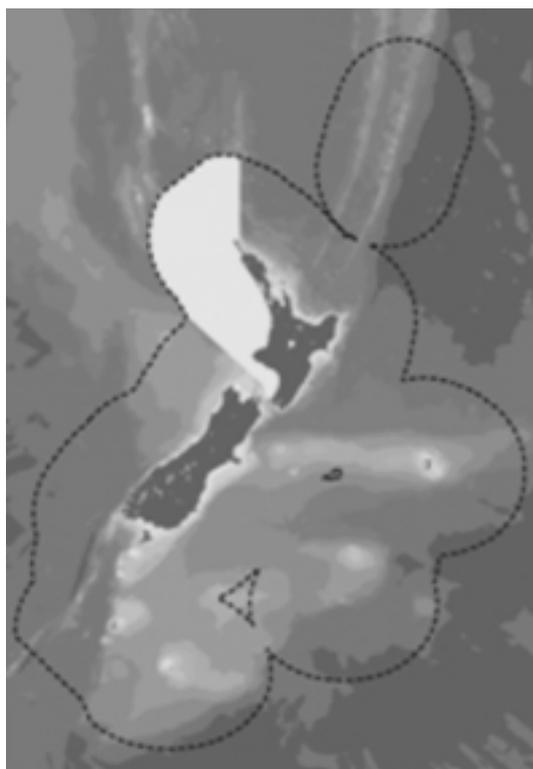
The Council was unanimous in their support for the concept and stressed the importance of having tangata whenua involved in the project. Both Mark and Chris were pleased to be at this Hokianga Accord hui to present the concept and gather some feedback from northern iwi and hapu.

The objective

The objective was to capture the hearts and minds of kids and inspire them to look after the coastline, the fresh waterways and the fish so there is abundance for their mokopuna. Ngapuhi has been asked for their help and expertise to make this project a success. Funding has been secured so it was guidance that Mark and Chris were seeking from tangata whenua.

Feedback

The Hokianga Accord was fully supportive of the project and was inspired by both Mark and Chris' enthusiasm. In a special moment Paul Haddon, Ngapuhi Trustee, stood alongside Mark and sang a waiata to close this session. Kia kaha.



West Coast North Island Finfish Fisheries Plan area,
marked in white. Fisheries Management Areas 8 and 9.

Norwest Fisheries Plan

Trish Rea and Hally Toia

At the November Waipapa hui the Hokianga Accord agreed that Trish Rea would attend and represent the non-commercial fishing interests of the Accord in the MFish North West Finfish Fisheries Planning process. A tautoko/support person would also attend the planning meetings. That iwi representative would change depending on availability. Paul Haddon had been to one of the two meetings held to date.

Hally Toia was attending the planning meetings on behalf of Te Runanga o Ngati Whatua. It was valuable having Tom Moana from Nga Hapu o Te Uru o Tainui in the planning meetings because the combined approach from all three representatives has bolstered the discussion around non-commercial fishing and environmental issues.

Originally MFish suggested the plan would cover around 15 west coast fish stocks. After initial discussions the group has agreed the plan ought to include all the fish stocks available on the west coast. The plan encompasses the area from Titahi Bay (Wellington), up past Cape Reinga and across to North Cape. Management areas for some stocks, such as flounder and mullet, straddle both east and west coasts but the plan would only be concerned with the west coast portion of those fisheries.

Ministry staff organise, chair and participate in this multi-stakeholder group, which includes environmental, customary and amateur fishing representatives. Corporate, owner-operators and harbour - based commercial fishers are also represented.

MFish envisaged it would take twelve meetings over 18 months to develop the plan. That seemed ambitious given the nature of the discussions and the varied interests involved. Reports of the two meetings held have been circulated. The next meeting was scheduled for early May.

There has been some debate about the content of the plan's front end, which outlines the Statutory Obligations, Terms of Reference, context explanation, membership, and protocols. These discussions are still underway.

Hally was due to meet with Jonathan Peacey, National Manager of Fisheries Operations, the following week. As part of the conditions of Hally's participation in the Fisheries Plan working group is the provision of an MFish official to assist with the development of MFish information in a simpler format, so that people can understand it.

Stacey Whitiora has been appointed to that role and she will be working with Hally to achieve this outcome so all iwi and hapu can understand what is being discussed. The Accord's fish plan working group of Hally, Paul Haddon and Trish will then review this information before its distribution.

Hui Discussion

While MFish are keen to discuss the fisheries in terms of catch method, such as trawling or netting, the Accord's non-commercial representatives are more focussed at this stage on the actual fisheries and their inter-related species.

Consideration needs to be given to catch levels, as trawling in a mixed fishery means that any change in commercial catch limits for one species will have an impact on others. For example, a reduction in snapper quota could require a change in trawling behaviour because trevally and gurnard are also caught in the process of targeting snapper.

It was particularly important to include simple language to describe the statutory framework and environmental principles within these plans, as these documents are going to be available to the public via the web. The plan will be a useful, future resource to describe baselines expected of MFish management.

There is some scepticism about whether Fisheries Plans will have a measurable impact on future management but this is a worthwhile exercise, for now, in collating as much information as possible on the west coast fisheries.

There has been no discussion about formulating a spreadsheet of the collated information. It would be a useful tool to assist in determining priorities for management action. This was a valid approach, which needs to be discussed amongst planning group members.

Deeming

An important debate that seems to have been resolved, at least for west coast snapper stock, is the deeming issue. Commercial fishers are no longer landing excessive amounts of snapper.

In fourteen of the past seventeen years commercial fishers have caught, landed and sold more snapper than what they have had quota for. A penalty fee was charged for every kilo of fish beyond the quota level. This deemed value penalty is set and charged by the Ministry.

MFish has increased the deemed values for west coast snapper twice in the last few years. Subsequently deeming rates have decreased dramatically. Peer pressure amongst commercial fishers also seems to be resulting in less deemed fish.

This change can be attributed, in part, to the substantial objections, submissions and ongoing public exposure given to the deeming⁹ issue by the Hokianga Accord, the NZ Big Game Fishing Council and option4. The joint submission¹⁰ from all three groups to the deemed value review in October 2006 seems to have had a significant impact on current management.

This is one less issue the Norwest planning group will have to grapple with throughout the discussions.

⁹ http://option4.co.nz/Fisheries_Mgmt/deemedvalues.htm

¹⁰ http://option4.co.nz/Fisheries_Mgmt/documents/DVJointsubmission201006.pdf

Shared Fisheries Discussions

Sonny Tau, Joint Stakeholder Working Group member

Richard Baker, President of the NZ Big Game Fishing Council, had sent his apologies so Sonny would provide the update on how the *Shared Fisheries* Joint Stakeholder Working Group ((JSWG) discussions were developing.

Background

As mentioned earlier in the hui, Sonny was involved in the discussions as both a Te Ohu Kaimoana commissioner and a representative of Maori's non-commercial fishing interests, both customary and amateur. The Working Group consisted of commercial, amateur representatives and more recently customary interests.

MFish released the *Shared Fisheries* discussion document in November 2006. The Accord, option4 and the NZBGFC responded with a substantial, joint submission in March 2007¹¹ - *The People's Submission* - objecting to proposals for allocating shares in fisheries. This would put sustainability further at risk and deny both customary and amateur fishers sufficient access to fish to provide food for their whanau.

Without this significant opposition to the Ministry's *Shared Fisheries* proposals it is likely they would have been implemented and non-commercial fishers would be stuck with a set amount of fish to catch and if people wanted to catch more they would need to buy quota to make up the deficit.

TOKM, the Seafood Industry Council of NZ (SeaFIC) and the NZ Recreational Fishing Council formed the Joint Stakeholder Working Group after the MFish submission period in April 2007, with approval from the Minister of Fisheries at the time, Jim Anderton. Ministry officials are not involved in the group.

Current discussions

A disturbing aspect of the joint Working Group was the stipulation in the Terms of Reference that any discussion was not to be disclosed to others outside the group. These Terms had been ratified prior to the involvement in the group of Sonny or the approval of the NZ Big Game Fishing Council and option4.

Sonny has advised the joint Working Group that he has an obligation to report to the groups he represents and provides regular updates to Ngapuhi, the Hokianga Accord and Te Kahui Maunga o Tangaroa, the national iwi customary forum.

Other concerns are that the group is working on a document that is essentially an industry-led initiative and that amateur fishers' non-commercial interests are not being well represented.

Commercial representatives have some qualms about including a 'without prejudice' clause in the Terms of Reference. This clause, from non-commercial representatives, seeks to ensure the integrity of the Kahawai Legal Challenge¹² is not compromised by the group's discussions. A legal opinion on the clause has been sought and will be confirmed at the next meeting.

¹¹ <http://option4.co.nz/sharedfisheries/peoplessubmission.pdf>

¹² <http://kahawai.co.nz/>

Robin Hapi, Executive Chairman of Aotearoa Fisheries Limited, has been appointed Chairman of the Joint Stakeholder Working Group and was doing well considering the diverse interests and personnel involved.

As discussed at previous hui, the major issue for non-commercial fishers is that too many fish are being caught or killed in the process of being caught. This depletion has meant many people can no longer catch enough fish to put food on the table.

It is difficult to envisage any resolution to this major issue until after the Kahawai Challenge Appeal Court decision is released. This is because many of the issues being discussed in the Working Group are matters being considered by the Court. The Court of Appeal's decision was expected in the next month or so.

There were still difficulties with the group's funding, which was provided by the Minister to assist the amateur fishing representatives to participate in these discussions. The initial deal was between TOKM, SeaFIC, MFish and the NZ Recreational Fishing Council (NZRFC).

Clarification will be sought as to who is eligible to receive those funds now that both the NZ Big Game Fishing Council and option4 are involved. It seems the funds are being channelled through the NZRFC.

Tangata whenua input

It is very disturbing for Maori that the *Shared Fisheries* debate almost occurred without any meaningful input from tangata whenua.

TOKM originally claimed the mandate to speak on behalf of Maori fishing interests. This has been rectified with the understanding that Sonny is also representing non-commercial interests.

It was only the constant stream of information from option4 and the NZ Big Game Fishing Council that alerted Ngapuhi and Ngati Whatua to the *Shared Fisheries* process, and more importantly what the proposals actually meant.

What seemed like rather harmless statements actually turned out to be a threat to the right of every New Zealander, including every customary fisher, to gather kaimoana. So it has been an advantage to be closely associated with both option4 and the NZ Big Game Fishing Council.

Hui Discussion

Jonathan Peacey had earlier confirmed the Ministry will be revising the Fisheries Act and the way that total allowable catches (TACs) are set.

Without careful monitoring and effective lobbying from the non-commercial sector that process will likely eventuate in legislative amendments that will continue to serve industrial interests, by enabling the Minister to set the highest possible commercial catch limits.

Moreover, MFish, who do not have any resources tied up in the Joint Stakeholder Working Group, will manage the amendment process.

Resources will be stretched ultra-thin if MFish amend the legislation while non-commercial fishing representatives are tied up in the *Shared Fisheries* discussions. The risk is that non-commercial interests will not be able to address both legislative amendments and devote adequate time and energy to the *Shared Fisheries* discussions.

Kahawai Challenge Update

Scott Macindoe, option4

Stuart Ryan (lawyer) and Bruce Galloway (legal adviser) had both apologised for their unavailability due to work commitments. Scott Macindoe of option4 and the Kahawai Legal Challenge team provided a brief update of the proceedings. The Court of Appeal hearing was held in Wellington on the 26th and 27th of February 2008.

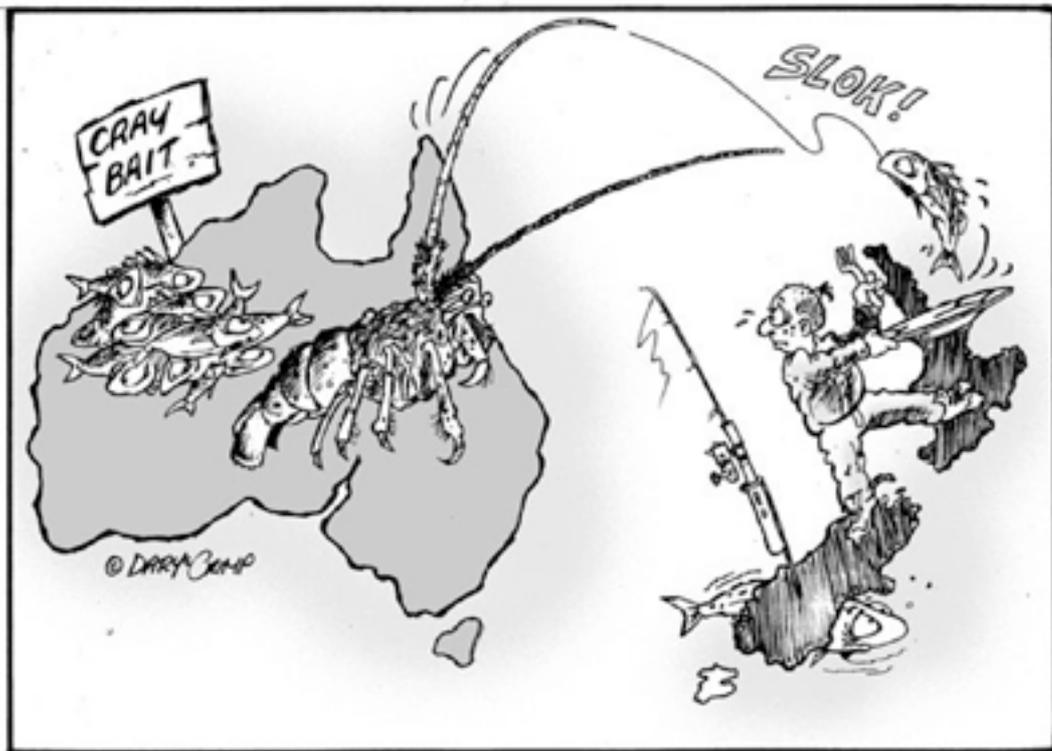
Being in the Appeal Court was a new experience for those involved in the Kahawai Challenge. At times Bruce Galloway, Barry Torkington, Scott Macindoe and Trish Rea found it difficult to contain themselves, particularly when listening to the legal arguments from Sanford Limited, Sealord Group Limited and Pelagic & Tuna New Zealand Limited.

Alan Galbraith QC, supported by Stuart Ryan, presented the Challenge team's arguments on day two, with encouragement coming from the non-commercial representatives at the rear of the court.

Alan explained the section 21 argument in simple terms and the judges seemed to understand his logic. That the amount of fish set aside for non-commercial fishing interests, expressed as an allowance, determines the amount leftover for allocation to commercial fishers – the total allowable commercial catch (TACC) - not the reverse. The TACC does not determine the non-commercial allowances, both customary and recreational.

This argument is based on section 21 of the Fisheries Act, which states the Minister, when setting or varying a TACC, *shall allow for* non-commercial fishing interests and other fishing related mortality. Once those interests have been quantified and an allowance is made to cover them the remainder can be allocated as quota.

A decision from the Court of Appeal is expected within several months.



MFish 2008 Management Proposals

Trish Rea, analyst, option4

Every year the Ministry conducts two reviews of sustainability, regulatory measures and other management controls. The two-pronged process is designed so any Ministerial decisions apply from either April 1st or October 1st.

Usually proposals are set out in a document called an Initial Position Paper (IPP). Submissions are filed with MFish in response to those proposals. MFish write a Final Advice Paper (FAP) for the Minister explaining:

- ⇒ The original proposal(s);
- ⇒ A summary of submissions from interest groups and individuals; and
- ⇒ Their recommendations.

After consideration of the Final Advice Paper and perhaps further advice the Minister releases his decision including the reasons why he reached his conclusions.

MFish were currently asking for feedback by May 1st on which regulations warrant a review. A recent suggestion was to review the use of nooses to catch crayfish, an illegal (but common) practice under current regulations.

All suggestions will be posted on the MFish website for further comment. Depending on the feedback received MFish will decide which regulations or controls measures will be reviewed.

A new proposal paper for kahawai management has been drafted but its release would depend on the Court of Appeal's kahawai decision, and if there was any subsequent challenge to that judgment.

Maui dolphin management plan

MFish and the Department of Conservation released the finalised Maui and Hector's Dolphin Threat Management Plan in August 2007¹³. Submissions were requested by 24th October because the fisheries Minister was expected to make management decisions by November's end, to enable any controls to be in effect over summer, which is the most popular time for these dolphin to be inshore.

More than 2000 submissions were sent to MFish, much more than expected. The Accord did not make a submission. option4 submitted on Manukau Harbour-related issues and overall fisheries management¹⁴.

Ministerial decisions were deferred until the end of March. MFish have since released more information, mainly technical, dolphin population and distribution data. Further submissions have been requested by April 20th. Decisions will be made after consideration of that input.

Kaimoana regulations

After discussion at the Waipapa hui, the Accord submitted on the Ministry's proposals to include fresh waterways in the Kaimoana Regulations¹⁵. This submission was included in the Waipapa hui report.

¹³ http://option4.co.nz/Fisheries_Mgmt/dolphins.htm

¹⁴ http://option4.co.nz/Fisheries_Mgmt/documents/Dolphin_submission_option4_408.pdf

¹⁵ http://option4.co.nz/Marine_Protection/cust_maori.htm

Three recommendations were included in the forum's submission¹⁶, as follows:

- ⇒ Amend the Fisheries (Kaimoana Customary Fishing) Regulations 1998 as proposed;
- ⇒ MFish address the concerns raised in this submission; and
- ⇒ MFish address the concerns raised in the submission from Te Kupenga Whitureauroa a Maui.

No Ministerial decisions have been made even though the process closed in November 2007. An update would be provided when an announcement was made.

¹⁶ http://option4.co.nz/Fish_Forums/documents/Hokianga_Accord_K_regs_submission_1107.pdf

Ngapuhi Rohe Moana Proposal

Sonny Tau, Chairman, Te Runanga A Iwi O Ngapuhi

Under fisheries legislation specific areas can be publicly notified and gazetted in recognition of tangata whenua's historic and future non-commercial interests. Doing this enables tangata whenua to appoint kaitiaki and manage these areas to achieve their fisheries management goals.

Te Runanga A Iwi O Ngapuhi has recently announced, although not formally applied for, the gazettal of the entire coastline of Ngapuhi. If this occurred negotiation could then take place between neighbouring hapu to confirm their area of interest. Appointment of kaitiaki would follow.

Te Runanga recognise that some hapu have already advanced their own gazettal processes. Ngā Hapū o Taiamai Ki Te Marangai has gazetted an area in the northern Bay of Islands. A separate application has been made for the northwest coast, around Hokianga.

Following preliminary discussions Te Runanga is waiting for further comment from hapu before deciding if they will proceed with the gazette application.

Hui Discussion

Considering the wider issues of fisheries and land management it was debatable whether gazetting rohe moana was worthwhile. Kaitiaki have no powers to enforce any regulations and very limited, if any, impact on how fisheries were being managed. While Maori aspire to localised management the Minister, MFish and others were deciding TAC and TACC levels, which affected how many fish were available in each area. This is what has the most impact on people's fishing success.

It was very frustrating because people were getting drawn into a multitude of processes such as *Shared Fisheries*, Fisheries Plans, Iwi Fisheries Plans, hapu plans, rohe moana, local and regional council issues. All of these were draining the limited available resources, for very few positive outcomes.

The value of the MFish kaitiaki training was also questionable, given that it seems to have only two outcomes: an explanation of MFish's view of the Fisheries Act and to train people how to write permits.

There is limited funding available for training course attendees so MFish has had varying success in attracting willing participants.

Some people are also suspicious of MFish's requirement for kaitiaki to provide catch history from their rohe. Will that information be used against Maori when MFish next consider the amount of fish set aside, as an allowance, to provide for customary needs and interests?

Race for space

There were also concerns whether marine reserves could be implemented when rohe moana had already been gazetted and kaitiaki appointed.

These concerns are symptoms of the 'race for space'. Not only between various uses of the moana such as aquaculture, reserves or marine protection but also because of the effect on people.

Eventually hapu will be racing hapu to introduce management measures that will likely exclude commercial fishing. This merely shifts fishing effort to the neighbouring coastline.

A point will be reached where an application for customary management fails because it triggers the MFish 'prevent test'. The Minister of Fisheries can then decline the application because it prevents commercial fishers from harvesting their quota.

Mataitai seem to be the most appropriate tool to manage shellfish.

For finfish, sustainability and availability is determined by the total allowable catch (TAC) and total allowable commercial catch (TACC), which is how much fish the Minister allows to be extracted from the sea.

Allowing excessive harvest of fish lowers abundance, alters the mix with inter-related species, and often affects the marine environment. Applying a customary management tool to a small area within a massive Quota Management Area is unlikely to address this shortage of fish.

Te Puna Mataitai

Judah Heihei, Co-chairman, Hokianga Accord

Judah Heihei is both the co-chairman of the Accord and the leader of Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa. This group represents fourteen hapu/marae who have applied for the Te Puna Mataitai in the northern Bay of Islands area, from the Purerua Peninsula out to the Black Rocks and north just past the Ninepin towards Takou Bay.

Local kaitiaki want to have more meaningful input into strategies that aim to:

- ⇒ Increase fish abundance;
- ⇒ Provide a healthier marine environment; and
- ⇒ Give effect to their customary right to manage areas of traditional importance.

Only commercial fishing will be automatically excluded from the Minister-approved mataitai. There will be little immediate change for non-commercial fishers or other users of the area. On approval kaitiaki can suggest bylaws to manage the fishery within the mataitai. Any proposed bylaw will need to be publicly consulted and gain Ministerial approval before implementation.

There is some disquiet amongst kaitiaki about Te Runanga's proposed application to gazette the whole northern area as rohe moana.

Some hapu had been struggling for years to have more localised management and want to continue what they have started. Often the delay is getting neighbouring hapu to agree on their boundaries. Once resolved, the next hurdle was to follow the MFish mataitai implementation plan, a long and cumbersome process. So long in fact that some kaitiaki get tired of waiting and lose interest in the whole process.

Others are simply suspicious of Te Runanga's motives and any ensuing outcome.

Mataitai application

Te Puna Mataitai application was sent to the Ministry earlier in the year. Judah was surprised to receive a phone call from MFish Head Office acknowledging receipt of their application. Of more surprise was their enquiry as to what the kaitiaki wanted MFish to do with their Taiapure application. That Taiapure application was made in 1976!

It had been such a long time since MFish had addressed the Taiapure application the kaitiaki had assumed it was a defunct issue. MFish assured Judah the application was still 'live'.

This development raises an interesting question because Sanford Limited had, since 1976, applied for an oyster farm license within the proposed Taiapure area without consulting with the kaitiaki. This is another unnecessary complication created by MFish's slow process.

Application for Te Puna Mataitai is continuing. The Taiapure application needs further discussion.

Hui Discussion

Customary permits are valid for a particular area, species and amount. It was important for hapu to work with neighbouring hapu to avoid issues about landing kaimoana with invalid permits for that particular area. Otherwise, people maybe forced to carry a GPS just to ascertain whether they are still within their own rohe moana and therefore fishing with a valid permit.

If a collective approach could not be worked out between hapu then Te Runanga's rohe moana gazette proposal is worth considering, but it will only if hapu retained the authority to determine their area of interest and nominate their own kaitiaki.

There were advantages for Te Runanga taking the lead in the rohe moana gazetting process, especially if hapu were struggling to reach agreement amongst themselves. To successfully advance everyone's interests it would be helpful to have a model explaining who has responsibility for each aspect. This would give iwi and hapu more confidence in this proposal.

It seems the only outcome from gazetting rohe moana was the authority for kaitiaki to write permits. It was a useful process to identify tangata whenua in a particular area so other agencies knew who they had to deal with when discussing issues within those boundaries. This has positive and negative aspects to it, because now many hapu were spending their meagre resources and energy on dealing with these agencies, merely to legitimise their processes. Over time this investment from hapu was substantial.

On reflection it seems tangata whenua are doing the government's work for little return.

Customary practices

These outcomes are far removed from the original discussions of past representatives such as Naida Glavish and Margaret Mutu, who advocated for customary practices to be accepted. Maori representatives left those earlier discussions because resolution could not be reached with the Crown. What eventuated was a diluted regime of customary permits and reporting requirements, devised by the Crown, to satisfy bureaucratic needs not Maori's.

It was no surprise that the Ministry are now struggling to get buy-in from tangata whenua. A joint review of current structure with the objective of reaching a mutually beneficial management regime would be worthwhile.

Maori have to accept some responsibility too, as there were some people who had no qualms about gathering kaimoana when there was a shortage or when particular species were out-of-season so not in the best condition.

It was news to many at the hui that there had been a formal gazetting process in 1946. Ngati Kahu has records that show that their rohe moana in 1946 was far larger than what it currently is. The legitimacy of this current gazetting process is questionable if those 1946 boundaries have not been revoked. This issue requires further investigation and will be reported back later.

There was some debate about the merits of mataitai and taiapure. Many people, both Maori and non-Maori, did not understand the various tools. Nor was there widespread understanding that the Crown has ongoing obligations under the Deed of Settlement to give statutory recognition of tangata whenua's right to manage fisheries and their rohe.

The prescribed mataitai process:

- ⇒ Does not require the local community's involvement, but needs community support to have a realistic chance of success;
- ⇒ Automatically excludes commercial fishing;
- ⇒ Commercial fishing can be authorised but no preference can be given to whom that authority applies to. Only species, time and method can be controlled;
- ⇒ Describes mataitai as a discrete area of significance to tangata whenua, so can be limited in its application; but

⇒ Can give tangata whenua some comfort their tikanga will be a priority.

Alternatively, taia pure:

⇒ Explicitly involved the community but required a level of trust to enable successful engagement. With changing population patterns there were fears that in the future tangata whenua will not be able to maintain their tikanga; and

⇒ Enabled both mataitai and rahui to be applied within the boundaries.

There was growing appreciation of the need for “more fish in the water”, which rahui could deliver. Until there was more fish available people were merely arguing over the scraps of mismanaged fisheries.

Awareness was also increasing among non-Maori that tangata whenua could achieve this goal for the benefit of the whole community through the application of customary tools, particularly when measured against the bureaucracy currently managing our fisheries.

Ultimately tangata whenua are concerned that, without a change of management and the application of the principles of kaitiakitanga to nurture the natural resources, there will be no kaimoana for anyone to enjoy.



*Kahawai – dawn at the river mouth.
(Image courtesy of Peter Langlands Photography.)*

Friday 4th April

Healthy Soils, Healthy Estuaries

Max Purnell, Thames

Max Purnell grew up amongst Ngati Maru and Ngati Poua in the Hauraki Plains. He owns a farm and has implemented a number of measures to reduce run-off from the land into the river running through his property. Much of Max's time is spent developing initiatives for other farmers to improve their land management, reduce run-off and thereby increase the health of the fresh waterways that flow into and affect the quality of the marine environment.

In farming terms the recent past can be classified as the "Chemical Age". Soil has increasingly been treated as a potting mix into which we put nutrients from a bag.

Land managers who sought to enhance soil life without chemicals were treated as 'fringe' because intuitive management practices had become overridden by science-based management. As a result, science has become the proxy for decision-making.

There is 50 percent more carbon dioxide in the soil than in the atmosphere. Carbon content levels are a reflection of soil life, our past and present practices. Managing soil run-off and increasing the levels of healthy carbon in soils is the only immediate, practical method to counteract this 'legacy' load.

A holistic farming approach

Moving farming into the "Biological Age" means taking a more holistic approach to managing the environment and how people behave. The climate change debate has given us an opportunity to re-think our ways and how we treat the environment.

Max was disappointed to discover that soils were not included in the Cabinet Paper advice regarding the Kyoto Agreement, which discusses New Zealand's response to climate change issues.

Officials explained that soils were not included in the Kyoto response because they were not sure if we are losing or gaining soil. Some scientists believe soils are full of carbon and have reached a 'steady' state. Others, such as Max, believe New Zealand soils are losing carbons.

There is overall agreement that some practices increase soil carbon while others decrease it.

Soil science

Max is a trustee of the Agricultural and Marketing Research and Development Trust. Many years ago the (then) Agriculture Minister, Colin Moyle, initiated AGMARDT to work in the public's interest.

AGMARDT has a long-term interest in soil science and building stronger relationships between farmers and soil scientists so that both can learn from the collective expertise.

A question has been posed to the science, policy and farming communities to promote discussion and find answers,

"What are the mechanisms and practices that would have us grow and retain more soil than we use post-2012 in Aotearoa?"

There is increasing recognition that more sustainable farming practices have to be employed. Emerging research has revealed that improving the quality and quantity of soil carbons produces various benefits including:

- ⇒ Healthier food;
- ⇒ Less soil erosion;
- ⇒ Improved animal health; and
- ⇒ Resistance to drought and adverse weather events.

This is not ‘news’ to Maori, old-time farmers or earlier societies, but recent focus has been on maximising yield regardless of the consequences. A return to more sustainable practices will ensure the long-term health of the land, our people and animals.

Water quality

Recent programmes to improve water quality have focussed on excessive poisons, nitrogen and phosphate in the rivers and streams. Another aspect of water quality is bacterial proteins.

High quality bacterial proteins from rich, healthy soils are the ‘soup of life’ that feed into our estuaries and fresh waterways. This food sustains the beginning of the food chain and eventually feeds into our moana.

Determining how to maximise the production of these high quality bacterial proteins will have multiple benefits because healthy soils equals more fish in the water.

Max advocates that everything we need to sustain ourselves is beneath our feet; we just need to nurture, maximise and harness the benefits.

Max presented a number of slides and explained that if soil is kept aerated and free of poisons we can increase its life-carrying capacity. The addition of charcoal to the soil increases this capacity manifold while also producing plants with longer, stronger root growth.

AGMARDT is focussing on soil-growth initiatives using bio-carbons, which is charcoal enhanced with added nutrients.

Research opportunities

A scoping document on soils research was commissioned and produced in December 2007. This clearly showed that soils research in Aotearoa is uncoordinated.

Research is largely short-term, profit driven and focussed on products not practices – in contrast to the inter-generational concept of kaitiakitanga in caring for the environment so it sustains all life.

A positive development has been the recent government announcement of a \$700 million fund to establish a joint agricultural research fund with the private sector. Four broad interest areas have been identified, the first of which is “sustainable pastoral systems”. More targeted research is an opportunity to encourage change.

Opportunities for change exist because:

- ⇒ The international market place wants ethical, sustainable produce;
- ⇒ There is emerging evidence of the relationship between quality and quantity of soil carbons and food quality;
- ⇒ There is a voluntary international market in soil carbon emerging;

- ⇒ Experiential learning is gaining acceptance as a valid discipline, not relying on science alone;
- ⇒ Practices are being identified and measured that increase soil life and carbon levels; and
- ⇒ The public is demanding change.

Challenges to be tackled include:

- ⇒ The economic regime that rewards intensification by way of capital gain;
- ⇒ Land prices that remove people from land, and that are unrelated to sustainable production; and
- ⇒ Education to reflect the opportunity that growing soils can offer.

Hui Discussion

A healthy environment contributed to the wellness of Maori. Max's presentation just reinforced the need to examine what we do on the land as well as the sea.

Maori have the opportunity to advocate for some of the \$700 million funding to be used on projects that will benefit them and enhance soil quality and quantity on the vast blocks of land in their ownership.

Some of the information presented was challenged, especially the claims about the detrimental effects of using super-phosphate and the nutritional benefits of food grown without the use of chemicals.

Max's earlier claim that up to 80 percent of the super-phosphate being applied on land ended up in the waterways was based on the results of a \$90,000 trial. A similar outcome was measured in a recent experiment conducted in Waipawa, Hawke Bay.

Film footage exists that demonstrates the various growth rates of plant roots; this was unavailable at this hui due to technical difficulties. It clearly shows the different lengths and size of roots grown in bio-carbon soil as opposed to soil taken from the ground.

Copies of several documents were given to the Accord for their records including a document from the 1950s, which examined Maori use of charcoal. It was a prime example that there is very little that is new in natural science and Maori have known about sustainable practices for a very long time.



*Wilson's Bay Aquaculture Management Area.
Firth of Thames.*

Finfish Cage Farming

Clive Monds, ECO, Thames

Clive Monds is a member of ECO, an umbrella group the Environment and Conservation Organisations of New Zealand. Clive has attended most Hokianga Accord hui and appreciated the opportunity to discuss Environment Waikato's moves to implement a plan change to allow other types of aquaculture, including fish farming, in existing marine farms such as the Wilson's Bay Aquaculture Management Area (AMA), in the Firth of Thames.

Currently the Wilson's Bay AMA is only licensed for farming mussels and shellfish. There are two blocks A and B and only around 40 percent of block A is utilised.

Environment Waikato's original plan change timeframe was for a series of meetings in 2008 with any changes notified by 8th August, if the Council adopted the plan change.

Clive was keen to have amateur fisher's attendance at the planning meetings, as there were only a few representatives who had a focus on environmental impacts. Often he was the only representative present.

* Since this hui that timeframe has been suspended due to the industry not being able to borrow funds in the current economic climate. Environment Waikato's latest report (February 2009) states:

“There has been no progress on getting funding for the potential plan change work. Council's share of the budget will remain in the proposed Long Term Council Community Plan when it is notified for submissions at the end of March. If the external funding has not been confirmed by May, when Council deliberates on the submissions, that budget will be cut. If this occurs then the policy and rules for aquaculture will be reconsidered when the Regional Council Plan is reviewed by 2012.”

Implications for fishers

There are well-documented negative effects of cage fish farming such as stimulating blooms of toxic algae, entanglements of sharks and cetaceans, proliferation of parasites and diseases in crowded cages, modification of the benthic environment, escapes of fish and mixing with wild populations.

Kahawai and kingfish are just two fisheries whose food chain species could be severely affected by these detrimental outcomes.

Implications for food chain species

Of greater concern is the issue of where the feedstock for farmed fish is going to come from. Each kilo of farmed fish requires between four and seven kilos of feed.

Fish cage farming has created a large demand for feed, which has in turn increased the demand for wild fisheries catch. The total catch in the South Australian pilchard/sardine fishery has grown from a few thousand tonnes in the early 1990s to become the largest fishery by volume in the country – 40,000 to 50,000 tonnes per annum - and they still need to import a large tonnage of feed from overseas.

Limits of availability

With wild edible fish production thought to have reached its limit, farmed fish demand is expected to double by 2015, requiring a large volume of high-quality feed. The World Wildlife Fund (WWF), Norway, describes the potential effects in a document *Food for Thought: the Use of Marine Resources in Fish Feed* as follows,

“All fish species used for fishmeal and fish oil in both the Pacific and the Atlantic are very important for the marine ecosystem, as they are prey for fish, birds and mammals. Increased exploitation of these species to meet the demands from an expanding fish farm industry could very well turn out to be an ecological time bomb under the industry.”

Annual fishmeal production

Annual global production of fishmeal is in the range of six to seven million tonnes and a little under one million tonnes of fish oil, except during the periodic El Niño years. This requires an annual catch of 25 to 30 million tonnes of feed-grade fish and unwanted fish processing waste.

Four to five kilos of wet fish yield one kilo of fish oil and dry fishmeal. Four kilos of this fish food yields one kilo of farmed fish.

It takes 16 kilos of wet fish (pilchards etc.) to produce one kilo of farmed fish.

Finfish farming is increasing so rapidly that natural food sources are likely to be fully utilised within a couple of years.

Krill fishing for feed

Effort is now going into harvesting krill from the Antarctic for use as an alternative feed source. Vast quantities of krill exist but they are a vital element of this unique ecosystem. Around 80 percent of Antarctic life depends on krill for their survival.

Krill fishing threatens the Antarctic because intensive harvesting by super-trawlers of the tiny crustaceans for fish food and Omega 3 puts the ecosystem at risk.

NIWA

Several years ago NIWA studied aquaculture production in both Australia and New Zealand. They concluded that New Zealand is farming generally low value species and products, mainly oysters and mussels, which yield less than \$2000 per tonne.

In comparison Australia produces around \$22,000 per tonne by farming primarily tuna and some pearls.

NIWA is keen to increase the value of New Zealand's aquaculture production. However, there needs to be a balance between the farmers' profits from finfish farming and the implications for our wild fisheries.

Firth of Thames

Natural currents carry nutrients down the eastern coast of the Firth, move across the flats and up the western coast. While crossing the flats they encounter around 240,000 tonnes of soil that spills from the Waihou River each year and around 80,000 tonnes from the Piako River. This sediment loss was discussed during Max's korero earlier.

Around 14,000 hectares of the Hauraki Plains are below sea level. This is because the Plains are peat swamps that have been drained and are now compacting.

Having cattle grazing to the edges of drainage swamps results in a constant supply of soil, fertiliser and nutrients entering the waterways. Ultimately it ends up in the very shallow Firth.

Commercial interests in Firth

There are five main commercial entities with an interest in the Wilson's Bay AMA. Sanford Limited is one of the five. This raises immediate concerns because of their current purse seining capacity to harvest multiple schools of fish.

As evidenced in other fisheries, once a property right is established it is very difficult to withhold further development without expending vast resources. So while Environment Waikato may envisage finfish trials, any allocation of rights will most likely lead to staged development and a gradual increase in farming capacity.

MFish information

A request was sent to MFish managers asking for any information on what happens to fish waste and fishmeal from the domestic fishing industry. MFish has not and cannot see any reason to gather this information.

South Australian experience

South Australia hosts some very wealthy families who have made a fortune from farming tuna. It has created the largest fishery by volume in Australia targeting key species in the food chain.

Privatisation of this public resource has had a major impact on the ecosystem, bait species and fishers who have an interest in larger species.

Farmed fish

Between 40,000 and 70,000 tonnes of fishmeal is required to produce 10,000 of kingfish. New Zealand's hoki fishery does not produce that much waste, particularly now that it is downsizing.

Other sources of fishmeal and fish oil will be required if finfish farming expands and it would seem logical that local food sources will be targeted first.

Catch limits in some of our baitfish fisheries, including mackerels, are not currently being reached so there is capacity for industry to increase its harvest of these vital species. For example, pilchard catch has averaged 41 percent of the total allowable commercial catch in the past five years. Non-quota management system species are even more at risk of exploitation because there are no catch limits.

Clive confirmed there have been indications that mussels and finfish would be mixed-farmed within the Wilson's Bay AMA.

Hui Discussion

Clive was acknowledged for his ongoing effort on behalf of the environment and non-commercial fishing interests. He was also encouraged to send information through and make contact with Trish Rea if he needed support at ensuing meetings.

Recently the Minister of Fisheries, Jim Anderton, had made a public statement that, in reference to salmon, the New Zealand finfish farming industry does not use chemicals. This is not true. Farmers use antibiotics and other chemicals to counteract lice infestations and other diseases.

While industry may argue they will use other feed bases such as soybeans there is no reason for them to invest in that effort while wild fish stocks are available.

Moreover, it is the fish oil content of feed that is the critical element. Finfish farm stocks cannot survive without this essential oil.

Do farmed fish consume more food than in the wild?

Using tuna as an example they:

- ⇒ Eat more food in a shorter period of time;
- ⇒ Are farmed intensively, in a smaller area; and
- ⇒ Are farmed in cages so expend less energy gathering their food, to maximise their growth.

Much of their feed is wasted and simply settles on the seabed beneath the tuna farm cages. Waste smothers the seabed preventing the growth of other organisms.

Finfish farming seems to be more suited to deeper areas with swifter currents where natural flushing can occur. Shallow, sheltered waters with currents only flowing around the coastal edges, as in the Firth, are not suitable for intensive cage finfish farming.

Official agencies

It is a concern to non-commercial interests that MFish are not advocating for a more sustainable approach in these discussions and aquaculture in general. The Ministry for the Environment and Environment Waikato are the main agencies dealing with interest groups in the Wilson's Bay proposal.

It would be interesting to know how much input Treasury is having on the budgets of these government agencies that are promoting a business-like agenda. It is not widely appreciated the extent to which Treasury has an influence on their budgets and how answerable these agencies are to Treasury to generate foreign exchange.

Other environmental concerns

Prospecting licenses have been issued for a number of coastal areas, including the North Island's west coast targeting iron-sand. Interest in mining is likely to increase given several government initiatives to promote New Zealand overseas as a mining destination.

Clearly these mining and cage farming activities have implications for fisheries and environmental sustainability.

It is a concern that by the time we realise the full impact of every compromise we make in environmental terms it may be too late to address it.

This also creates a dilemma for Maori who have long-aspired to developing aquaculture projects as a means of sustainable funding. More thought will need to be given to the impacts of aquaculture and finfish farming in particular.

An important next step for the Accord would be to ask MFish to start gathering information on:

- ⇒ Fish waste production and use;
- ⇒ The environmental outcomes of cage finfish farming; and
- ⇒ The amount of chemicals and artificial agents being used to produce farmed fish.

Guardians of the Sea Trust

Scott Macindoe, Guardians Trustee, Auckland

Scott Macindoe was one of two trustees of the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* at the hui. Wane Wharerau was also present. Jason Foord, Martin Irvine and chairman Tom Fox sent their apologies due to work commitments.

Scott presented the Guardian's latest promotional booklet that explains the Trust's purpose and objectives. High net-worth individuals, Trusts and organisations will be targeted and asked to contribute to the fund which has already supported a number of initiatives.

Inspiration is the key to gaining the support and ongoing commitment from these wealthy individuals. Steve Sangster, who has been to most of the Accord's hui, was doing a great job in supporting the Trust as their secretary.

Richard Burch's trawling trials on the Nancy Glen II have been discussed at earlier hui and now features on the Guardian's website www.guardians.org.nz. Richard has received several contributions from the Trust to continue his work in reducing by-catch, the mortality of young fish and seabed contact while gaining fuel efficiencies between 25 and 30 percent.

Projects such as that proposed earlier in the hui by the NZ Big Game Fishing Council and 'The Minstrel' are prime candidates for Trust support.

The Guardians have also approved grants to support the public awareness and reporting activities of the Hokianga Accord. The Accord's achievements and goals are featured in the Guardian's literature because of the exciting potential of both Maori and non-Maori working together for "more fish in the water/kia maha atu nga ika ki roto i te wai".

Updates on funding grants and initiatives will provided at future Hokianga Accord hui.



*Tangaroa holding open the waves for his whanau of fishes.
Guardians of the Sea Charitable Trust Nga Kaitiaki mo Tangaroa.
(Image courtesy of Cliff Whiting)*

Guardians of Mimiwhangata

Alan Lints, Guardians of Mimiwhangata, Wanganui

Questions were raised as to the status of both the Department of Conservation's (DoC) proposal to create a marine reserve at Mimiwhangata and the Guardians of Mimiwhangata group since the passing of its chairman, Vern Tonks. Present at their first Accord hui was Alan and June Lints. Both were members of the Mimiwhangata Guardians so Alan gave a brief update.

Several years ago amateur and environmental fishing interests joined with local hapu and formed the Guardians of Mimiwhangata Fisheries and Marine Environment/*Nga Kaitiaki o Nga Ika Nga Kaimoana Me Nga Ahuatanga Takiwa o Te Moana o Mimiwhangata*.

Their objective was to halt the imposition of a marine reserve until other marine protection mechanisms could be explored. A localised, more hands-on approach was being sought and the possibility of implementing customary management has emerged.

DoC seems to have withdrawn their public campaign for their marine reserve proposal. It may reappear as part of the Marine Protected Areas process.

Many people with an interest in Mimiwhangata marine environment objected to the manner in which DoC conducted its public consultation process. A positive outcome has been the emerging opportunity for tangata whenua and non-Maori to discuss more localised management through the implementation of customary management measures.

DoC did not envisage this collaboration between local hapu and the community. Non-commercial interests are hopeful that any further consultation will be conducted in conjunction with the Guardians and the Hokianga Accord.

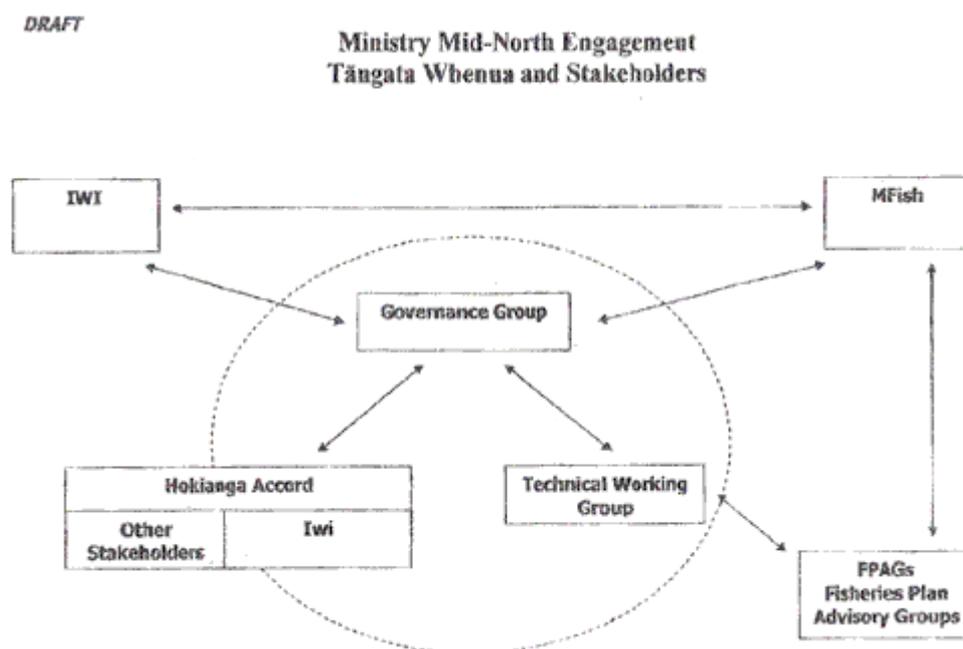
MFish – Accord Relationship

Sonny Tau, Accord co-chair, Kaikohe

In January MFish's Deputy Chief Executive, Stan Crothers, wrote to Sonny, Naida Glavish of Ngati Whatua and Addie Smith of Ngati Wai. This was in response to the discussions between MFish officials and the three mid north iwi leaders and their representatives in December 2007.

MFish were seeking feedback on the draft engagement model included in Stan's letter, attached as Appendix One.

Figure 1: Ministry of Fisheries' draft engagement model for mid north iwi, January 2008.



This engagement model differed to that proposed by the Accord in December 2005. (Figure 2, page 60). MFish has not previously provided any meaningful feedback on the Accord's draft and seems to have dismissed that model altogether. However, Jonathan did confirm earlier in this hui that the Accord's draft did provide a structure that MFish could fund under their guidelines to support iwi forums.

MFish engagement model

MFish key points:

- establish a governance group
- establish a technical working group
- Hokianga Accord is a discussion and information sharing forum
- Iwi still able to address MFish directly, if desired
- mid north iwi should be appropriately represented in Fisheries Plan Advisory Groups.

Governance group:

- two representatives from each iwi
- appropriate senior MFish staff
- key roles include –
 - developing an MOU
 - approving a strategic plan balancing commercial and customary objectives
 - providing direction to the technical working group
 - guidance of MFish funding to the forum
 - hosting Accord hui
 - meet twice yearly.

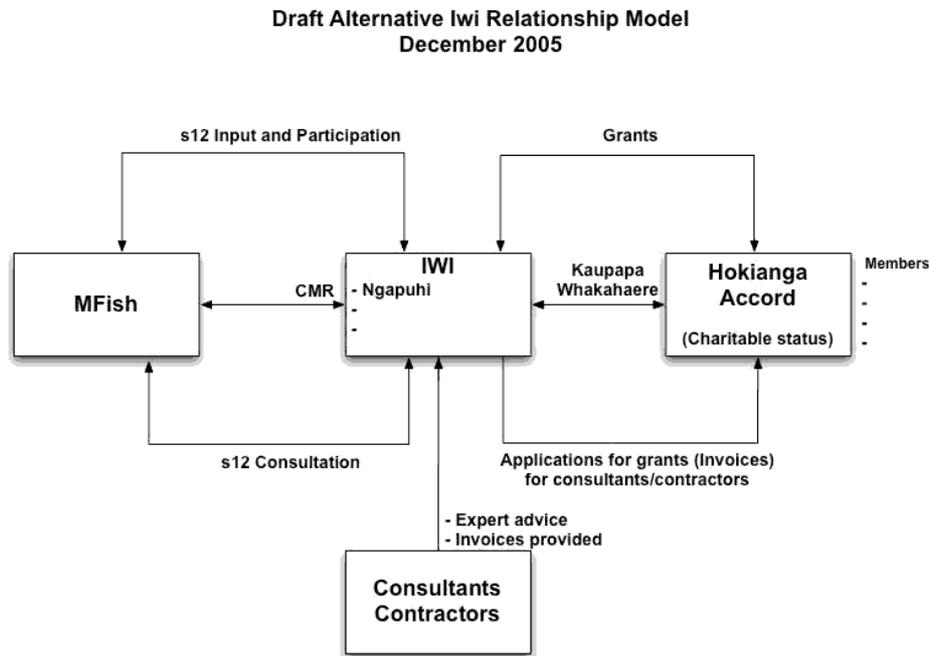
Technical working group:

- one or two representatives from each iwi
- regular input from MFish inshore management and extension services teams
- as required participation by MFish science, policy and compliance teams.
- Could co-opt relevant experts as resources allowed
- Develop and implement a strategic plan
- Guide MFish services
- Coordinate development of Iwi Rohe Moana Management Plans
- Report to governance group
- Meet monthly.

Hokianga Accord provides a forum for iwi members to:

- Receive an update on technical working group's activities
- Be updated on governance groups decisions
- Discuss fisheries issues
- Convey views and priorities to governance group
- Engage with other stakeholder groups
- Meet once or twice per annum.

Figure 2: Hokianga Accord’s draft engagement model for mid north iwi, December 2005.



After reading Stan’s letter to the hui Sonny invited all participants to provide their feedback to the proposal and discuss the nature of further engagement with MFish and their Minister. (Refer Appendix One).

MFish were keen for another meeting with iwi representatives from Ngapuhi, Ngati Whatua and Ngati Wai to discuss their draft model.

Ngapuhi has acknowledged receipt of MFish’s January letter. Ngati Whatua will do likewise.

Hui Discussion

There was inconsistency between MFish’s engagement model based on their understanding of the December discussions and what iwi representatives recall from that same meeting.

In contrast to the MFish model this forum’s objective is to have the Hokianga Accord as the governance body with other interest groups fully involved.

Considering the content of MFish’s letter it also seems that MFish were attempting to pass their responsibilities to engage with Te Roroa and Te Uri O Hau onto the three iwi. That was neither the iwi’s responsibility nor their desire to be in that position. That is the Crown’s responsibility.

It was suggested a working group be established for the Accord to engage with MFish staff. This will leave iwi leaders with the responsibility to engage with the Minister.

Any representatives attending meetings on behalf of the Accord will be guided by the forum’s discussions and will present those views and report back to the Accord afterwards.

Realistically it will be Ngapuhi and Ngati Whatua iwi involved in the Hokianga Accord on a formal basis. Other hapu and iwi were most welcome to participate, as were other commercial and non-commercial fishing interest groups, representatives and individuals.

There was a risk in accepting MFish's draft model because the Crown could avoid their Treaty Settlement and Fisheries Act (section 12) obligations to provide for the input and participation of tangata whenua into fisheries management.

The Accord's draft engagement model above needs updating, to better reflect the forum's current position and understanding.

Hui participants suggested and agreed on amendments to the Accord's 2005 draft Kaupapa Whakahaere (MOU) as there was now better understanding of the Minister's statutory requirements and ongoing Treaty obligations.

The High Court's Kahawai Legal Challenge judgment¹⁷ has provided further clarity on fishing rights. Some phrases from the Ngapuhi affidavit¹⁸ to the High Court may also be helpful.

Tepania Kingi, Hally Toia, Paul Haddon and Trish Rea would make the requested amendments to the MOU and engagement model then distribute for final comment before its presentation to the Ministry.

Outcomes

1. The Hokianga Accord will reply to MFish and advise that the forum wants to resume discussion on its own draft engagement model, which will be an updated version of the Accord's 2005 draft. (Figure 2, page 60).
2. Any discussions with MFish regarding a Memorandum of Understanding (MOU) will be based on the draft Kaupapa Whakahaere developed in late 2005 and include the updates from this hui.
3. That the iwi leaders of Ngapuhi and Ngati Whatua will engage with the Crown by way of the Ministers, in particular the Minister of Fisheries.
4. Any correspondence and requests for meetings with the Minister ought to be informative as to the Hokianga Accord's history and its aspirations, as opposed to being a criticism of MFish officials. A more positive response is likely with this approach.
5. There is some merit in inviting the Minister to a Hokianga Accord hui as opposed to a delegation going to Wellington. The responsibility for resolving the relationship with MFish ultimately lies with the Minister.
6. As a first step, a brief letter to the Minister will be drafted and circulated that:
 - a. Acknowledges receipt of his November 2007 note;
 - b. Advises of another successful Hokianga Accord hui with MFish present; and
 - c. Invites him to the next Hokianga Accord hui. Offer several dates so the Minister can work around his schedule.

¹⁷ <http://kahawai.co.nz/documents/KLCdecision21307.pdf>

¹⁸ http://kahawai.co.nz/documents/Affidavit_Tau_10_8_05.pdf

7. Clarify that the Kaupapa Whakahaere (MOU) is an agreement between the Hokianga Accord and the Minister of Fisheries, signed off by the Accord's working group and MFish.
8. Process for MOU:
 - a. Amend Kaupapa Whakahaere as discussed;
 - b. Amend draft engagement model as discussed;
 - c. Distribute both for final comment; and
 - d. Present the Kaupapa Whakahaere to MFish and ask for feedback within a certain timeframe. Ask MFish to specify reasons why any clauses are unacceptable, to facilitate further discussion and ultimately agreement.

Inclusion by other forums such as Te Hiku O Te Ika is most welcome and will be considered as part of the overall workings of the Hokianga Accord.

Tepania Kingi and Hally Toia will write a paragraph for the Kaupapa Whakahaere preamble that acknowledges the ties with other iwi and groups.

* Following the hui a letter was sent from Ngapuhi and Ngati Whatua requesting a meeting with the Minister. This was copied to other iwi leaders, non-commercial fishing representative organisations and various political fisheries spokespeople. (Appendix Seven) The Minister's reply is attached as Appendix Eight.

Conclusion

After such robust discussions the evaluation session was not required and the two-day hui concluded with an acknowledgement of everyone's input. It was agreed that the topics discussed during the hui had been of immense value.

Both Sonny and Judah acknowledged the effort of all the presenters to inform the hui of the latest developments.

Contributions from Vic Holloway and Abe Witana of Te Hiku O Te Ika were appreciated as was the input and assistance from the option4 team including Trish and Scott.

Undoubtedly Hally Toia and Paul Haddon, with their combined knowledge, were going to be more valuable to the forum as the relationship with government agencies developed.

June Lints of Wanganui did not say much during the hui, both her and husband Alan appreciated the hospitality and the opportunity to visit Mataiaranui marae to pay respects to Buster Hancy the previous day. It was a very informative hui listening to such open discussion and debate. It was a new experience for her and Alan, both hoped to return to another Hokianga Accord hui in the future.

Nick Williams summed up the hui with a reflection of past hui and the progress the Hokianga Accord is making. Nick is a commercial fisherman based in the Hokianga.

It was heartening so see some new faces and lots of familiar ones at each successive hui. This was evidence of the ongoing willingness of everyone, both Maori and non-Maori to work together towards a common goal of "more fish in the water/kia maha atu nga ika ki roto i te wai".

Stephen Pikaahu of Whakamaharatanga marae gave a brief evaluation of the discussions and people involved. Not only was the passion still apparent but there was commitment to achieving the common goal. It was all about sustainability, of the fish, the people and our way of life. Stephen closed the eleventh Hokianga Accord hui with a karakia (prayer).

Waiata

Te Aroha

The love

Homai e te atua

Give to us o Lord

Te Aroha

The love

Te taonga o te tangata

The treasure of a man is

Te tumanako, whakapono

The trust, the faith

Me te Aroha e

And the love

Te Aroha te Taonga nui rawa

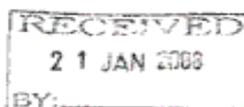
Love is the greatest gift of all

Appendix One – MFish Engagement Letter to the Accord



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17 January 2008



Naida Glavish
Chairperson
Nga Rima o Kaipara Charitable Trust
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Te Awaroa
Heienville
Auckland

Addie Smith
General Manager
Ngatiwai Trust Board
171 Lower Dent Street
Whangarei

Sonny Tau
Chairman
Te Rununga A Iwi O Ngapuhi
PO Box 263
Kaikohe 0405

E nga mana, e nga reo, anei nga kai whakahaere o nga Runanga o Te Tai Tokerau tēna koutou katoa.

Iwi:MFish Engagement in the Mid-North

I am writing as a follow-up from our hui on 19 December in Whangarei.

First, I want to thank you for meeting with us in Whangarei. I thought the hui was constructive, and helped us better understand some of the key issues for the three mid-North Iwi concerning engagement with MFish. Based on our discussions at the meeting, I am confident we can develop an effective model for Iwi:MFish engagement in the mid-North.

As agreed at the hui, the MFish team has developed a draft engagement model as a basis for further discussions. In putting together this draft we have tried to take into

New Zealand Government

account the key issues and views discussed at the meeting and those raised in subsequent emails. I want to emphasise that these are initial thoughts only, intended to stimulate further discussion.

The draft model is set out in the attached diagram and its key features are described below. We have not tried to ascribe names to the different parts of the draft model but have used names that describe the purpose and role of each part. Appropriate names could be determined later if the model were to be adopted.

Proposed Engagement Model

1. Governance Group

We did not specifically discuss the establishment of a governance group at the December hui. However, we think it could be a useful mechanism to give effect to your clearly expressed view that the primary authority in the relationship with MFish should rest with Iwi authorities.

We suggest the Governance Group could comprise:

- Iwi: Two representatives from each of Ngapuhi: Ngati Wai; and Ngati Whatua (Note that we would like to discuss with you how the Ministry should best meet its settlement obligations to Te Roroa and Te Uri O Hau, including possible representation on the Governance Group and/or Technical Working Group)
- MFish: A member of the MFish Strategic Leadership Team and other appropriate senior MFish staff

We suggest the key roles for the Governance Group could include:

- Developing a Memorandum of Understanding between mid-North Iwi and MFish
- Approving a strategic plan to guide Iwi:MFish engagement in the mid-North, including balancing commercial and customary objectives for mid-North Iwi
- Providing direction and guidance to the Technical Working Group
- Determining the make-up of the Technical Working Group
- Advising MFish on the appropriate allocation of the MFish funding that is available to the mid-North Forum
- Providing high level direction on deployment of MFish staff resources (primarily Pou Hononga and Pou Takawaenga) and other resources available to mid-North Iwi
- Hosting Hokianga Accord hui

We suggest the Governance Group could meet twice each year

2. Technical Working Group

At our December hui we agreed it would be valuable to establish a working group to undertake much of the detailed work of input and participation into fisheries management, guided by the Governance Group.

We suggest the Technical Working Group could comprise:

- Iwi: Representatives of Ngāpuhi; Ngāti Wai; and Ngāti Whatua (at the December hui it was suggested one or two representatives from each iwi). Note also the comment above concerning Te Roroa and Te Uri O Hau.
- MFish: Regular participation from: Inshore fisheries management team members; Pou Hononga; Pou Takawaenga; Participation as required by Compliance; Policy; Science
- The Technical Working Group could co-opt or contract relevant experts as required and as resources allow.

We suggest key roles for the Technical Working Group could include:

- Developing a draft strategic plan to guide Iwi:MFish engagement in the mid-North, for consideration by the Governance Group
- Overseeing implementation of the strategic plan
- Providing detailed guidance to the work programmes of MFish staff resources (and other available resources) available to mid-North Iwi.
- Coordinating development of Iwi Rohe Moana Management Plans
- Reporting to the Governance Group
- Presenting information to the Hokianga Accord, as requested by the Governance Group
- Providing input to relevant Fisheries Plan Advisory Groups
- Developing submissions and providing other input on relevant fisheries management (and other resource management?) issues

We suggest the Technical Working Group could meet monthly.

3. Hokianga Accord

We suggest that, under the proposed arrangement, the Hokianga Accord could be formally hosted by the Governance Group. The primary purpose of the Hokianga Accord could be to provide a forum for Iwi members to:

- Be informed about the work of the Technical Working Group
- Be informed about decisions of the Governance Group
- Discuss fisheries issues
- Convey views on fisheries issues and priorities to the Governance Group
- Engage with other stakeholder groups

We suggest the Hokianga Accord could meet once or twice each year.

4. Other Features of the Proposed Engagement Model

The linkages between the different parts of the proposed model are worth brief noting.

- The link between individual Iwi and MFish reflects the clearly stated view that iwi may wish to address some issues directly with MFish.
- The Technical Working Group and Hokianga Accord are separately linked to the Governance Group, picking up the point made at the meeting that the Technical Working Group should not be considered a sub-committee of the Hokianga Accord
- The link between the Technical Working Group and Fisheries Plan Advisory Groups reflects the point discussed at the meeting that fisheries plans will become increasingly important in the management of New Zealand fisheries and that mid-North Iwi should be appropriately represented in Fisheries Plans Advisory Groups.

I am keen to progress the establishment of an appropriate model for mid-North Iwi engagement with MFish. I think it would be useful for me and/or Jonathan Peacey to meet with you as soon as practicable to discuss the draft model proposed in this letter.

I will be overseas from 11 – 15 February but am available to meet before or after this time. Jonathan Peacey will be available in the week of 11 February and subsequent weeks.

If you are agreeable to this suggested process, please let me know possible dates for a meeting.

No reira ma te Atua koutou (me o koutou whānau hoki) e manāki, e tiaki i nga wa katoa.

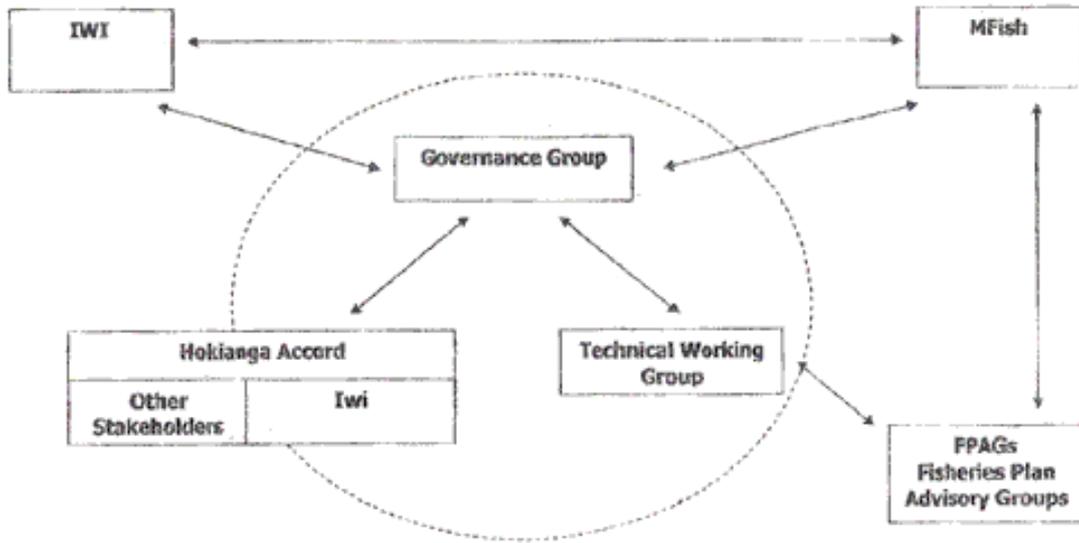
Naku noa
na



Stan Crothers
Deputy Chief Executive
Ministry of Fisheries

DRAFT

Ministry Mid-North Engagement Tāngata Whenua and Stakeholders



Appendix Two – Hokianga Accord Update #4

New Zealand Fishing News January 2008 edition
December 2007

Where has \$17 Million gone?

In 2004 Cabinet approved funding exceeding \$17 million for the Ministry of Fisheries to improve 'interactions' with Maori on fisheries management. So far there has been little evidence of where this money has been spent. Ask one of your Maori mates if they have seen any of that money, what's the bet their reply will be no?

Answers to this riddle were sought from MFish prior to the mid-November Hokianga Accord hui. MFish senior managers declined the invitation to engage with the mid-north iwi fisheries forum. Instead, their written response was read out to all those at the Accord's tenth hui, hosted by the Auckland University.

In-depth discussions were held regarding the multi-million dollar Deed of Settlement Implementation Plan. It seems the Vote Fisheries Bid 2004 emerged not long after the Foreshore and Seabed debate in 2003/04. Approximately \$4 million per annum was to be spent on enhancing the Crown/Maori relationship, and honouring the statutory obligation to provide for the input and participation of tangata whenua into fisheries management.

While details are sketchy, it appears MFish may have spent most of this money internally. Several projects have been directed towards establishing and supporting iwi forums. However, the absence of MFish support for the Hokianga Accord and implementing customary management tools such as rahui, taiapure and mataitai seems to demonstrate the approved funding has gone elsewhere; and not been spent on initiatives that will allow coastal communities to work together to achieve more abundant fisheries and localised management of valuable inshore waters.

Credit goes to Peter Douglas, Chief Executive of Te Ohu Kaimoana for attending the hui and speaking on this contentious topic. While his role is to protect Maori commercial fishing interests, he has a big whanau who like to catch and eat fish too.

A list of questions arising from the hui has been sent to MFish for further feedback.

Just as interesting was the political panel discussion that followed.

The Minister, Jim Anderton and the Greens sent their apologies prior to the hui. Adam Gifford put the pre-prepared questions to Phil Heatley (National), Hone Harawira (Maori Party) and Pita Paraone (NZ First).

Adam is a veteran at interviewing and managed to keep alive the three politicians' debate about what they will do to direct MFish after next year's election and how their parties will give effect to the our fisheries laws, to achieve sustainable fishing.

Phil, Hone and Pita expressed their views and encouraged the Accord to forward any information to assist them to ensure non-commercial fishing issues receive adequate attention in parliament.

Also discussed at the hui was the innovative trawling gear being trialled off Napier by Richard Burch. A proactive proposal to increase kahawai numbers was hotly debated, as was the participation in the North Island West Coast Fisheries Plan process.

Following the hui a collective submission from the Accord, option4 and the NZ Big Game Fishing Council was lodged with MFish supporting their proposals to include freshwater into the Kaimoana Regulations.

Visit www.HokiangaAccord.co.nz.

Appendix Three – Minister’s Response to Update #4

New Zealand Fishing News magazine

Response to Article (January 2008) “Where has \$17 million gone?”

Contrary to the question posed in your article in the January edition of the *Fishing News*, there is no riddle to answer! The funding approved by Cabinet in 2004 has been spent on what it was intended for. Namely, the creation and operation of regional iwi forums around the country, and the employment of additional staff within the Ministry of Fisheries to implement the Deed of Settlement Programme.

The programme’s aim is to increase the capacity and capability of tangata whenua in order for them to have effective input and participation into fisheries management. The programme has two key objectives, namely:

- to build effective working relationships with tangata whenua
- to address my statutory duty under the Fisheries Act to provide for the input and participation of tangata whenua into a range of sustainability processes.

An update on the programme was provided to those who attended the November meeting of the Hokianga Accord. In summary, the meeting was told that:

- ⇒ ten regional iwi forms have been established including five sub-regional clusters
- ⇒ eight new areas / rohe moana have been established under the kaimoana customary fishing regulations in the North Island since 2006
- ⇒ 204 Tangata Kaitiaki in the North Island have had their appointments confirmed under the kaimoana customary fishing regulations
- ⇒ Tangata Tiaki appointments in the South Island remain relatively constant at 110
- ⇒ progress is being made on processing applications for mātaimai reserves and temporary closures
- ⇒ an NZQA approved training package has been developed and is being delivered to Tangata Kaitiaki.

Currently there are six mātaimai reserves, eight taiapure-local fisheries and six temporary closures in place around the country. As well as sixteen applications for mātaimai reserves being progressed, changes to the appointment of Tangata Kaitiaki / Tangata Tiaki and new notifications require significant resourcing from the programme.

The Ministry has employed additional staff, as approved by Cabinet in 2004, to implement the programme: specifically, twelve Pou Hononga (relationship managers), eleven Pou Takawaenga (extension officers), four Managers and other significant resources from within the Ministry’s inshore teams located around the country.

These staff have been hard at work providing assistance to iwi and hapū—helping design customary research projects; assisting with submissions on fisheries management proposals; building knowledge of fisheries management systems and processes; and effective engagement with government. This work is not always visible to the wider public, but it is happening and from what I have seen it is achieving excellent results.

With these dedicated resources an opportunity has been created that allows tangata whenua to have a much larger input into fisheries management, both locally and nationally. As always, there is more that can be done to meet the Crown’s obligations to tangata whenua. But, I

believe, when I look at the work that has been achieved, it is money well spent. Contrary to claims in the article, the money has been spent on initiatives that, in partnership with tangata whenua, will enable coastal communities to achieve better managed and more abundant fisheries.

Jim Anderton
Minister of Fisheries

Appendix Four – Questions for MFish from Waipapa hui

Questions for MFish from the Hokianga Accord hui, Waipapa marae, Auckland University

November 9th, 2007.

1. What criteria does MFish use to measure a regional iwi fisheries forum?
2. Why is the Hokianga Accord not recognised as an iwi forum?

Given that Stan Crothers advised Phil Heatley that the reason the Hokianga Accord is not recognised is because recreational fishers are involved in the forum.

Maori are recreational fishers too.

The Hokianga Accord has previously advised MFish they cannot limit who the Accord invites as manuhiri to their hui.

The Hokianga Accord is aware that recreational fishers have participated in both Nga Hapu o Te Uru and Mai I Nga Kuri Forum hui, yet both of these forums are still officially recognised by MFish.

MFish are applying an inconsistent approach when allocating resources.

3. If the Hokianga Accord does not meet ‘official’ iwi forum status at present then MFish need to provide the criteria by which they do meet the requirements. The Accord wants clarification on what needs to be done so they can meet the criteria.
4. MFish repay, with haste, the outstanding fee for the Hokianga Accord hui held at Naumai marae in July 2006.
5. Will MFish supply the Hokianga Accord with written details on the Mataitai Reserves Policy?
6. Will MFish confirm this document is now referred to as the Mataitai Guidelines?
7. Will MFish supply a financial breakdown of how the \$17.045 million Deed of Settlement appropriated funds from the Vote Fisheries Bid 2004 has been spent, including which MFish sections the money has been spent and how much in each section?
8. What is the weighting given to information supplied by tangata whenua compared to MFish information, when a mataitai application is being considered?
9. What measures do MFish plan to put in place to enable section 12 obligations to be met, to *provide for the input and participation* of tangata whenua into specific sustainability measures?
10. What specific actions will MFish take to *provide for the input and participation* of Ngapuhi, Ngati Whatua and Ngati Wai, being the mandated iwi organisations of the mid north?

Appendix Five – MFish Response to Waipapa Questions

7 March 2008

Sonny Tau
Hokianga Accord
PO Box 37-951
PARNELL
AUCKLAND

Tēnā koe Sonny

You gave me a list of questions from the 10th Hokianga Accord hui held at Waipapa Marae in November 2007. I tabled these questions at the Ministry of Fisheries Obligations to Maori Co-ordination Committee on 22 November for the Committee's consideration. All relevant Manager's within the Ministry are aware of the questions you asked.

As you passed the questions to me I feel I should give you a response. I've outlined below what I understand is the current situation in relation to your questions and, where I can, provided an answer.

Forum requirements and provision for input and participation

You've asked questions about the criteria for meeting the requirements of a Ministry Iwi Fisheries Forum and how the Hokianga Accord can do this. Related to this you have also asked what actions the Ministry will take to provide for the input and participation of Ngapuhi, Ngāti Whātua and Ngāti Wai.

I understand that subsequent to raising these questions, Iwi leaders from the mid north met with Stan Crothers (Acting CEO) and Jonathan Peacey (Fisheries Operations National Manager) on 19 December 2007. I understand that these discussions led to agreement on an engagement model between Iwi of the mid-north and the Ministry.

Fee payment

Regarding your request that the Ministry repay an outstanding fee for the Hokianga Accord hui at Naumai Marae in July 2006, I have been told that this is matter is being resolved by the office of Te Kahui Pou Hononga.

Mātaimai Guidelines

Yes the 'mātaimai reserves policy' document you refer to is in fact the Mātaimai Guidelines. I have requested that a copy of the final version of these guidelines be sent to me so that I can forward a copy to you. I understand the Guidelines are awaiting a final peer review by Terry Lynch, Policy Manager. I will forward a copy to the Accord as soon as I am able to.

You've also asked about the "weighting given to information supplied by Tangata Whenua compared to Ministry information when a mātaimai application is being considered". I put your question to my colleagues in the Spatial Allocations Team who assess mātaimai applications. Here is their response:

"Pursuant to the information principles set out in section 10 of the Fisheries Act 1996, decisions should be based on the best available information. This means the best information that is available without unreasonable time, cost or effort.

In relation to the assessment of the criteria required to establish a mātaimai reserve, MFish generally relies on information:

- provided by applicants as part of their application and subsequent dialogue during the application process;
- provided by submitters in the two rounds of consultation required under the regulations; and
- held by MFish in relation to commercial, recreational and customary entitlements and catch data.

Where considered necessary, MFish will seek additional information on issues brought to its attention that may require further investigation. The Minister will also be informed where the information received or statements made in submissions have not been or cannot be verified.

The weighting given to the information received from tangata whenua and any other source will depend on the level, accuracy and relevance of that information. Each application will be assessed on a case-by-case basis.”

Deed of Settlement Funds

Your questions about how \$17.045 million of Vote Fisheries Bid 2004 funding has been spent has been the subject of an article in the New Zealand Fishing News (January 2008). The Minister of Fisheries has provided a response which I have attached to this letter.

Finally, I'd like to thank you and the rest of the Accord for the manaakitanga exhibited to George Riley and myself at the 10th Hokianga Accord.

Naku iti nei.

Jonathan Dick
Extension Services Manager

Appendix Six – Section 13 Amendment Letter to Minister

Hon. Jim Anderton
Parliament Buildings
PO Box 18-041
Wellington
janderton@ministers.govt.nz

18 April 2008

FISHERIES ACT AMENDMENT

Tena koe Jim

The Hokianga Accord understands, as a consequence of the *Anton's Trawling* case, that you are considering an urgent amendment to section 13 of the Fisheries Act 1996 (the Act) to enable you to continue Ministry of Fisheries (MFish) practice of using information now ruled as being unlawful to set total allowable catches (TAC's). Two Accord representatives attended the urgent meeting in Wellington on Thursday 10th April to discuss this matter. MFish informed the meeting that the proposed amendment would not include changes to any other provisions of the Act.

The Hokianga Accord is concerned to ensure that any amendment you propose achieves the sustainable utilisation purpose of the Act. The present approach to amending section 13 appears as a high-risk option that could have the opposite effect, namely unsustainable fishing and adverse effects on the aquatic environment.

We would therefore like to explore with you the possibility of an alternative approach that would enable you to make TAC decisions whilst better achieving both the government's environmental objectives and the sustainable utilisation purpose of the Act.

In the very short time we have had to consider your proposed amendment and its ramifications if implemented, our initial thoughts are that an amendment to section 14(8)(b)(i), by removing the reference to 'biological characteristics', and managing fisheries within Schedule 3 may assist you to better achieve the sustainable utilisation purpose of the Act. The High Court Judge in *Antons Trawling* noted (at para 52, 55 and elsewhere) the potential use of section 14 of the Act, and that the advice to you had not referred to section 14 (see para 51).

Complementary to the appropriate section 14 amendment we also suggest a reconsideration of your earlier proposal that had our support¹⁹, to amend section 10 to provide clear direction to decision-makers when information is inadequate or uncertain.

It is our view that amending sections 10 and 14 as described would go some way towards ensuring that your TAC decisions are less open to challenge in the Courts. This is because, as Minister, you would be empowered to take a precautionary approach to better achieve the purpose of the Act by enabling people to provide for their social, economic and cultural wellbeing.

¹⁹ http://option4.co.nz/Fish_Forums/hamr507.htm
April 2008 Hui Report

When information on fish stocks is poor and the true levels of mortality, including amateur catch, cannot be adequately quantified, the risk of unsustainable fishing increases. Even though MFish has stated there are very few fisheries with adequate information to estimate the biomass, for twenty years MFish has attempted to manage Snapper 8 (SNA8) at Bmsy. After two Ministerial decisions to rebuild SNA8 the biomass remains at approximately half the level required to produce maximum sustainable yield. SNA8 is a prime example of a fishery that would benefit from a precautionary management approach.

Before we commit precious non-commercial fishing resources on developing a full response with recommendations to your proposed amendment, we would appreciate you letting us know whether you are open to a consideration of the alternative approach we now put forward, with possible improvements following further consideration, to provide you with certainty in achieving the purpose of the Act when making TAC decisions.

We are available to meet and discuss this matter at a time or times to suit you and are confident that we can offer overwhelming support from non-commercial fishing interests to find an enduring solution to enable TAC's to be set that will meet the purpose of the Act and achieve "more fish in the water/kia maha atu nga ika i roto i te wai".

We look forward to hearing from you as soon as possible.

Paul Haddon
Ngapuhi representative
On behalf of the Hokianga Accord
PO Box 263, Kaikohe, Northland.
plhtomokare@hotmail.com

Richard Baker
President
On behalf of the New Zealand Big Game Fishing Council
PO Box 93, Whangarei, Northland.
Richard.Baker@nzmf.co.nz

Paul Barnes
Project Leader
On behalf of the option4 team
PO Box 37-951, Parnell, Auckland.
kites@ihug.co.nz

Appendix Seven – Accord Request for Meeting with Minister

24 April 2008

Hon. Jim Anderton
Minister of Fisheries
Parliament Buildings
Wellington
Email: janderton@ministers.govt.nz

HOKIANGA ACCORD

Tena Koe Jim

Nga mihi nui ki a koe me to tahuhu e tiaki ana wa tatou ika kia maha atu e waihotia ana ki roto i te wai. Me tahuri o taringa kia rongorongo atu e koe ki te reo uiui a o hoa awhina i a koe ki te tiaki wa tatou ika.

Thank you for your letter dated 18 October 2007 advising of your unavailability to attend the tenth Hokianga Accord hui at Waipapa and your assurance that you would be happy to receive an invitation to address the Accord on another, mutually acceptable occasion. The mid north iwi fisheries forum would like to meet with you as soon as you are available to discuss how the Hokianga Accord can work with you, as Minister of Fisheries, to fulfil the Crown's statutory obligations to mid north iwi and the ongoing relationship between the Ministry of Fisheries and the Hokianga Accord.

We grow tired of waiting for your Ministry to assist you in this role.

On numerous occasions since 2005 the Hokianga Accord has raised concerns about the failure of MFish to give effect to the mandatory obligations in section 12(1)(b) of the Fisheries Act 1996, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and other related legislation. A list of that correspondence is online at http://option4.co.nz/Fish_Forums/hokianga.htm#miy.

At the last hui it was agreed that we would write to you directly so that we, as leaders of our people, can make some progress. This is because there is little evidence of any goodwill towards the Accord or a willingness by MFish to give effect to the Crown's statutory obligations to provide for the input and participation of tangata whenua with a non-commercial interest in fisheries and the aquatic environment while having particular regard to kaitiakitanga in Tai Tokerau.

A simple example of the lack of goodwill is the failure of MFish to pay the outstanding hui fee from the Hokianga Accord hui held at Naumai marae in July 2006 or any subsequent Hokianga Accord hui. Both Jonathan Peacey and Carl Ross attended the latest hui held at Whakamaharatanga marae, Hokianga in early April and again MFish failed to contribute to the costs of hosting the hui.

This is not good enough.

The Vote Fisheries Bid 2004 provided over \$17 million to the Deed of Settlement Implementation Programme (DOSIP) designed to increase the capacity of MFish to meet its settlement obligations, comply with the Treaty principles and facilitate Maori's input and participation in fisheries management processes, including the implementation of customary management measures.

The Hokianga Accord has not directly benefited from this spending and awaits confirmation from MFish on how the funds have been spent on a regional and national scale.

A number of questions related to DOSIP were put to both Jonathan and Carl at the last hui. It was agreed the questions would be forwarded to Jonathan after the hui for formal feedback. That list of questions was sent to Jonathan and Carl on 15 April. (Attached as Appendix One).

As of 24th April no confirmation or response has been received from either official. Unfortunately this is another example of the way MFish senior management treat the Hokianga Accord and is completely contrary to the previously mentioned statutory obligations. It also seems to be a continuation of the obstructive and divisive behaviour of MFish senior managers we described in our letter to Carl Ross on 26 October 2007.

Minister, it is in both your interest, as a Minister of the Crown, and our interest as the iwi fisheries forum representing the largest numbers of Maori non-commercial fishing interests, that we get together as soon as possible to resolve these outstanding issues. Would you please advise a date or dates that you are available to meet?

Mauri Ora

Raniera T (Sonny) Tau
Co-chairman
Hokianga Accord
sonny.tau@ngapuhi.iwi.nz

Naida Glavish
Chairperson
Te Runanga o Ngai Whatua
nglavish@adhb.govt.nz

Appendix Eight – Minister’s Reply to Accord’s Meeting Request

Office of Hon. Jim Anderton
Minister of Fisheries

JA1919

12 May 2008

Raniera Tau
Chairman
Te Runanga A Iwi O Ngapuhi
PO Box 263
Kaikohe

Tena koe

Ministry of Fisheries Engagement with Mid-North Iwi

Thank you for your recent invitation to meet with the Hokianga Accord.

I am disappointed that, despite many positive developments in the management of customary fisheries in the mid-north, the three mid-north iwi and Ministry of Fisheries have been unable to agree on an engagement model for mid-north iwi.

I consider provision for tangata whenua input and participation into fisheries management very important. Accordingly, I am keen to assist in finalising an engagement model for mid-north iwi. I would be pleased to meet with a leader from each of the three mid-north iwi and senior Ministry officials in my Wellington office to help finalise an engagement model that will meet the needs of all parties.

My secretary will contact you shortly to confirm that you are interested in meeting with me, and discuss arrangements for the meeting.

Naku noa,
Na

Jim Anderton
Minister of Fisheries

cc. Laly Haddon
Chairperson
Ngatiwai Trust Board
PO Box 1332
WHANGAREI 0140

Appendix Nine – MFish Answers to Accord’s April 2008 Questions

19 May 2008

Questions for MFish from the Hokianga Accord April hui and the Ministry’s answers provided in May 2008.

Key: Hokianga Accord questions are marked ‘Accord question’.
Ministry of Fisheries answers are in italics, marked as ‘MFish response’.

Treaty Obligations and Customary Management

Accord question

11. What is the state of the Mātaitai Guidelines? At the November 2007 Hokianga Accord hui MFish advised these Guidelines had been presented to, and noted, by the Minister of Fisheries in October 2007. We understand the Guidelines are currently being peer reviewed by MFish’ Policy Manager Terry Lynch. Why is this necessary after the Minister has already noted this document?
- What are the officials doing with it now?
 - When can the Hokianga Accord see a copy of the Guidelines?
 - Can we have a copy of the original Guidelines, as noted by the Minister in October 2007?

MFish response

The role of the Ministry of Fisheries is to *manage the mātaitai reserve application process and ensure the process set out in the customary fishing regulations is followed. This includes providing advice to the Minister of Fisheries on whether an application meets the criteria set out in the regulations.*

The Mātaitai Reserve Guidelines provide guidance to staff on the process and factors to consider when assessing and providing advice to the Minister on whether an application for a mātaitai reserve meets the requirements of the customary fishing regulations relating to the impact of the proposed reserve on non-commercial and commercial fishers.

The Minister was sent a briefing on issues regularly raised in submissions on mātaitai reserve applications. The briefing also contained a summary of the changes the Ministry intended to make to the guidelines to make it clear to staff what the regulations require in assessing applications. The Mātaitai Reserve Guidelines were not provided to the Minister, but please let us know if you want us to provide a copy of the briefing paper.

As the Mātaitai Reserve Guidelines are internal Ministry guidelines relating solely to operational matters, the Chief Executive will sign them off. This is being done, and a copy will be provided within the next two weeks.

Accord question

12. It is our understanding that MFish officials recently recommended a mātaitai application in the Hawke Bay be declined on the basis that it would have adverse impacts on local commercial fishery. Would MFish confirm the prevent test was triggered by this application and the basis for their recommendations to the Minister?

MFish response

The Ministry has communicated its view on this application for applicants to consider. There has not yet been an opportunity to meet to discuss the application. The Ministry cannot, therefore, comment further on this application.

Accord question

13. Is the purpose of a mataitai a means to fulfil the Crown's Treaty obligations or on the basis of the information above, to comply with commercial fishing interests? It is our understanding that part of the Treaty Settlement was to enable the protection and provision for customary fishing practices. Clearly tangata whenua cannot provide for their customary interests or exercise tino rangatiratanga in their rohe if MFish are focussing purely on the effect on commercial fishing interests.

MFish response

The Ministry assesses mātaimitai reserve applications against the criteria set out in regulation 23(1) of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and regulation 20(1) of the Fisheries (South Island Customary Fishing) Regulations 1999. The Ministry does not focus purely on those criteria that pertain to the effects a proposed reserve would have on commercial fishing interests. However, for some applications the level of effect on commercial fishing can be substantial. The Ministry must undertake the level of analysis required in the circumstance and advise the Minister of Fisheries accordingly.

Accord question

14. A. It is our understanding that there are at least 16, possibly 20, mataitai applications and commercial fishing closures from Ngai Tahu. The Minister has advised there are currently six mataitai and eight taiapure in place nationwide. These have taken ten years to come to fruition. At this rate what chance have other iwi got to successfully implement customary area management tools?

MFish response

As of 12 May 2008, eight mātaimitai reserves have been established, including one that has had boundaries subsequently expanded. As you have noted, eight taiapure-local fisheries have also been established.

The Ministry is currently progressing all applications received except those that require further responses from or information supplied by applicants. Applications are considered on a case-by-case and first-in-first-served bases. The timeframe required for the application process varies considerably between applications.

Accord question

4. B. How long will Ngapuhi and Ngati Whatua have to wait to see some tangible outcomes from the Deed of Settlement implementation programme?

MFish response

In terms of commercial outcomes, iwi are increasingly benefiting from the allocation of quota to iwi. In terms of non-commercial outcomes, Ngapuhi and Ngāti Whātua need to consider how they intend to take up the customary tools that are available to tangata whenua. If the intention is to establish mātaimitai reserves they need to firstly notify their Tangata Kaitiaki and, after a prescribed process, have their appointments confirmed by the Minister of Fisheries. Pou Hononga and Pou Takawaenga have been working with hapū and iwi within Tai Tokerau to help them with their fisheries management

aspirations. With recent new appointments to these teams, the Ministry is now able to offer more resources to work with hapū and iwi within Tai Tokerau.

Accord question

4. C. How is MFish planning to resolve this increasing demand for local area management? Clearly increasing staff numbers and establishing the Pou Hononga and Pou Takawaenga teams four years ago has done little for mid-north iwi fishing interests.

MFish response

There is a suite of tools available to tangata whenua that can address customary fisheries concerns at a local level — it is a matter of identifying / quantifying the issue(s) and applying the most appropriate tool. The Ministry is able to assist with this process and, indeed, has assisted numerous hapū and iwi around the country. There are also general local-area management tools available. The most appropriate forum for discussing use of these tools is the relevant Fish Plan Advisory Group (FPAG) where participants can table and discuss their concerns, not only about the management of fisheries at a QMA level but also in respect to local area management.

Accord question

- 5A. A Mātaitai may sound like an inviting local seafood basket, but if empty it is useless. This fraud is being perpetrated right around the coastline, and particularly so North of Auckland. How does MFish intend to raise abundance of species important to customary fishers, and in particular, species that would make a Mātaitai effective? Or is it MFish' intention that Mātaitai are shellfish-gathering areas alone?

MFish response

Under the Quota Management System (QMS) fish stocks are managed at the level of Quota Management Areas (QMAs). The QMS is designed to ensure that fishing is sustainable at the QMA or stock level. Therefore, QMAs need to be substantially larger than mātaitai reserves as fish populations move over much larger distances than any single reserve could cover.

The Ministry actively monitors the sustainability of fish stocks to ensure they remain sustainable for future generations. Where evidence of declines in stock abundance has been apparent, the Minister has taken action to reduce Total Allowable Catch limits to help rebuild the stocks concerned. For the future, the Ministry is working with tangata whenua and stakeholders to develop objective-based fisheries management plans that will manage the key fish stocks in an area towards agreed and sustainable abundance targets. Within Fisheries Plans, tangata whenua and stakeholders will have the opportunity to identify stocks that are particularly important in their area, and this can be taken into account when goals and objectives are set for those stocks.

Mātaitai reserves are established under customary fishing regulations and recognise traditional Māori fishing-grounds that are important for customary food-gathering. They also allow tangata whenua to advise the Minister of Fisheries directly on how best to manage fishing in the area. Management controls developed through reserves can improve fish abundance, notably for shellfish, in the local area. Mātaitai reserves are not designed to manage fish populations as a whole.

Accord question

5. B. Does MFish have intent or a strategy to make more fish available to non-commercial fishers? Or does MFish consider that current fishing success for non-commercial fishers is adequate, or in some cases even generous?

MFish response

The Ministry's strategy, as stated in its Statement of Intent (2007-2008), is based around maximising the value all New Zealanders obtain through the sustainable use of fisheries resources and the protection of the aquatic environment. In this context the Ministry would like to see more fish being made available to both non-commercial and commercial fishers.

Fishing success (amount and rate of catch and size of fish) is an important part of the value people obtain from fishing. Appropriate amounts and rates of catch and fish size can be addressed in the development of Fisheries Plans by the relevant FPAG.

Deed of Settlement Spending

Accord question

6. In November 2007 the Hokianga Accord hui put a list of ten questions to MFish and expected some straight answers. No straight answers were received on where \$17 Million has been spent. What we got instead was a series of benign statements and worse still, a response to some of our concerns by way of an article to the NZ Fishing News magazine from the Minister himself. The Minister is being poorly advised if he thinks that is an appropriate way to respond to the largest collective of Maori commercial and non-commercial fishing interests in the country, through the Hokianga Accord. The Hokianga Accord wants a spreadsheet format explaining how the \$17.045 million from the Deed of Settlement Implementation Programme has been spent. Included in this should be a breakdown of how much has been spent regionally and more specifically in Tai Tokerau.

MFish response

Comment: The Ministry responded to the ten questions in full on 7 March 2008. Jonathan Dick also addressed some of the questions at the 10th meeting of the Hokianga Accord held in November 2007.

Comment: The Minister was in fact responding to an article that appeared in the January 2008 edition of the New Zealand Fishing News.

In 2003, Parliament allocated approximately \$3.5 M (increasing to \$5 M) per year to implement the Ministry's Treaty Strategy. From 1 July 2008, this funding (Deed of Settlement Programme—DoS) will become part of the Ministry's baseline funding. The breakdown of funding for the Programme for the current year (July 2007 – June 2008) is set out in the table below.

<i>Programme Elements</i>	<i>Amount</i>
<i>Forums</i>	<i>\$290k</i>
<i>Pou Hononga</i>	<i>\$1,069k</i>
<i>Pou Takawaenga</i>	<i>\$1,614k</i>
<i>Inshore Fisheries Management Teams</i>	<i>\$1,038k</i>
<i>Compliance Support</i>	<i>\$225k</i>
<i>Mediation Services</i>	<i>\$199k</i>
<i>Iwi Reference Group</i>	<i>\$64k</i>
<i>Education</i>	<i>\$225k</i>
<i>Kaitiaki Training</i>	<i>\$135k</i>
<i>NABIS</i>	<i>\$28k</i>
<i>Programme Support</i>	<i>\$169k</i>
<i>Total</i>	<i>\$5,056k</i>

As with most new initiatives, it took some time to recruit staff and establish the elements within the DoS Programme. Therefore, expenditure on the different elements has varied over the period of the Programme. The Ministry is accountable to and reports regularly to the Minister of Fisheries in respect to financial performance and outcomes.

Most of the funding in the DoS Programme is not allocated on an area basis. However, Programme elements associated with Tai Tokerau include Pou Hononga and Pou Takawaenga, Inshore Fisheries Management Teams, Compliance, dispute resolution, Kaitiaki training, and support for iwi forums. Since many Ministry staff contribute some of their time to supporting the Programme in different areas, including Tai Tokerau, it would be impractical to determine expenditure by region.

Accord question

7. We note Carl Ross, MFish' Customary Relationship Manager, has been appearing on the ITM Fishing Show, on TV. Would MFish confirm that Deed of Settlement funding has been spent on this programme? Would MFish confirm how much has been spent and how much is due to be spent on this involvement? Would MFish please explain how this spending fits in with the Deed of Settlement programme?

MFish response

With the approval of the Minister of Fisheries, the Ministry contributed to 26 episodes of the ITM Fishing Show at a total cost of \$180,000.

The initiative was designed to ensure the message of sustainable utilisation is actively communicated to the fishing public (commercial, recreational and customary – whānau, hapū and iwi), together with the wider community. The message, limiting your catch – not catching your limit, was a consistent catch-phrase throughout the programme. This was used as a plank to educate all New Zealanders on the positive benefits of sustaining our fisheries. Further, the message 'Fish for Tomorrow' was incorporated into sign-offs. Opportunity was also taken to promote the customary fishing regulations, through which the Crown recognises that traditional fisheries are important to Māori and its Treaty duty is to help recognise use and management practices, and provide protection for and scope for the exercise of rangatiratanga in respect to traditional fisheries.

Funding sustainable utilisation messages on the ITM Fishing Show Funding is consistent with the objectives of the Deed of Settlement Programme, along with other programmes; including the development of the Kaitiaki training package and a school development programme 'Fish for Tomorrow' for use in schools.

Foreshore and Seabed Settlements

Accord question

8. Will these new Foreshore and Seabed Settlements, such as that negotiated with Ngati Porou, circumnavigate or invalidate customary regulations?

MFish response

No. In the Ngati Porou and Te Whanau a Apanui agreement areas, the new regulatory structure would supersede the 1998 kaimoana regulations. The fisheries components of the foreshore and seabed agreements provide a means to recognise and provide for non-commercial Māori customary use and management of fisheries resources. They are similar in effect to the 1998 kaimoana regulations and are made for the same purposes in accordance with the customary fishing provisions of the Fisheries Act 1996.

Accord question

9. If these agreements are good enough for East Coast Maori then can Ngapuhi and Ngati Whatua have the same? Can we have it now?

MFish response

If iwi wish to enter into a foreshore and seabed agreement with the Crown, they would need to approach the Attorney General directly. In the first instance contact the Ministry of Justice's Foreshore and Seabed Unit. Whether the Crown enters into negotiations depends on certain matters in the Foreshore and Seabed Act related to likely court confirmation of previous ownership interests of iwi in the foreshore and seabed (see foreshore and seabed legislation).

If iwi have particular circumstances that are not addressed by current fisheries policies and programmes and related only to fisheries matters, they may request the Minister of Fisheries to provide different fisheries regulatory provisions for them. The Minister would be required to consider this request and respond. What that response will be depends on the merits and circumstances of the request (see discussion below on the sorts of matters the Minister would likely consider).

Accord question

10. What do Ngapuhi and Ngati Whatua have to do to achieve a similar agreement?

MFish response

See answers above and below.

Accord question

11. Mid-north iwi have achieved little through the implementation of the customary regulations and don't want to be messing around with nonsense if there is a better way to achieve our aspirations.

MFish response

Whether a new set of regulations is a 'better way' compared with the kaimoana customary fishing regulations, is a judgement to be made by each iwi and the Minister.

It is important to note the fisheries discussions in the foreshore and seabed negotiations have had to address the same issues that have to be addressed by iwi wishing to utilise the 1998 kaimoana customary fishing regulations.

The foreshore and seabed agreement process and the mandating of hapū and iwi to enter into negotiations and agree on redress has been a means by which East Coast iwi addressed the key issues of mandate, rohe moana boundaries, appointment of Kaitiaki, areas of special relationship, making bylaws, etc. Also aiding the practicality of implementation of the mechanism on the East Coast is the large size of the areas that are likely to satisfy the legal tests in the foreshore and seabed legislation (similar mechanisms may not work on smaller sized areas). The Minister would need to be satisfied that the above matters have been addressed before he or she would contemplate proposals from other iwi seeking similar fisheries mechanisms.

From a practical timing perspective, seeking similar regulatory provisions will not be a quick fix as it involves negotiations, developing agreements, securing mandate, drafting new regulations, consultation etc. Note that the Crown and East Coast iwi have been in negotiations for four years, and are only now beginning to get close to drafting regulations.

Impacts of the Orange Roughy 1 Decision

Accord question

12. Has the Orange Roughy 1 (ORH1) Appeal Court decision has thrown doubt on other TACC decisions already made?

MFish response

The case addressed the legality of the Total Allowable Catch (TAC) decision for ORH 1 for the 2007/08 fishing year. It did not discuss allocation (TACC and allowances) or other decisions made for the 2007/08 fishing year. However, inferences can be drawn from the Judge's ruling that will affect future advice and decision-making on TACs. Most particularly, the Minister must depend on an assessment of current biomass, and target biomass, (however uncertain) in order to set a TAC.

Accord question

13. Does this decision throw open all MFish advice to the Minister since the introduction of the Quota Management System or does this purely apply to Adaptive Management Programmes?

MFish response

Neither. The decision will influence all TAC advice from this point forward, irrespective of whether the stock is managed under an AMP or not. The Judgement examined the legality of the decision-making process under the Fisheries Act, not what effect a policy-based instrument (the AMP) may have.

Accord question

14. If so, how far back does MFish envisage TACC decisions will need to be reviewed?

MFish response

Because of the analysis in response to Questions 12 and 13, The Ministry will not be reviewing previous TAC decisions as a result of the Judgement.

Accord question

15. Is B_{MSY} a target or a reference point?

MFish response

*The ORH1 case established that B_{MSY} is a reference point, but did not discuss whether B_{MSY} is a **target** or a **limit**.*

Appendix Ten – Hokianga Accord Correspondence

A record of Hokianga Accord-related written correspondence.

- 23/06/05 Letter sent to MFish Chief Executive, John Glaister, a personal invitation to attend the Hokianga Accord hui at Whakamaharatanga Marae, Hokianga.
http://option4.co.nz/Fish_Forums/hal_jg605.htm
- 30/6/05 Letter sent to MFish regarding the Forum's structure and resourcing.
http://option4.co.nz/Fish_Forums/halha605.htm
- 8/11/05 MFish feedback on Forum's draft Kaupapa Whakahaere.
http://option4.co.nz/Fish_Forums/hamoumf.htm
- 17/3/06 MFish response to proposed relationship structure presented to MFish in December 2005.
http://option4.co.nz/Fish_Forums/halmf306.htm
- 4/04/06 Hokianga Accord Working Group's response to MFish concerns about the Forum's structure, status and funding.
http://option4.co.nz/Fish_Forums/halha406.htm
- 5/04/06 MFish letter detailing a list of concerns about the Forum and wanting an assurance the following day's hui would be "*conducted in a professional manner*".
http://option4.co.nz/Fish_Forums/halmf406.htm
- 5/04/06 Accord Working Group's immediate response to the concerns raised by MFish on the eve of the Whitiara Marae hui.
http://option4.co.nz/Fish_Forums/halha5406.htm
- 12/4/06 MFish clarification of their interpretation of input and participation as per section 12 of the Fisheries Act 1996.
http://www.option4.co.nz/Fish_Forums/documents/MFinput_participation_406.pdf
- 26/5/06 MFish letter stating the Hokianga Accord is not an Iwi regional Forum and therefore does not qualify for Ministry funding.
http://option4.co.nz/Fish_Forums/halmf506.htm
- 20/6/06 Hokianga Accord's letter advising MFish they have no grounds to withdraw funding and request reinstatement.
http://option4.co.nz/Fish_Forums/halha606.htm
- 19/7/06 MFish letter to Ngati Whatua summarising their view of the meeting held in Whangarei to discuss tangata whenua's input and participation into fisheries management. Received the night prior to the Naumai Marae hui.
http://option4.co.nz/Fish_Forums/halmf_nwh706.htm
- 19/7/06 MFish letter explaining they do not consider the Hokianga Accord to be a regional iwi Forum and will not fund its operations. Received by the Forum Chairman on July 21st, after the completion of the hui.
http://option4.co.nz/Fish_Forums/documents/halmf706.pdf

- 31/8/06 Ngapuhi respond to MFish stating categorically that the Hokianga Accord is the mid north Iwi Forum which includes Ngapuhi, Ngati Whatua and Ngati Wai, as well as the interests of Te Roroa and Te Uri O Hau.
http://option4.co.nz/Fish_Forums/halha806.htm
- 28/9/06 MFish advise they will not pay for the November 2006 Accord hui. In their opinion it is not a meeting of a regional iwi fisheries forum and therefore cannot fund it. They will send staff to discuss items on the agenda.
http://www.option4.co.nz/Fish_Forums/documents/MF_letter_to_HA_280906.pdf
- 6/10/06 MFish invite Ngapuhi to another hui to continue discussions about the development of a mid northern iwi Forum.
http://www.option4.co.nz/Fish_Forums/images/MF_letter_to_Ngapuhi_061006.gif
- 11/10/06 Ngapuhi advise MFish they will not be attending the Whangarei meeting as it was superfluous due to previous correspondence explaining Ngapuhi's position and understanding of the Hokianga Accord.
http://www.option4.co.nz/Fish_Forums/documents/Ngapuhi_to_MF_111006.pdf
- 5/12/06 Ngapuhi write to MFish pointing out their lack of funding for Hokianga Accord hui, their failure to pay marae hui fees and their continued refusal to recognise the Hokianga Accord as the mid-north Iwi Forum.
http://www.option4.co.nz/Fish_Forums/documents/halha1206.pdf
- 31/08/07 MFish respond to the New Zealand Big Game Fishing Council's queries as to the status of the Hokianga Accord and why it is not being recognised as an iwi fisheries forum.
http://option4.co.nz/Fish_Forums/documents/MF_NZBGFC_HA_807.pdf
- 4/09/07 The New Zealand Big Game Fishing Council's letter to the Minister of Fisheries regarding the Crown's obligations to tangata whenua in fisheries management.
http://option4.co.nz/Fish_Forums/documents/NZBGFC_Minister_HA_907.pdf
- 17/09/07 The Hokianga Accord's invitation to MFish to attend the tenth overnight hui at Waipapa marae, Auckland University, on the 9th and 10th of November.
http://option4.co.nz/Fish_Forums/halha907.htm
- 8/10/07 The Hokianga Accord's invitation to the Minister of Fisheries and other political party's fisheries spokespeople, to attend the tenth overnight hui at Waipapa marae, Auckland University, on the 9th and 10th of November.
http://option4.co.nz/Fish_Forums/documents/HA_invitation_Ministers_1007.pdf
- 15/10/07 The Minister of Fisheries, Jim Anderton's, interim reply to the Hokianga Accord regarding the upcoming hui at Waipapa marae.
http://option4.co.nz/Fish_Forums/documents/Minister_interim_reply_HA_1007.pdf
- 16/10/07 MFish advise their senior executives are unavailable to attend the Hokianga Accord's tenth hui at Waipapa marae. Jonathan Dick would be available to discuss the work of the Pou Takawaenga team.
http://option4.co.nz/Fish_Forums/documents/MF_reply_HA_1007.pdf

- 18/10/07 Jim Anderton, Minister of Fisheries' reply to the Accord's invitation to the tenth hui of the forum. He is unavailable but happy to attend at another time.
http://option4.co.nz/Fish_Forums/documents/Minister_reply_HA_1007.pdf
- 26/10/07 The Hokianga Accord's response to MFish's non-attendance at Waipapa advising the obstructive and divisive behaviour of MFish senior managers is wearisome.
http://option4.co.nz/Fish_Forums/documents/HA_reply_MF_1007.pdf
- 7/11/07 The Minister of Fisheries, Jim Anderton, does not accept the Crown is failing its obligations nor does he recognise the Accord as being an iwi fisheries forum. A response to the NZ Big Game Fishing Council's letter of 4th September.
http://option4.co.nz/Fish_Forums/documents/Minister_reply_NZBGFC_1107.pdf
- 9/11/07 A list of questions put to MFish from the Hokianga Accord hui held at Waipapa Marae, Auckland University.
http://option4.co.nz/Fish_Forums/documents/HA_Questions_MF_1107.pdf
- 17/01/08 Letter from MFish following the meeting held in mid-December to discuss mid north iwi's engagement with the Ministry of Fisheries and their role with the Hokianga Accord.
http://option4.co.nz/Fish_Forums/documents/MF_letter_HA_108.pdf
- 7/03/08 A response from MFish to the questions posed at the November 2007 hui. Answers to the questions about the \$17 million Deed of Settlement funding were supplied in an article written by Jim Anderton.
http://option4.co.nz/Fish_Forums/documents/MF_response_HA_Questions_308.pdf
- 7/03/08 Jim Anderton's response to the Hokianga Accord's Update #4 asking where the \$17 million of Deed of Settlement Implementation Programme money has gone. As printed in the NZ Fishing News March 2008 edition.
http://option4.co.nz/Fish_Forums/documents/Ministers_response_HA_NZFN_108.pdf
- 18/04/08 The Accord's letter to the Minister expressing concerns about the proposed amendment to section 13 of the Fisheries Act 1996 and offering to work with him to find a more enduring solution to achieve sustainability.
http://option4.co.nz/Fish_Forums/documents/FA_amendment_letter_HA_408.pdf
- 24/04/08 The Accord requests a meeting with the Minister to discuss how both can work together to fulfil the Crown's statutory obligations to mid north iwi. The forum is tired of waiting for the Ministry to assist in this role.
http://option4.co.nz/Fish_Forums/documents/HA_letter_to_Minister_24_4_08.pdf
- 12/05/08 The Minister is keen to meet with mid north iwi leaders to assist in finalising an engagement model to provide for tangata whenua's input and participation into fisheries management.
http://option4.co.nz/Fish_Forums/documents/Minr_reply_to_HA_12_5_08.pdf
- 19/05/08 The Ministry's written response to the questions posed at the April Hokianga Accord hui. Interesting answers about Treaty obligations, Settlement funding and the recent Foreshore and Seabed Settlements.
http://option4.co.nz/Fish_Forums/documents/MF_Answers_to_HA_April08_questions.pdf

Appendix Eleven – List of Hokianga Accord Hui, Updates and Submissions

Hokianga Accord Hui

This list sets out the details of the eleven public Hokianga Accord hui held between April 2005 and April 2008. This list does not include the forum's Working Group hui.

	Dates	Marae
2005		
	29 April – 1 May	Whitiora, Te Tii, Bay of Islands
	27 – 29 July	Whakamaharatanga, Waimamaku, Hokianga
	29 - 30 August	Whakamaharatanga, Waimamaku, Hokianga
	10 – 11 November	Whakamaharatanga, Waimamaku, Hokianga
2006		
	6 – 7 April	Whitiora, Te Tii, Bay of Islands
	20 – 21 July	Naumai, Ruawai, Kaipara
	2 – 3 November	Whakapoumahara, Whananaki, Northland
2007		
	19 – 20 April	Oturei, Dargaville, Kaipara.
	16 – 17 August	Whakamaharatanga, Waimamaku, Hokianga
	10 – 11 November	Waipapa, Auckland University, Auckland.
2008		
	3 – 4 April	Whakamaharatanga, Waimamaku, Hokianga.

Hokianga Accord Updates

This is a list of Hokianga Accord Updates published in the *New Zealand Fishing News* magazine and other publications; complete with online links.

	Dates	Update	Title
2007			
	September	1	More fish in the water for tomorrow's mokopuna http://option4.co.nz/Updates_and_Alerts/haupdate1.htm
	October	2	Marine protection. On whose terms? http://option4.co.nz/Updates_and_Alerts/haupdate2.htm
	November	3	NZ Fishing News supports the Accord http://option4.co.nz/Updates_and_Alerts/haupdate3.htm
	December	4	Where has \$17 million gone? http://option4.co.nz/Updates_and_Alerts/haupdate4.htm
2008			
	January	5	More fish in the water http://option4.co.nz/Updates_and_Alerts/haupdate5.htm
	February	6	Environment and reserves hot topics http://option4.co.nz/Updates_and_Alerts/haupdate6.htm
	March	7	Hokianga here we come! http://option4.co.nz/Updates_and_Alerts/haupdate7.htm
	April	8	Successful recipe for environmental outcomes http://option4.co.nz/Updates_and_Alerts/haupdate8.htm

Hokianga Accord Submissions

This list sets out details of submissions made by the Hokianga Accord, either separately or in conjunction with other non-commercial fishing interests. The Accord has also contributed to a number of other documents, some of these are included below. These documents were submitted to various government agencies and are available online at http://option4.co.nz/Fish_Forums/hokianga.htm#subs.

	Date	Submission
2005		
	24 May	Proposals to put shellfish into the QMS – objection to introducing cockles, oysters, pipi, scallops and tuatua into the QMS. http://option4.co.nz/Fisheries_Mgmt/documents/newso4505.pdf
2006		
	20 October	Deemed Value Review– An alternative approach to ensure future deeming is compatible with the Fisheries Act 1996. http://option4.co.nz/Fisheries_Mgmt/documents/DV.Jointsubmission201006.pdf
	15 December	Shared Fisheries Policy – A preliminary view on the MFish <i>Shared Fisheries</i> discussion paper. http://option4.co.nz/sharedfisheries/preliminaryview.htm
2007		
	2 March	The People's Submission – protecting non-commercial fishing interests in the <i>Shared Fisheries</i> discussions. http://option4.co.nz/sharedfisheries/peoplesubmission.pdf
	29 April	Fisheries Act Amendment Bill – review of section 10 to enable a more precautionary management approach. http://option4.co.nz/Fisheries_Mgmt/documents/option4FABillsSubmission407.pdf
	27 July	Northern Tuna (Eel) Management – recommendations to reduce quota for shortfin and longfin eel for sustainability reasons. http://option4.co.nz/Fisheries_Mgmt/documents/Hokianga_Accord_Eel_submission_707.pdf
	27 August	Regulation Review 2007 – response to proposals to alter the season for the North Island west coast scallop fishery. http://option4.co.nz/Fisheries_Mgmt/documents/option4_FMA9_SCA_submission_807.pdf
	1 October	Marine Protected Areas Strategy – specific comments on the Crown's obligations to Maori and Aotea (Barrier) reserve process. http://option4.co.nz/Marine_Protection/documents/Joint_NC_MPA_Submission_1007.pdf
	22 November	Kaimoana Regulation Review – support to include fresh waterways as well as marine fisheries in the Kaimoana Regulations. http://option4.co.nz/Fish_Forums/documents/Hokianga_Accord_K_regs_submission_1107.pdf

Appendix Twelve – Hui Agenda

Hokianga Accord Hui 3rd and 4th April 2008

DAY ONE

- 10.00am **Hakatau (Welcome)**
- Hakatau for new Pou Hononga - Natasha Clarke
- 10.30am ***Kapu Ti***
- 10.45am Whakawhanaungatanga (introductions), apologies and messages from people unable to attend. Introduction to Agenda.
- 11.00am Report on mid north iwi leaders hui with MFish officials in Whangarei, 19th December 2007 – Naida Glavish, Addie Smith, Sonny Tau.
- 11.15am Question and answer session to above
- 11.30am Report on national iwi customary forum leaders hui – Paul Haddon, Richard Orzecki.
- 11.45am Question and answer session to above
- 12.00pm MFish expectations and aspirations for the mid north iwi fisheries forum:
- Resourcing
 - MOU
 - Boundaries set for Pou Hononga
- 12.15pm Question and answer session to above
- 12.30pm ***Lunch***
- 1.15pm Rohe moana/Iwi Fisheries Plans explained. New Initiatives round – resourcing iwi fish plans – one rohe moana plan per MIO - \$1.5M for year one and \$1.2M per annum thereafter – MFish.
- 1.30pm Question and answer session to above.
- 1.45pm Fish Plans. Report back on North West Fish planning process – Trish Rea and Hally Toia.
- 2.00pm Question and answer session to above.
- 2.15pm The Manukau fish plan – history and process – Tom Moana.
- 2.30pm Previous New Initiative funding to provide for input and participation of \$5M per annum goes “mainstream” soon – what does this mean for tangata whenua, what is the intent of MFish – MFish.
- 2.45pm Question and answer session to above.
- 3.00pm ***Kapu Ti – Team photo***
- 3.30pm Shared Fisheries – Joint Stakeholder Working Group progress report – Sonny Tau, Richard Baker.
- 3.45pm Question and answer session to above
- 4.00pm Kahawai Legal Challenge Appeal Court hearing update – Bruce Galloway.

- 4.15pm Question and answer session to above
- 4.30pm Section 12 analysis presented – Bruce Galloway.
- 4.45pm Question and answer session to above
- 5.00pm Sustainability measures proposed for 2008/2009 – MFish.
- 5.15pm Question and answer session to above
- 5.30pm Pou Hononga – New Initiatives for mid north iwi – George Riley.
- 5.45pm Question and answer session to above
- 6.00pm **Dinner**
- 7.00pm Iwi/hapu discussion on relevant matters.
Ngapuhi:
- Gazetting rohe moana – Sonny Tau
 - Marangai Taiamai mataitai application – Judah Heihei, Hiwi Rihari
- Ngati Whatua – Hally Toia
Ngati Wai – Henry Murphy
- 8.45pm *Kapu Ti*
- 9.15pm Iwi/hapu discussion on relevant matters continued.
- 9.45pm Karakia-moe (sleep time)

DAY TWO

- 6.00am ***Karakia***
- 7.00am ***Parakuihi (Breakfast)***
- 8.00am Healthy soil, healthy estuaries – a presentation from Max Purnell.
- 8.15am Questions and answers
- 8.30am Finfish farming – the implications for food chain species – Clive Monds.
- 8.45am Questions and answers
- 9.00am MPA process – an update from DoC and MFish.
- 9.30am Questions and answers
- 9.45am ***Kapu Ti***
- 10.00am Evaluation of Hui
- 12.00pm ***HAKARI (meal/lunch) – Hakawatea (farewell)***

Appendix Thirteen – Glossary

February 2009

A

Aotearoa	New Zealand
Aroha	Sympathy, love
Awhi/awhina	Care, support, help

B

Bmsy	Biomass level, stock level that can produce the maximum sustainable yield.
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D

DoC	Department of Conservation
DOSIP	Deed of Settlement Implementation Programme

F

FLA1	Flatfish/flounder management area 1 Tirua Point (north Taranaki, Mokau) to Cape Runaway (East Cape).
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H

Hapu	A collective of immediate families
Hongi	Press nose
Hui	Gathering, meeting
Hunga kainga	Home people, people of the marae

I

IPP	Initial Position Paper, MFish proposal document
Ika	Fish
Iwi	A collective of hapu, tribe

J

JSWG	Joint Stakeholder Working Group – Shared Fisheries
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K

Kai	Food
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Kaimoana	Seafood
Kaitiaki	Guardian, custodian
Kaitiakitanga	Guardianship/trusteeship
Karakia	Prayer
Kaumatua	Elder, elders
Kaupapa	Agenda, cause
Kaupapa Whakahaere	Modus operandi or how the Hokianga Accord will operate
Kawanatanga	Government
KHSFMG	Kaipara Harbour Sustainable Fisheries Management Group
Kia maha atu nga ika ki roto i te wai	“More fish in the water.”
KLC	Kahawai Legal Challenge, the judicial review of the Minister of Fisheries’ 2004 and 2005 kahawai decisions.
Koha	Customary gift, donation
Korero	Speak, talk, discussion
Kotahitanga	Solidarity, united, togetherness
M	
MFish, Ministry	Ministry of Fisheries
Mahi	Work, job
Mana	The spiritual power and authority that can be applied to people, their words and acts.
Manaaki	To bestow a blessing. The presence of visitors is equivalent to the bestowal of a blessing upon the hosts. On the part of the hosts, they bestowed a blessing upon the guests by giving them the best of their provisions in the <i>Hakari</i> (banquet) and hospitality provided. This was a reciprocal relationship, which could be extended by the exchange of gifts. (Kaitiakitanga paper, Maori Marsden, 1992, p20.)
Manaakitanga	Behaviour that acknowledges the mana of others as having equal or greater importance than ones own, through the expression of aroha, hospitality, generosity and mutual respect. (Prof. Whatarangi Winiata)
Manuhiri	Visitors, guests
Maoritanga	Maori culture
Marae	Ancestral meeting ground
Mātaitai	Reserve
Mauri	Life force
Mihi	Greeting
MIO	Mandated Iwi Organisation, sometimes referred to as a Mandated Iwi Authority.

MFish	Ministry of Fisheries
MLS	MFish minimum legal size of fish, shellfish
Moana	Sea, ocean
Moko/mokopuna	Grandchild, grandchildren, descendants
Motu	Island, country
MOU	Memorandum of Understanding, Kaupapa Whakahaere
MPA	Marine Protected Area Policy, joint project by the Ministry of Fisheries and Department of Conservation

N

NIWA	National Institute of Water and Atmospheric Research
Non-commercial fisher	Maori customary, traditional or amateur (recreational) fishing person
NZBGFC	New Zealand Big Game Fishing Council
NZRFC	New Zealand Recreational Fishing Council

P

Pakeha	Non-Maori person
Panui	Message
Pou Hononga	MFish customary relationship manager
Pou Takawaenga	MFish extension services person whose role is to assist iwi/hapu to progress fisheries initiatives such as having rohe moana recognised and making applications for customary management area tools.
Powhiri	Welcome ceremony

Q

QAA	Quota Appeals Authority
QMA/FMA	Quota Management Area/Fisheries Management Area
QMS	Quota Management System, New Zealand's fisheries management system

R

Rahui	Temporary closure of no fixed timeframe
Rangatiratanga	Sovereignty, autonomy, freedom, leadership
Reo	Voice, language
Ringa wera	Kitchen hand(s)
RIO	Registered Iwi Organisation

Rohe	Geographical area
Rohe moana	Geographical area along the foreshore and seabed
Runanga	Leadership council
S	
SeaFIC	The New Zealand Seafood Industry Council Limited
Sealords	Sealord New Zealand
Shared Fisheries	Public discussion paper released by MFish in October 2006 outlining proposals for managing shared fisheries, where both commercial and non-commercial fishers have an interest.
'Short line-out'	Working group of the Hokianga Accord
SNA8	Snapper 8, west coast North Island snapper management area from Wellington to North Cape.
T	
TAC, TACC	Total Allowable Catch, Total Allowable Commercial Catch
Taiapure	Customary management area of the sea
Take	Agenda
Takiwa	Geographic region
Tamariki, taitamariki	Children, youth
Tangata	One person also used as many people on occasion
Tangata whenua	People of the land - in NZ means Maori
Taonga	Treasure, prized possession
Tauiwi	Non-Maori
Tautoko	Support
Te mura o te ahi	The heat of the battle
Te Reo	The Maori language
Te Tai Tokerau	Geographic area from Rodney district to Cape Reinga
“Te tika, te pono me te tuwhera”	Being righteous, truthful and transparent
Te Tiriti O Waitangi	The Maori version of the Treaty of Waitangi 1840
The Act/Fisheries Act	Fisheries Act 1996
Tika	Correct, right
Tikanga	Principles, way of doing things
Tikanga Maori	Maori principles, way of doing things
Tipuna/tupuna	Ancestor
Tino rangatiratanga	Authority

Toheroa	Shellfish
TOKM	Te Ohu Kai Moana, the Treaty of Waitangi Fisheries Commission
TRAION	Te Runanga A Iwi O Ngapuhi
Tuangi	Cockle
Tuatua	Shellfish
Tuna	Eel
W	
Waharoa	Gateway onto the marae
Waiata	Sing, song
Wai Maori	Freshwater
Wairua	Spirit
Wananga	School of learning. In traditional times wananga conveyed meanings related to highly evolved knowledge, lore and 'forum' in the sense of a discussion to arrive at deeper understanding.
Whakapapa	Genealogical lines of descent, chronology of the unfolding of an event.
Whakaro	Thinking or thoughts
Whakatau	Welcome
Whakawhanaungatanga, whanaungatanga	Relationships
Whanau	Extended family
Whare	House
Wharekai	Dining hall
Wharenui	Meeting house
Whenua	Land