

Report

Hokianga Accord

Whitiora 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.

11 and 12 June 2009



“Our real achievement will be engaging with all people to achieve more fish in the water/kia maha atu nga ika ki roto i te wai.”

Hiwi Rihari, Nga Hapu o Taiamai Ki Te Marangai

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Whitiora marae, Te Tii, Purerua Peninsula in the Bay of Islands. June 2009.

Executive Summary

This document is the record of the Hokianga Accord hui held at Whitiara marae, Te Tii, Bay of Islands on the 11th and 12th June 2009. This report includes material presented during the Accord's thirteenth overnight hui, subsequent discussions, and appendices relevant to the Forum's activities. The report was commissioned by the Hokianga Accord and was written by Trish Rea. Source material for this report was the video taken during 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, s12 (1) (b))

Both Ngapuhi and Ngati Whatua have committed to working, through the Accord, with other iwi and hapu, the New Zealand Big Game Fishing Council (NZBGFC) and option4 to achieve their aspirations for more abundant fisheries and a healthy marine environment.

"More fish in the water/kia maha atu nga ika ki roto i te wai" was the theme of this hui. It was a notable occasion given the attendance of the Minister and the support of several environmental organisations.

Forest & Bird were supportive of the hui although their representatives were unavailable to attend. Representatives from the Environment and Conservation Organisations of Aotearoa New Zealand (ECO) and Greenpeace Aotearoa – New Zealand contributed to the two days of discussions. Greenpeace also distributed copies of their recent report, *While Stocks Last – Supermarkets and the Future of Seafood*.

Phil Heatley, Minister of Fisheries, addressed the hui and provided a valuable insight into how the Government was proceeding with the *Fisheries 2030* vision and strategy project. Resolution was reached at this hui to present a collective non-commercial environmental and fishing interest response to these proposals from the Ministry of Fisheries because they were more focused on economic outcomes than achieving abundance and a healthy marine environment.

Robust debate occurred during the discussion on the need to collect information on amateur catch. The Minister listened intently as environmental representatives, commercial, customary and amateur fishing advocates discussed firstly, whether there was merit in trying to collect that data and secondly, if there was a realistic set of information that will be collected given the proposals already tabled. The Minister is keen to have a better understanding of both customary and amateur catch so he can perform his functions and allow for all sector's interests.

In the Minister's opinion, spatial allocation is likely to be a more contentious issue than catch levels for fish stocks over the next few years. Tangata whenua have aspirations to implement fisheries and area management tools, there is also competition from a variety of other marine space users including marine farmers, commercial and non-commercial fishers and marine reserve aspirants.

There has been a positive development in the Accord's relationship with the Ministry of Fisheries (the Ministry, MFish). In an attempt to resolve the issue of representation of mid north iwi fishing interests, the Ministry proposed a new model of engagement that would see the formation of five cluster forums with a representative from each participating in the Mid North Working Group Forum.

Both Ngapuhi and Ngati Whatua confirmed their previous agreement - that the Hokianga Accord is the mid north iwi fisheries forum. MFish were welcome to continue dealing with iwi/hapu on local issues as the Pou Hononga were doing a good job working with these communities. However, the broader issues of fisheries and area management in the mid north would be dealt with through the Accord.

While the proposed engagement model was not accepted, the renewed interest from MFish to engage was a welcome development considering there have been four years of discussion, Ministry rejection of several earlier proposals and confirmation from MFish in April this year that they do not consider the Hokianga Accord to be the mid north iwi fisheries forum. The Ministry's financial support for this hui was acknowledged and appreciated.

The 'Hiwi the Kiwi Goes Fishing' initiative by the NZ Big Game Fishing Council and The Minstrel was given total support. In presenting this programme to thousands of school children nationwide it was a valuable opportunity to teach children how to fish responsibly and protect the environment while conserving fish for their mokopuna.

Despite support from the Accord and Te Hiku O Te Ika, the far north iwi fisheries forum, little progress has been made since Te Puna Mataitai application was submitted to MFish earlier in the year. This has been an arduous process initiated by the local kaitiaki prior to gazetting their rohe moana in 2002. Objections from one commercial fisherman seem to be stalling the process. After the hui MFish advised they needed to consider their resources and priorities as they have another 32 mataitai applications to process. MFish envisage they will assess this application within the next few months.

Mike Noho and Tom Paku are on the Steering Committee of the National Iwi Customary Fisheries Forum, Te Kahui Maunga o Tangaroa, established in 2007. Their Committee has been actively engaged in the *Fisheries 2030* discussions and they presented their feedback to the Accord. Their proposal received a mixed response. Mandate was also an issue because it was important to formalise Te Kahui's status with MFish and iwi leaders so that all the customary forum leaders could meet, discuss and advocate on behalf of customary interests.

Abe Witana advised that Te Ika a Maui, the National Freshwater Fisheries Forum, was making progress. Te Ika's proposed Memorandum of Understanding has been reviewed by MFish and no issues have been identified. Ideally, Te Kahui Maunga o Tangaroa and Te Ika a Maui would amalgamate so there would be no segregation of interests between the freshwater and marine interests. It was important to recognise the 'mountains to sea' integrated management approach because what happened inland affected the moana.

Trials with the T90 square mesh trawl net were continuing in Hawke Bay. Richard Burch and two other Guardians of Hawke Bay Fisheries Forum members updated the hui on the latest, exciting developments. A new testing programme is due to start in Spring. Results will be monitored and collated. The Accord is awaiting the outcome with interest as the preliminary results show 90 percent reduction in seabed contact, fuel savings of over 25 percent and less small fish killed.

Ngapuhi and Ngati Whatua, option4 and many other groups had supported the Kahawai Legal Challenge spearheaded by the New Zealand Big Game and Recreational Fishing Councils. The legal challenge was a test case against the Fisheries Minister's 2004 and 2005 management decisions for kahawai. Sanfords, Sealords and one other company challenged the Councils' claims. The Accord was disappointed the Supreme Court had dismissed the Council's appeal, in late May. Stuart Ryan, lawyer, gave an overview of the ruling and highlighted several positive aspects of the decision.

Increasing public awareness remained a priority for the Accord. Flax-roots feedback has been consistently positive and appreciative of the effort being made to achieve "more fish in the water".

Due to the economic crisis, funding for initiatives to achieve fish abundance and a healthy marine environment had slowed. The Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* was working hard to gather a sustainable fund so they could continue supporting groups with similar objectives.

This was a very productive hui and the Accord remained committed to working with other non-commercial fishing interests and environmental organisations to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai".

Acknowledgements

Thank you to Stuart Ryan, Scott Macindoe, John Holdsworth and Barry Torkington for their time so generously given to review the draft report prior to its completion and publication.

Appreciation also goes to Steve Sangster and Neha Saigal for their assistance in recording this hui on video. This is to facilitate accurate reporting of the event and maintain the principles of te tika, te pono me te tuwhera (being righteous, truthful and transparent).

Thanks also goes to the ringa wera/kitchen hands/cooks, many of whom had come from afar to support the Hokianga Accord.

Since the inaugural visit to Whitiora marae in May 2005 local Ngati Rehia kaumatua Ray Kapa has passed away. Ray was well respected as caretaker, chief cook, and fix-it man. His knowledge of the local fisheries and area was legendary. His passing is a loss to his iwi, hapu and whanau.

Haere, Haere, Haere.

Apologies

Mike Austin (Guardians of Mimiwhangata), Larry and Barbara Baldock (Tauranga), Dan Barnett, Moi Becroft, Roger Burrell, Winnie Clarke (Naumai), Jackie Cooper, Peter Douglas (TOKM), Jason Foord (Guardians of the Sea Trust), Tom Fox (Guardians of the Sea Trust), Judy Gilbert (Aotea), Lindsay Gregory, Neha Hakaraia, Kirstie Knowles (Forest & Bird), Alan and June Lints (Wanganui), Murray Little, Brendon Lucich (Dargaville), Grant and Kate McCallum, Wayne McNee (MFish Chief Executive), Hugh Nathan (Ruawai), Brett Oliver (Auckland), Max Purnell (Thames), Tom Robben, Jeff Romeril, Pete Saul (Tutukaka), Craig Sinclair, Mike Smith, Wayne T Taylor, Hally Toia (Ngati Whatua), Rick Wakelin (Auckland), Wane Wharerau (Auckland), Tom Moana (Nga Hapu o Te Uru o Tainui).

Nora Rameka apologised on behalf of the kaumatua of Ngati Rehia who were not at the hui. While keen, many of these old people were not well enough to attend.



Phil Heatley, Minister of Fisheries, addressing the Hokianga Accord hui Whitiara marae, Te Tii, Purerua Peninsula in the Bay of Islands. June 2009.

Background

This occasion was the thirteenth overnight hui of the Hokianga Accord, the mid north iwi fisheries forum. Whitiora marae is significant because it was the venue of the first Accord hui held three years earlier, in May 2005.

Since that three-day hui the Accord has returned to Whitiora twice, been hosted at Whakamaharatanga marae, Hokianga (five visits), Naumai marae on the Kaipara, Bay of Islands Scenic Circle, Whakapoumahara marae in Whananaki, Oturei marae in Dargaville and Waipapa marae at Auckland University. The Accord's Working Group continue to hold hui at various places, as required.

The Hokianga Accord includes Ngapuhi, Ngati Whatua, commercial, non-commercial customary and amateur fishing interests, and representatives from environmental Non-Governmental Organisations (NGOs). The NZ Big Game Fishing Council and 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.

After four years of discussion, a growing list of correspondence and twelve previous overnight hui a formal relationship model for engagement with MFish has not been established. A letter from Wayne McNee, MFish's Chief Executive, in early April 2009 confirmed their earlier stance, that the Ministry did not consider the Hokianga Accord as a Regional Iwi Forum¹. As such they would not be supporting the Accord's activities. (Refer Appendix One)

Collection of catch information by amateur fishers has become a priority for the Ministry. Representatives from commercial and recreational fishing interest groups would have the opportunity to debate the merits of this initiative during a panel discussion.

Updates on a number of other issues were due at this hui. Of particular interest was a progress report from Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa on Te Puna Mataitai application. MFish's process to consult and implement the mataitai in Whitiora's local waters was also due to be discussed.

An explanation would also be sought from MFish officials as to the implications from the Ministry's recent announcement (March 2009) that they would be withdrawing staff and resource support for tangata whenua aspiring to implement mataitai within their rohe moana. (Refer Appendix Two)

Further updates from Te Kahui Maunga o Tangaroa, the National Iwi Customary Fisheries Forum, and Te Ika A Maui, the national freshwater fisheries forum, were also expected during this hui.

Several representatives from the Guardians of Hawke Bay Fisheries forum were at the hui to provide a progress report. Included in this trio was Rick Burch who would be updating the hui on developments in the trawling technology he has been testing on his commercial fishing vessel the Nancy Glen II. Results from the tests conducted since the September 2008 hui were of primary interest.

The Kahawai Legal Challenge had been discussed at previous Accord hui. The legal team representing non-commercial fishing interests would provide a summary of the February Supreme Court hearing and the May 28th decision by the Court to dismiss the appeal.

Several hours were set aside to discuss the Ministry of Fisheries' *Fisheries 2030* Vision and strategy². There were major concerns about the proposals and many non-commercial environmental and fishing

¹ http://option4.co.nz/Fish_Forums/documents/MF_HA_clarification_309.pdf

² http://option4.co.nz/Fisheries_Mgmt/2030.htm

interest representatives were at the hui to discuss this matter. A collective solution would be sought once the issues had been debated and understood.

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



Some of the participants at the thirteenth Hokianga Accord hui at Whitiara Marae, Te Tii, Purerua Peninsula in the Bay of Islands. June 2009.

Introduction

A chilly morning greeted around 85 people as they arrived at Whitiora marae, Te Tii in the Te Puna Inlet, Bay of Islands. Representatives from Ngapuhi, Ngati Whatua, other iwi and hapu were in attendance.

Following the whakatau (welcome) and kapu ti co-chairmen Raniera T (Sonny) Tau and Judah Heihei welcomed everyone to the hui.

Representatives from the New Zealand Big Game and Recreational Fishing Councils, option4, Greenpeace, supported by Forest & Bird, the Environment Conservation Organisations of Aotearoa New Zealand (ECO), the local Bay of Islands Swordfish club and other northern fishing clubs were anticipating an interesting hui.

It was the first Hokianga Accord hui Phil Heatley had attended since becoming the Minister of Fisheries in late 2008. Phil had limited time at the hui so he was given priority to address the hui early in the day.

Wayne McNee, the Ministry of Fisheries' Chief Executive was also expected at the hui. He did not arrive due to a flight cancellation forced by the weather conditions. Two Pou Hononga, Bevan Hunter and Natasha Clarke, attended the first day of the hui along with Carl Ross, the Ministry's Customary Relationship Manager.

Peter Douglas, Chief Executive of Te Ohu Kaimoana (TOKM) was also prevented from attending the hui because of the weather-affected flights. Peter sent his apologies.

Daryl Sykes from the NZ Seafood Industry Council (SeaFIC) would be participating in hui discussions and would be a major contributor to the panel discussion on the need to gather information about levels of amateur fishers' catch.

The Accord welcomed Mike Noho of Te Kaahi o Rauru, and Tom Paku of Ngati Kahungunu. Both were members of Te Kahui Maunga o Tangaroa (TKMoT) and would be updating the hui on the National Iwi Customary Fisheries Forum's activities.

Mike would then join Abe Witana, of Te Rarawa, to give an update on the progress of Te Ika A Maui, the National Freshwater Fisheries Forum.

Since the September 2008 hui the Guardians of Hawke Bay Fisheries Forum had made substantial progress. Wayne Bicknell and the forum's chairman, Jonathan Dick, would provide an update. Rick Burch, a commercial fisher from Napier was also on the Guardians forum. He was due to explain the advances in his T90 trawl net trials and the prospect of gathering industry or Ministry support for his initiative to achieve "more fish in the water."

Stuart Ryan's summary of the Supreme Court decision to dismiss the kahawai appeal was awaited with anticipation. Stuart was the lawyer for the Kahawai Legal Challenge team, led by Alan Galbraith QC, and was ably assisted throughout the process by Bruce Galloway. There was disappointment about the Supreme Court's decision however, the Minister confirmed later in the hui that a management review of kahawai would occur in 2010.

Ngapuhi and Ngati Whatua had been strong supporters of the Legal Challenge. Sonny Tau's affidavit in support of the Challenge was a source of inspiration and ongoing discussion. Further details are online at <http://kahawai.co.nz/ngapuhi.htm>.

Light entertainment was provided by Mark de Lacy aka 'the Minstrel' who has, in conjunction with the New Zealand Big Game Fishing Council, produced an education resource for school children.

The 'Hiwi the Kiwi Goes Fishing' initiative is designed to inspire children to look after the coastline, the fresh waterways, and fish, so there is abundance for their mokopuna. This project involves a series of fun songs and a book that Mark and his wife Chris will be presenting to hundreds of schools between now and 2012.

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.

Participants were supplied with a variety of material including:

- ⇒ A briefing paper, *Perspectives on Non-commercial Fishing Interests*, developed by the Hokianga Accord Working Group, option4 and the New Zealand Big Game Fishing Council. This document was sent to the Minister of Fisheries in December 2008;
- ⇒ A copy of the MFish Chief Executive's letter to tangata whenua advising the Ministry would no longer be promoting mataitai or assisting with applications for these customary fisheries management areas (March 2009);
- ⇒ Analysis of the Supreme Court Kahawai Legal Challenge appeal decision; and
- ⇒ Previous Hokianga Accord hui reports.

Future Fisheries Management

Hon. Phil Heatley, Minister of Fisheries

Phil Heatley was delighted to be at the hui, his first as Minister of Fisheries. He had been opposition fisheries spokesperson for five years and had become frustrated during that time. Phil acknowledged everyone at the hui for their interest and commitment to fisheries, from a commercial, customary or amateur fishing perspective.

He was enjoying his time as Minister and was looking forward to bringing a fresh and more open approach to fisheries management. Phil also enjoys his fishing but has had less time to go fishing because he has been working hard to make some changes to the way fisheries are managed.

Phil was hopeful and confident that the people at the hui will work with him to achieve better fisheries management outcomes. He and the Hokianga Accord had similar objectives based around having fish available to catch now and for future generations.

Benefits from fisheries

While fisheries were a valuable resource for all New Zealanders Phil was not blinded by the “dollar value” although he recognised the commercial interest in fisheries.

Fisheries also support a high-value, quality recreational fishing interest. In his opinion, the fisheries are in better health than what they were when he was a youngster. Despite this he acknowledged the opportunities to further improve the fisheries.

Customary and commercial fishing was important too. The industry employs tens of thousands of people and is our fourth largest export earner. It brings in over a billion dollars a year in foreign exchange, which Phil stressed, was what our country needs.

“You have to understand that this Cabinet and this government, in these [economic] conditions, are looking for every opportunity to help our exporters. Not at the cost of the environment.”

“In the case of fisheries, not at the cost of fish stock health. But we will help out the commercial sector to carve out particularly bureaucratic costs that are unnecessary for the health, or sustaining the health of the fishery. We will do that at every opportunity.”

Phil takes his responsibilities very seriously, his particular focus was on removing compliance and bureaucratic costs on the industry that are not needed to improve the health of the fishery.

“The health of the fishery is at the heart of what I do as Minister, and is foremost in my mind when I have to make decisions.”

Some tough management decisions had already been made and Phil was realistic enough to accept there would be many more. That was because people cared about the fisheries and had a wide range of interests in them.

“Every decision I make sits under a headline, ‘how does this improve fish stock health?’”

This mantra will be his guide, even though the recent Supreme Court kahawai appeal ruling did not specify this as being the underlying basis of future management decisions.

There was very little money in the latest budget for any new initiatives, government-wide. Phil was fortunate because they [National] had signed up to a fishing policy pre-election that promised a number of things, including focusing effort and resources into areas that made a measurable difference to the fisheries. These included research, monitoring and compliance.

Four million dollars is available over the next four years to increase the Honorary Fisheries Officer (HFO) network and help the paid Fisheries Officers (FO). This ought to translate into about 78 new HFOs and nine new FO to support them patrol the difficult-to-cover areas of the coastline.

Amateur fishing

Over the next four years \$3.4M of research funds will be directed towards recreational fishing. Two projects will seek better information on catch levels and participation rates, this includes the charter boat reporting scheme currently under discussion.

Phil has told MFish, *“when making TAC [total allowable catch] and TACC [total allowable commercial catch] decisions I need as much **useful** information as possible, to support what I decide”*.

This is because he does not believe there is enough information on recreational fishing at the moment.

“The total allowable commercial catch (TACC) is what is left after recreational needs, customary needs and mortality have been taken from the total allowable catch (TAC).

“That is the law, that is National’s policy, and I need to know what the recreational need is and [what] the customary need is.”

Charter boat reporting scheme

In Phil’s opinion, charter boat reporting is a relatively easy way to gather information on recreational catch and the health of the fisheries. The reporting scheme will be phased in over the next 12 months. Meetings to discuss the practicalities of the scheme have been held with some charter boat operators.

It will be a simple and practical scheme because it is only designed to gather ‘necessary’ information. That is ‘need to know’ information not ‘what is nice to have’ information. Around \$1.5M has been budgeted to cover most associated costs of the scheme.

Recreational-only area policy

A similar, practical approach is being taken with the policy to implement commercial exclusion zones. MFish’s approach will be ‘the most gain for the least pain’.

Because it will be commercial fishers who are most affected by the implementation of this policy Phil has not initiated a formal process. Instead he has given commercial fishers a copy of their proposed policy and is currently waiting for their initial feedback.

Fisheries 2030 Strategy

The *Fisheries 2030* strategy is about determining what we need to do now and in the medium term to achieve the desired fisheries outcomes by the year 2030. This is an important programme and Phil acknowledged that some people at the hui had already been involved in the process, at various levels.

“It’s about getting an agreed, high-level strategy for how we manage our fisheries into the future, and setting a goal for how we want things to look in the year 2030.”

The report Phil received earlier in the year focuses on how to unlock the potential of fisheries for everyone³. MFish has recently held two workshops to get Maori and other stakeholder’s views of the plan. Representatives of all interest groups were at these two meetings and, *“obviously there is more dialogue to come”*.

³ http://option4.co.nz/Fisheries_Mgmt/documents/PWC_2030_Report_19_02_09.pdf

Phil understands there were some robust discussions during these workshops. MFish is currently analysing the feedback and will provide him with advice before he is due to report back to his Cabinet colleagues in July.

Treaty Strategy

Development of the Treaty Strategy has been going well. Settlement obligations to Maori cover a wide range of areas. Those include the provision of input and participation into fisheries management non-commercial customary fishing, commercial fishing, aquaculture, Foreshore and Seabed agreements and recognising that Maori are 'recreational' fishers too.

MFish staff have been discussing with Maori around the country how the Ministry can better support their participation in fisheries management. There were three hui in Tai Tokerau and nine submissions sent to MFish. Phil thanked everyone for their effort in developing those submissions.

Phil is very keen for Maori to get together and work out how they are going to balance their various interests in fisheries. These include environmental, customary, commercial and 'recreational' fishing interests. Otherwise it is left to the Minister to decide and Phil does not believe he is in the best position to make those decisions. Some iwi and hapu groups have managed to find an effective balance. Ideally these arrangements will become more widespread amongst other iwi and hapu.

MFish Pou Hononga have been working with iwi and hapu leaders in the mid-north to develop a better model for engaging in fisheries management. Carl Ross would address that issue later in the hui.

Conflicts with Maitaitai

An area of major concern is the tension between inshore commercial fishing, including Maori-owned operations, and the establishment of maitaitai reserves. The maitaitai issue is very complicated and Phil does not want to be the person who has to 'untangle the mess' and make decisions based on that information. It was preferable for Maori to find their own solutions.

The 1992 Deed of Settlement provided for two things:

- ⇒ The allocation to iwi of a substantial quantity of commercial fishing rights through quota, cash and shares; and
- ⇒ An equally important obligation on the Crown to enable tangata whenua to manage non-commercial fishing across their rohe.

The Crown remains committed to delivering on these obligations. In considering applications for maitaitai reserves these two objectives of the Deed of Settlement need to be balanced.

"I can't approve a maitaitai reserve application unless I am satisfied that the application will not prevent commercial fishers, including Maori commercial fishers, from taking their quota or annual catch entitlement (ACE) within the QMA [quota management area]."

"Can't do it by law. So change the law. That would mean unraveling the Deed of Settlement. Not going to do that. It's highly likely that, in some areas of New Zealand, in fact at the moment it's very close, [that] maitaitai reserves will soon prevent fishers taking their quota or ACE, and I will need to decline applications unless the impact of the reserve can be reduced."

Phil continued, *"in some areas maitaitai are springing up all over the place and the race for space is on"*.

Maitaitai, marine reserves, marine farms, cable, transport and yachting zones all contribute to the 'race for space'.

Maori interests span all these activities as customary fishers and managers, as commercial fishers and 'recreational' fishers. To get resolution the Minister is asking for help from iwi and hapu leaders, including those in the north.

The Ministry of Fisheries will continue to process mataitai applications but will no longer "*door-knock marae and promote them*".

In addition, just because the marae over the hill has a mataitai does not mean another marae will get one too. Mataitai are "*small, discrete traditional fishing grounds associated with a coastal marae and they are special to you. That's the point. And we just need to work that out*".

MFish reorganisation

Since becoming Minister, Phil has been pleasantly surprised to find many things in the Ministry are working very well. Even so, Phil is keen to make some changes to how MFish currently operates.

Some Ministry processes involve a "*huge amount of engagement*" from all stakeholders and this is particularly demanding on the non-commercial sector. Much of the input is dependent on a few, highly committed volunteers, many of whom feel obliged to attend the many meetings organised by MFish to be part of the decision-making process.

"I am convinced there is too much discussion and not enough action, too much process and not the results to show for it. The two or three years of grizzling are now over. Now it's solution time. That's what it's all about."

Phil is keen to lighten the load for non-commercial advocates while making sure that voice is still heard. This is not easily achieved because it means not having meetings "*for the sake of it*" but getting value from the meetings that do occur. This ought to deliver faster results and ultimately means engaging with the government is less of an imposition on stakeholders.

Stakeholders will continue to be asked for their input and that will be valued. The input is of a much higher quality than it was many years ago.

"But when you are asked for input and involvement you need to come prepared and make it count. There will not be endless opportunities to 'chew the fat'. There probably won't be series upon series of meetings. We will be gathering information, making decisions and moving on, because as Minister I have plenty of fish to fry. There are lots of issues that need to be resolved."

The government is interested in working collaboratively with all stakeholders and there have been significant achievements made by government working with Maori and some recreational groups.

Of particular importance is the progress being made in regard to customary area management, especially the effort to resolve disputes around the notification of Tangata Kaitiaki. Phil has recently confirmed the appointment of Tangata Kaitiaki for Whangarei Harbour and Bream Bay.

Supreme Court Kahawai decision

On May 28th the Supreme Court released its decision on the Kahawai Legal Challenge appeal.

"As government has been saying for some time now, we will abide by the Court's ruling and we will review the management of the kahawai fishery as soon as practical."

Phil acknowledged the Court's ruling that setting catch limits and the allocation of catch between the three fishing sectors - commercial, recreational and customary Maori – is ultimately the responsibility of the Minister of Fisheries.

National's policy is -

*“A National government will better manage shared fisheries by honouring the current law's commitment to recreational and customary fishers' **foremost** allowance.”*

This is National's understanding of the law, and the Supreme Court's decision, and it will be applied in the manner described previously – that the TACC [commercial allocation] is what is left after mortality and customary and recreational needs are provided for.

This approach highlights the need to know both mortality and what those customary and recreational needs are.

It was pleasing for all parties to get a definitive answer from the Court. Phil acknowledged it had been a long, complex and expensive process.

“I am glad the legal process is now over and I am quite keen to look forward.”

He was not prepared to act in haste so kahawai catch limits and allocation between the three fishing sectors will be reviewed next year, for the fishing year beginning 1st October 2010.

Decision making

Phil is keen to continue the relationships he has with various individuals and organisations represented at the hui. He appreciates the opportunity to call or email people and ask for their feedback on different issues, as he does not want to be making decisions “*in a vacuum*”. However, his decisions may not necessarily reflect the opinions offered to him. His obligation was to make decisions based on the best information available.

Hui Discussion

Realistic management

Many inshore fish stocks are not sufficiently abundant to provide for people needs because they are managed as part of a population within very large quota management areas (QMAs). For example, Snapper 8 (SNA8) extends from North Cape to Titahi Bay, Wellington on the west coast. Abundance can and does vary a lot between different areas.

Minister's response

The Minister acknowledged QMAs were very large for many fisheries and were the same as when they were established at the outset of the quota management system in the early 1980s. Technology has improved markedly since then and Phil has talked with the Ministry about enhancing area management, particularly for recreational fishing.

New management measures were being considered for the blue cod fishery within the Marlborough Sounds. That fishery had been closed to recreational fishers for four years. Phil was hoping that new controls, which may include individuals reporting their catch, would lead to an early lifting of the four-year fishing ban. One measure being discussed was boat fishers texting in when they had been fishing and receiving a follow-up phone call requesting details about their catch.

More fish in the water

Non-commercial fishing interests are met by “more fish in the water/kia maha atu nga ika ki roto i te wai”. The Minister has a statutory obligation to manage fisheries sustainably to enable people to provide for their well-being.

It was encouraging to hear the Minister confirm he was committed to providing for people's needs, however, those needs were encompassed within the broader context of non-commercial fishing interests.

Minister's response

From the Minister's perspective needs or use was easier to measure than 'interests'. Phil was intent on obeying the law.

Fisheries 2030

Wayne McNee, MFish's Chief Executive, made a presentation to a conference earlier in the week. During that session Wayne conceded that the *Fisheries 2030* could not deliver "more fish in the water".

Given that the Accord's objective is to attain abundance and that many of our inshore fish stocks are below the sustainability level required legally, the Minister was asked what assurance he could give to ensure the Ministry's objectives for *Fisheries 2030* were broadened to achieve higher abundance levels.

Minister's response

The *Fisheries 2030* project was initiated by the previous government however, the Chief Executive was following through with delivering on both the Minister's expectations and those of the government.

The recession has had a major influence on shaping the present government's policies and that includes the focus of the *Fisheries 2030* project, one of which is to reduce unnecessary costs to commercial fishers. This does not mean the government is not focusing on achieving outcomes to benefit non-commercial fishers.

"The 2030 documents obviously reflect a whole bunch of aspirations across commercial, customary and recreational, and I think it's pretty balanced. It's certainly going the way I had hoped it would.

"In terms of many fish stocks not being at the legal sustainable limit...that's not right. They need to be and my decisions should reflect...a commitment to rebuilding each of those fish stocks. So that is what is going to happen."

Aquaculture

In 1999 Te Runanga O Ngati Rehia initiated a feasibility study on farming mussels within their own rohe, which extends from coastal Takou Bay into the Bay of Islands up to Kerikeri.

Their specific area of interest for the aquaculture management area (AMA) was between the Black Rocks and the mainland. This application faltered during the moratorium on allocating marine farm space, applied in 2002 by the previous government.

Te Runanga O Ngati Rehia was encouraged to hear the Minister express his desire for reducing compliance costs for commercial operations. These costs and regular rule changes had made it difficult for the Runanga to achieve their aspirations. Their feasibility study had revealed a mussel farm operation would benefit Ngati Rehia, the local community and the wider New Zealand economy.

Much of the AMA focus seemed to be on oyster and finfish farms. Ngati Rehia's application was the only current request for a mussel farm.

It was very disappointing that oyster farms have been approved and installed around Te Tii and yet Ngati Rehia do not own or participate in their operation.

The Minister was asked to clarify whether AMA management would remain with territorial authorities or shift back to central government.

Minister's response

The present government acknowledged that aquaculture development had stalled in the last five years. They were very keen to develop this potential and reduce frustration for farm applicants because it would also:

- ⇒ Reduce the pressure on the wild fisheries;
- ⇒ Utilise the expansive amount of coastal area New Zealand manages;
- ⇒ Provide employment opportunities; and
- ⇒ Provide extensive economic benefits for local communities and national economy.

Several years ago regional councils were given the responsibility of developing AMAs within their management areas. This devolution of management from central to regional authorities had been mostly unsuccessful because of a lack of resources and motivation.

This reluctance stemmed from ratepayer objections to marine farms in their local waterways and that people objected to their rates being spent installing and managing these areas.

The Northland Regional Council has been more successful than many of the other councils in securing marine farm space. Government was committed to supporting aquaculture nationally however, it was not going to be an easy process to engage with local people, the authorities and ensure overall success.

The moratorium was originally a response to the 'race for space' in Golden Bay, top of the South Island. It was mechanism to slow the aquaculture farm process down in that area, not enable it other parts of the country. New or amended legislation is required to allow marine farming in all areas of New Zealand while taking into account local concerns.

Impact of kahawai appeal dismissal

The Minister was asked to clarify if and how management would change given the Supreme Court's decision to dismiss the appeal from amateur fishers.

The Supreme Court ruling had highlighted the significance of the total allowable catch (TAC) in overall management and how that impacts on what is available to be distributed amongst the various interests. Commercial fishers were likely to argue for higher TACs while non-commercial interests would most likely advocate for lower TACs.

Given that MFish's re-organisation meant many of the management teams would be based in Wellington there was some concern as to how MFish would be facilitating meaningful consultation with people outside of the Wellington region.

Minister's response

Nothing would change overnight and not necessarily within one term of this government. Fisheries management would be based on "incremental, sensible, reasonable decisions. That's how you build fish stocks individually and build confidence across the sector".

Ultimately decisions will need to be based on the scientific evidence.

"I have always said that the health of the fishery is my prime concern, so I will err on the side of caution. Where the science says clearly that a fishery can sustain more fishing then I will support that."

Currently all stakeholders can participate in the sustainability and regulatory processes to set catch levels and management controls for particular fish stocks. There are other MFish processes in which people also participate. Some of these processes are useful while others result in very little outcomes.

“What’s in place at the moment will continue, just in a much more results focused way.”

Reporting of amateur catch

The Minister had indicated an amateur reporting regime will be implemented within the Marlborough Sounds blue cod fishery. The Minister was asked to explain how that reporting scheme would work and if there had been any preliminary work done to determine whether amateur fishers would comply with such a scheme.

Minister’s response

Since becoming Fisheries Minister Phil had met with several groups around the top of the South Island to discuss the current four-year blue cod fishing ban, and how that could be lifted earlier than planned. The fishery is predominantly recreational-only within the Sounds and there seemed to be some support for a reporting system to monitor the catch and this information would contribute to a decision that could result in a shortened closure time.

Having a simple reporting system would be the key but the concept of reporting to assist in the ongoing management was peculiar to this blue cod fishery.

The Minister did consider that reporting of catch within non-commercial-only areas seemed a sensible management approach but that would have to be determined on a local basis.

Recreational interests

There is a growing awareness about sustainability and many fishers catch and release their fish. However, people need abundant fisheries so that when they do want to catch a reasonable amount of fish to feed their whanau within a sensible timeframe the fish are actually there to catch. Non-commercial interests are provided for through having “more fish in the water”.

How will the Minister provide for these non-commercial fishing interests and needs?

Minister’s response

Given the nature of recreational fishing it is very difficult to measure the needs and interests of non-commercial fishers. The recent budget had provided funds for recreational research but at this stage the Minister could not specify what that would be used for. Commercial fishers argue that the recreational catch is unknown while their catch has to be reported. Phil was keen to have a “*better idea of what recreational catch*”.

Maori interests

Maori interests in fisheries span environmental, customary, commercial and recreational aspects. There is an obligation on the Crown to provide for meaningful input and participation into fisheries and area management⁴. Specifically there are provisions for mataitai and taiapure. Given the Minister’s previous comments that he will be abiding by the law, Phil was asked to explain how and when these obligations to Maori would be given effect and how MFish planned to involve tangata whenua in that process.

Minister’s response

Many hapu had been very successful with implementing mataitai, some of these initiatives have been achieved jointly by iwi/hapu and whanau groups. The difficulty now is the ‘race for space,’ which has

⁴ Fisheries Act 1996, section 12(1)(b).
June 2009 Hui Report

created competition between a variety of marine space users, including marine farmers, commercial and non-commercial fishers and marine reserve aspirants. During his term as Minister Phil considers this spatial allocation issue to be a greater concern than the debates around catch levels for fish stocks.

Customary areas are 'special' to tangata whenua. If marae applicants cannot specify:

- ⇒ What they want to achieve;
- ⇒ Where the area is; and
- ⇒ What the long-term [game] plan is,

"then there is nothing special about that. Mataitai applications are still being processed. We still view that as an obligation to deliver on that process. The reality is we need to see applications that reflect the intent of the Settlement, so be involved."

Withdrawal of MFish support for mataitai

Clarification was sought from the Minister as to what the implications are for tangata whenua given the recent announcement of MFish withdrawing their support for mataitai applications.

Minister's response

It was Phil's decision to implement interim measures, as there are a number of mataitai applications that need consideration. In some areas there is considerable tension between the aspirations of hapu/whanau and iwi commercial interests.

"With that many mataitai applications coming at me you cannot expect me to make sensible decisions."

MFish will continue to process mataitai applications. Pou Hononga will not be assisting in writing the applications or participating in the process as they have done previously. That responsibility will be with the applicant.

Phil was hoping iwi would work with their hapu and whanau to resolve the outstanding issues before the applications get to him. Maori had a better appreciation of their areas and aspirations, so it was preferable they do the majority of the work in applying for a 'special' area. By doing this the application will reflect tangata whenua's interests not MFish staff interpretations of those interests.

Ngapuhi position

Sonny confirmed Ngapuhi's stance regarding these conflicts. Te Runanga A Iwi O Ngapuhi controlled their own commercial fisheries operations and the iwi had resolved to not object to hapu/whanau applications for local management areas.

"When there is tension between customary and commercial, our commercial are ordered to give way."

Marine pests

Further north Rangaunu, Houhora and Parengarenga Harbours were used for oyster farming. All three harbours were infested with sea squirt. There is some suspicion this infestation came from oyster spat originally taken from the Bay of Islands.

None of the agencies involved, such as the Far North and Northland Regional Councils and Biosecurity New Zealand, seem interested in addressing the problem. The government ought to take responsibility because it was of national concern yet no agency was doing so.

Minister's response

Phil was not aware of the infestation and the problems it was causing. He would make some enquiries and report back if necessary.

Hiwi the Kiwi Education Project

Richard Baker, New Zealand Big Game Fishing Council

Richard is the President of the New Zealand Big Game Fishing Council (NZBGFC). Over the past four years the Council has been focused on the Kahawai Legal Challenge. Now that the legal process is over they have turned their attention to the young people. These young New Zealanders will be both the fishers of the future and responsible for teaching the mokopuna respect for the sea.

The Council, in conjunction with Mark de Lacy aka 'the Minstrel', have developed a specific fishing focus for the Hiwi the Kiwi education project. This project has been delivered to schools for over five years and been very successful. It was a valuable opportunity to present a fishing and environmental message to children using songs and visual aids, including books.

The Hiwi the Kiwi Goes Fishing project has been booked into 90 schools already with 350 to 400 presentations expected in 2010 and beyond.

MFish had been approached to assist with the project. The Ministry advised they could not support the project because there was a commercial gain to be made from it. The Council would appreciate the Minister's support to have MFish reconsider their stance, if he thought it was a worthwhile production.

Prior to lunch, Mark performed Kai Moana and Paua for the People. These were two of the four songs he had recently recorded for the school presentations.

Need for Collecting Amateur Catch Information

Panel discussion

This session was originally set aside for a panel discussion on the need for collecting information on how much fish amateur fishers take. Peter Douglas of TOKM was due to be one of the panellist, however, he had sent his apologies as he was unable to attend the hui.

Daryl Sykes would present an argument on behalf of commercial fishers and John Holdsworth would discuss the practical requirements for information collection. Geoff Rowling, Paul Barnes and Barry Torkington would also contribute to the discussion.

Proposition: *“If there was more accurate information on non-commercial catch levels then the fisheries could be managed better.”*

Use of recreational harvest estimates

John Holdsworth has been involved in the Ministry’s science and working group processes for over ten years. He works with the New Zealand Big Game Fishing Council to produce submissions and attend meetings to advocate their members’ non-commercial interests. John has been to most Hokianga Accord hui and is based in Tutukaka.

John presented a number of slides to explain how the Recreational Harvest Estimate (RHE) is calculated and what it is used for in fisheries management processes.

What is a recreational harvest estimate used for?

To many people the answer is simple and obvious – recreational harvest estimates (RHEs) are required to better manage each fishery -

- ⇒ The RHE is required in stock assessment models
- ⇒ The status of the stock is required to set total allowable catches in each fishery
- ⇒ RHEs are used by the Minister to help set the recreational allowance, in tonnes.

The stock assessment process uses a variety of inputs and assumptions to model a fish population. This is a complex mathematical process built on numbers not actual fish. Some of the inputs are based on hard data, such as age and length of fish caught. Other inputs are estimated, based on a variety of assumptions, which may or may not be correct.

These models also rely on trends in catch rate, assumptions about how efficient the fishing gear is, and how measuring the number of dead fish removed relates to the remaining live fish still left in the water.

The outcome is an estimate of the numbers of adult fish within a particular management area.

Recreational harvest is only one part of the total mortality in a fishery. There are only few fisheries where this recreational harvest is a large part of the total allowable catch (TAC), as demonstrated in the table below (Table 1).

Also, a number of fish stocks do not have a TAC set, or an allowance made for recreational or customary interests. Most fisheries do not have a stock assessment but they are monitored using trends in catch or Catch Per Unit of Effort (CPUE).

Table 1: Selected fish stocks, total allowable catches (TACs), allowances and total allowable commercial catches (TACCs) in tonnes (t) or percentages (%).

Allowances are presented as a percentage of the TAC. Where no allowance has been made harvest estimates from 1996 and 2000 surveys are given as a percentage of the TAC.

Fish Species	QMA/ FMA	TAC (t)	Recreational allowance	TACC (t)	1996 Recreational survey	2000 Recreational survey	Year of last stock assessment
Blue Cod (BCO)	BCO 5	-	-	-	8%	13%	No
Blue Cod (BCO)	BCO 7	-	-	-	77%	80%	No
Flatfish (FLA)	FLA 1	1762	15%	67%	-	-	No
Grey mullet (GMU)	GMU 1	1125	9%	82%	-	-	No
Red gurnard (GUR)	GUR 1	-	-	-	5%	9%	1998
Groper (HPB)	HPB 1	-	-	-	9%	42%	No
Kahawai (KAH)	KAH 1	3315	51%	49%	-	-	2007
Snapper (SNA)	SNA 1	7550	31%	60%	-	-	2000
Snapper (SNA)	SNA 2	450	20%	56%	-	-	2002
Snapper (SNA)	SNA 8	1785	17%	84%	-	-	2005
Tarakihi (TAR)	TAR 1	1958	24%	71%	-	-	No
Trevally (TRE)	TRE 1	-	-	-	13%	31%	Unsuccessful
Trevally (TRE)	TRE 7	-	-	-	3%	4%	2005

While it would be useful to have better Recreational Harvest Estimates, they do not influence the models much because –

- ⇒ In most inshore fisheries the RHEs are a small portion of the total harvest and other mortality used in the stock modelling exercise; and
- ⇒ The models mainly rely on other information and a long list of assumptions.

Simple, robust measures of fishing effort and catch, with minimum bias, that can be used to track trends in abundance, over time, are required.

The most robust tools currently available for recreational harvest are based on boat ramp surveys that collect catch data from face-to-face interviews backed up by measures of effort from web cameras at boat ramps.

Web cameras have been installed on seven or eight boat ramps for the past five years. They take photos every minute, 24 hours a day, seven days a week. This measures boat ramp traffic, which is translated into fishing effort data. This has become a good database of real-time information.

There is still debate on the accuracy of individual fisher's diary surveys and whether MFish will initiate another project. Some of the data collected from diarists has been compared with boat ramp interview surveys and found to be inaccurate. Large-scale diary surveys were planned to be done every five years. On this time-scale it takes a long time to determine trends in harvest. At least three surveys using the same method would be required.

Ideally there would be a more frequent, cost-effective, simpler way of measuring catch and effort. This information would supplement the national data. This does not necessarily require a measure of all catch. A sample, based on agreed parameters, would be sufficient.

Information to manage fisheries

Daryl Sykes was at the hui to represent commercial fishing interests. He is the Executive Officer for the New Zealand Rock Lobster Industry Council (NZRLIC) and is based in Wellington. Daryl is also a board member of Seafood Industry Council (SeaFIC) and has managed the Rock Lobster stock assessment research programme since 1997. He has wide experience with data and stock assessments.

All sectors seem to agree that we want more fish in the water and more big fish.

To achieve this outcome there must be limits set on extraction. After setting these limits extraction needs to be monitored to ensure those limits are not exceeded. If the catch limits are exceeded then it is defeating the original goal of more and bigger fish in the water.

Alternatively, if people do not want to set limits on extraction but still want to achieve more and larger fish, the only other option is to lock-up areas in no-take zones. This would achieve abundance but would deny people use of those fisheries.

There has to be a balance so the people can utilise the fishery.

Daryl explained, *"If you want to fish, and you want more fish in the water, and more big fish, then you have to manage your fishing account. And to do that...you need information. You cannot manage what you do not know. It's as simple as that."*

Need for catch information

Barry Torkington has been to Hokianga Accord hui over the past two years. He is an ex-commercial fisherman from Leigh. Many years ago he was an advocate for commercial interests alongside Daryl. He has recently been involved in developing submissions for non-commercial fishing interests that seek to achieve "more fish in the water".

Decision-making in fisheries has and always will be difficult, because there is never perfect or complete information. As a consequence decisions are made in a vacuum, which varies in unknown levels of accuracy.

Over the past twenty years there has been an endless push to get more information. When faced with contentious decision points, Ministers and lobby groups often defer the decision pending more information. Various research projects have been commissioned to gather more information and commercial fishers have advocated for many years that MFish ought to be gathering more information on recreational harvest.

However, all these initiatives are based on the premise that more information delivers better decisions. This assumption is incorrect, and research on the subject shows that a few, select measurements, routinely taken and consistently interpreted, result in more accurate decisions.

Key requirement for the Minister

The key requirement is – what are the fewest information points the Minister needs to know in order to make a sensible, robust decision?

Once those points are known, concentrate on obtaining that information and ignore the rest. Otherwise the Minister will fall into the trap of mining more information that has little value for management purposes.

Determining these ‘least information points’ prior to the actual exercise of gathering the information is the most efficient and cost-effective way to get to the decision-making stage.

To make this determination the Minister can ask MFish officials, ‘what is the least amount of information we can work with, what are the critical measurements we can take to do a good job and come out with a robust decision?’

It is not about gathering information that is nice to know or good to know.

Concentrating on these few information points will lead to better, more sensible decision-making.

Information timeline

It is a major concern that we are not incorporating enough of our past information into current process and even future projects such as *Fisheries 2030*.

Barry grew up in a commercial fishing family and can remember the diversity and abundance in the Hauraki Gulf in the 1950s and 1960s. That abundance and diversity has disappeared but there is no acknowledgement of that baseline.

Instead, current conditions are accepted as being the basis for future projects. The problem with accepting current conditions as our baseline is that marginal improvements are sought to alter that baseline.

Ignoring past productivity, diversity and abundance, and attempts to regenerate that productivity does not serve us and our mokopuna well.

Truly valuable information

Focusing on measuring total catch masks the information of true value, which is, what is changing in the fish population over time?

This incorporates the following aspects:

- ⇒ How is fish size changing?
- ⇒ The amount of effort required to catch the same amount of fish; and
- ⇒ What is happening to the productivity of the stock?

These are good questions that will give real-time answers.

These valuable answers are preferable to any assumptions that are used in the stock assessment models, many of which are just guesses.

Effects of land use are not measured or incorporated into the equation, yet inshore productivity, diversity and abundance have declined over time because of poor land management and run-off.

For example, there is evidence in the Hauraki Gulf that fish are growing much slower. This is signaling a loss of productivity and yet the Gulf used to support mass abundance. It has been a long time since fishermen have complained of “spent” fish, a sign of a snapper population at its environmental limit. Today’s population is a tiny fraction of 50 years ago.

These aspects are not taken into account when MFish measures the sum of the catch. That equation only tells us how big the pile of dead fish is. All these other aspects are missed, yet they are far more important to the decision-maker because it is indicative of future productivity.

The key does not lie in the sum total of dead fish. Examining catch and trends (as outlined in the bullet points above) will give decision-makers all the information they need to manage the fisheries.

Proposals to have individual fishers texting in daily catch figures will not assist in the overall management of the fishery because it is merely a sum of dead fish.

The key is to examine what is caught for signals such as size changes, catch effort and productivity.

There is not a lot of information required to manage a fishery, so the focus ought to be on determining what indicators are required, and then gathering that data.

Summary

Decision-makers need to get the least amount of information required, gather it extremely well and continue to gather it over time. This process will deliver information that is both real and of value.

Reporting of catch

Rick Burch is a commercial fisherman from Napier. He has been fishing in Hawke Bay for more than twenty years. Rick has been to a number of Hokianga Accord hui and contributes in many of the discussions.

Fisheries are not being well managed worldwide. Some fisheries have collapsed through poor management.

From a commercial fisher’s perspective, Rick sees reporting of catch by all fishers as being the missing ingredient to managing our fisheries well.

In addition there is the unknown factor of fishing related mortality, both from commercial and non-commercial activity.

Tonnes of by-catch and dead fish are returned to the water by commercial fishers. While mortality associated with recreational fishing is unknown there are some practices that amateurs fishers employ that do not bode well for survival rates of released fish. For example, putting hands into the gills of fish to hold and photograph before release seems to be a potentially damaging technique.

There is no real measure of how many fish are killed. On the other hand, there is no real measurement tool to estimate how many fish exist.

Rick is a member of the Guardians of Hawke Bay Fisheries forum. Some of the group have conducted a boat ramp survey for the past three years and they are shocked by the results.

In the past 2008/09 season 2352 anglers were surveyed over 17 competition days, producing the following results:

Fish species	Fish per angler day
Snapper	0.94
Gurnard	1.98
Tarakihi	0.43
Trevally	0.08
Groper	0.07

A copy of these catch figures was given to the Minister. MFish staff have been approached about the lack of abundance and availability of fish in the Hawke Bay. Their response is that the quota system manages catches at sustainable levels.

The problem is that non-commercial fishers have very little scientific evidence to prove their assertions so their information is treated as ‘anecdotal’. Anecdotal evidence is not given as much credence as the stock assessment models created by MFish and their contractors.

Minister’s departure

The Minister was due to leave the hui after this discussion. Sonny, on behalf of the Accord, thanked the Minister for making the time to attend the hui. He was offered the opportunity to briefly respond to the discussions about information.

Phil appreciated the opportunity to be at the hui and listen to the information discussion. He was particularly interested in keeping the information-gathering exercise simple. A similar approach had been taken in the discussions about charter boat reporting, which would be done on a need-to-know basis. Phil will think more about a simple approach to gathering information.

The Hokianga Accord seemed to be healthy and Phil indicated that MFish would be, later in the day, providing some feedback on MFish support for this forum.

Te Puna Mataitai Application

Judah Heihei, Hiwi Rihari and George Riley

Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa represent fourteen hapu/marae who have applied for 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. The mataitai application was submitted to MFish earlier in the year.

Some of the kaitiaki were at the hui, including Judah Heihei, Hiwi and Aro Rihari, Nora and Waata Rameka and Waitai Tua. Since the September 2008 hui George Riley had left the Ministry and was now working for Te Runanga A Iwi O Ngapuhi.

Judah acknowledged two Pou Hononga who were still with MFish, Natasha Clarke and Bevan Hunter. They and George had assisted the kaitiaki with their mataitai aspirations over several years.

George explained that Te Roopu Kaitiaki Whakature was one of the first groups to successfully adopt and implement the regulations that were created as a result of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. In 2002 they established their rohe moana under the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

Initially the focus of their mataitai application was on restoring specific fisheries such as rock lobster and scallops. After feedback from MFish their application was amended to reflect broader outcomes that aim to:

- ⇒ Increase fish abundance;
- ⇒ Provide a healthier marine environment; and
- ⇒ Give effect to their customary right to manage areas of traditional importance while providing benefits for the wider community.

Special effort was made to ensure the mataitai boundaries were easy to identify, both for users of the area and for compliance purposes. The area is approximately 7.6 nautical miles.

Effects of the proposed mataitai

Only commercial fishing will be automatically excluded if the Fisheries Minister approves the mataitai. There will be little immediate change for non-commercial customary or amateur fishers, or other users of the area.

Kaitiaki can suggest bylaws to manage harvest within the mataitai. Any proposed bylaw will need to be publicly consulted and gain Ministerial approval before implementation.

There is one commercial crayfisherman currently utilising the area and that person has objected to the mataitai application. However, his quota can be taken from the entire Fisheries Management Area CRA1, which extends from Ahipara on the west coast down to Waipu on the east coast. Given this, the committee is hoping to resolve the objection so the application can proceed.

A hui was held to discuss the application at Whitiora in October 2008. There was a good turn-out at this meeting and overall support for the application. Later, another meeting was held with the kaitiaki and the commercial fisherman to try and resolve the objection. The application is still with MFish.

Application progress slow

A week prior to this hui the Ministry was asked for an update so a progress report could be given to hui participants. Nothing specific was received aside from the letter from the MFish Chief Executive,

Wayne McNee, advising of the withdrawal of Ministry support for mataitai applications. This was the same letter given to the Iwi Reference Group in March. (Refer Appendix Two)

It was disappointing for the kaitiaki that MFish did not seem to be displaying the leadership that would enable tangata whenua to implement measures to improve the fisheries for the community's benefit.

The opportunity exists for MFish to promulgate the arguments for and against the application and allow people to air their concerns in an effective and timely manner. Holding separate meetings with various groups had heightened suspicions through a lack of information sharing.

There is no indication from MFish as to how long this process will be, their expectations of the kaitiaki, what the next steps are or what can be done to assist the Ministry. At this stage the kaitiaki could not advise what help it required from the Hokianga Accord.

MFish and Carl Ross in particular were asked to speak with the Spatial Allocations manager, Randall Bess, to ascertain what the kaitiaki could do to assist with progressing the application.

Integrated land/sea management, sedimentation and aquaculture were other topics that need to be discussed and addressed in the Bay of Islands. These issues will undoubtedly create more opportunities for tangata whenua and the local community to work together.

Kaitiaki relationship with MFish

Judah Heihei gave a brief outline of the kaitiaki's frustrations with the Ministry's gazetting and mataitai process. It was also frustrating that Te Roopu Kaitiaki Whakature had not been able to work together with Maori from the southern Bay of Islands to achieve marine protection for the whole Bay. Ngati Kuta and Patukeha had worked hard to achieve what they had but there were still gaps which needed addressing by other hapu within the Bay.

Given the Minister's earlier speech Judah was optimistic the Minister was informed and engaging in the mataitai debate. Carl Ross was specifically asked to find out when their application process would be completed and to advise the kaitiaki of that answer, as soon as possible.

Hui Discussion

Tom Paku expressed similar frustrations with the Ministry's approach to managing a mataitai application in Napier. Their process took six years to complete.

Judah welcomed the suggestion that the Hokianga Accord write to MFish in support of the mataitai application.

Carl Ross confirmed that he would respond to George within a week, to advise the progress of the application.

MFish were urged to inform the kaitiaki of what they need to do to satisfy all the requirements so that the process could be completed before too much more time had elapsed. It was also incumbent on the Minister and Ministry to educate people on the meaning of kaitiakitanga and the Crown's ongoing, statutory obligations to tangata whenua in both area and fisheries management. This was important because application of kaitiakitanga had benefits for the whole community, not just Maori.

Commercial perspective

From a commercial fisher's perspective there are two issues that need to be considered in light of the statutory purpose of mataitai, and against which the application will be evaluated:

- ⇒ a mataitai is established to enable customary food gathering; and
- ⇒ whether it is reasonable for the objector (the commercial crayfisherman) to relocate.

It seems a simple adjustment of boundaries to enable that commercial crayfisherman to continue his operation, without having to relocate. This would solve both the objection and the delay in approval. It is not about crayfish, it is about complying with the process.

Small, discrete management areas

Phil Heatley had earlier emphasised his stance on mataitai and was clear that the intention of the legislation was to provide for small, discrete areas of significant cultural or spiritual importance for the purpose of customary food gathering.

For tangata whenua it was also about local management and initiating programmes that would help to restore the moana. Locally the major concern was pacific oysters infesting bays to the detriment of the flounder population. Local hapu aspired to actively managing the area to control this infestation and restore flounder habitat.

The irony was the objecting cray fisherman was fishing with quota owned by Ngapuhi. The kaitiaki and the fisherman had earlier tried to resolve their differences by having a local plan to allow commercial fishing within the mataitai for three months of the year. For various reasons, that agreement was not finalised or approved by MFish.

Impediment of compensation

There is a lot more transparency with the process to establish marine protected areas in Australia. Commercial fishers have been paid millions of dollars in compensation for loss of access and fishing rights. Whereas in New Zealand the process has been distorted by the lack of any up-front conversation about compensation.

No-one seems to want to talk about compensation yet it is the issue that is impeding progress on so many initiatives.

The community seems to support the mataitai application yet it is one man's livelihood that is holding up the aspirations of tangata whenua and the wider public's interests.

Compensation is standard practice in other areas of reclamation such as house removals for roading projects. It seems strange that compensation is not a subject that the government or the fishing industry seems to want to discuss openly.

There was an opportunity to discuss compensation during the Kahawai Legal Challenge proceedings but even then the legal representatives for both the Crown and industry made a last minute agreement, on the steps of Court, not to discuss the issue. It was raised briefly during the Supreme Court hearing but the Solicitor-General would not commit to any suggestion that compensation was payable. He advised the Court it was essentially a 'wait and see' situation.

All this raises the question, was the approval process so poor that a lone fisherman's objections was able to prevent tangata whenua from giving effect to their rights and interests that were protected by both the Deed of Settlement and fisheries legislation?

Spatial management limitations

A lack of fish inshore was affecting many coastal communities, in both the North and South Islands. Some people had suggested a blanket ban of no commercial fishing within five miles of the coastline. While this was not likely to occur it does raise the issue of why so many people are dissatisfied with management in their areas.

Is the real issue the property rights regime associated with the quota management system?

Most often the quota being fished in an area is not owned by anyone living in the local community, the owners may even live overseas, but the depletion affects these coastal communities.

This quota right entitles these owners to have an influence on any application to achieve hands-on management by tangata whenua and the local community. It also creates conflict when different groups want to exert some influence over management by proposing different area tools to manage the moana.

There is a fundamental problem with this piecemeal approach to spatial management. Property rights and spatial allocation are policy issues that need to be addressed at governmental level.

Without resolving this conflict, energy will continue to be poured into spatial and management disputes rather than working together to improve the productivity of our fisheries.

Abundance and diversity in our moana has been, and continues to be, lost. This 'spatial grab' is an attempt by various groups to manage areas but does not address these basic issues.

While the Minister has encouraged solution development, a concerted effort needs to go into defining what the problems are. Solutions will be self-evident once the real problems have been identified and addressed. This is particularly important for the moana as everything is so inter-dependent and connected. Land use affects inshore water quality, and the abundance of one species is affected by others.

This drive for spatial separation is largely misplaced until the problems have been clearly identified. Then energy will be well spent on working together to develop solutions.

Te Hiku O Te Ika tautoko

Abe Witana is the chairman of Te Hiku O Te Ika, the far north iwi customary fisheries forum. Both he and Vic Holloway of Ngati Kahu were at the hui today to tautoko/support Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa with their mataitai application. A letter of support will be forwarded in due course.

By the end of this year their forum were expecting to have at least 60 percent of Te Hiku confirmed as rohe moana, with finer management tools expected later. So the issue of addressing the crayfisherman's concerns about Te Puna mataitai application was important as that fishing effort is likely to move north into their rohe.

Displacement of fishing effort due to local area management tools was an issue that needed wider discussion amongst both Maori and non-Maori.

MFish response

Carl Ross, MFish Customary Relationship Manager, advised he would address some of the issues raised during this discussion in his presentation about the proposed new engagement model for mid north iwi and Ministry staff. Carl could not offer any formal response to this discussion because mataitai applications were managed by a separate department within MFish. He committed to giving an update on progress within a week.

* Following the hui Carl forwarded the following message from Randall Bess, the MFish Spatial Allocations Manager:

Te Puna mataitai reserve application (Purerua Peninsula, Bay of Islands)

After receiving the application on 2 April 2008 the Ministry of Fisheries wrote to Te Komiti Whakature I Nga Taonga a Tangaroa (Te Komiti) outlining the steps in the application process.

Consultation with the local community calling for written submissions on the application closed in August 2008. Copies of all submissions received were provided to Te Komiti.

On 6 October 2008 a required public meeting was held at Whitiara Marae, Te Tii, as recommended by Te Komiti.

On 6 November 2008 a further meeting was held in Kerikeri between Te Komiti, Ministry officials, and the affected commercial rock lobster fisher.

The second stage of consultation that called for written submissions from persons having a fishing interest in the stock or stocks in the area closed in December 2008. Copies of all submissions received were provided to Te Komiti.

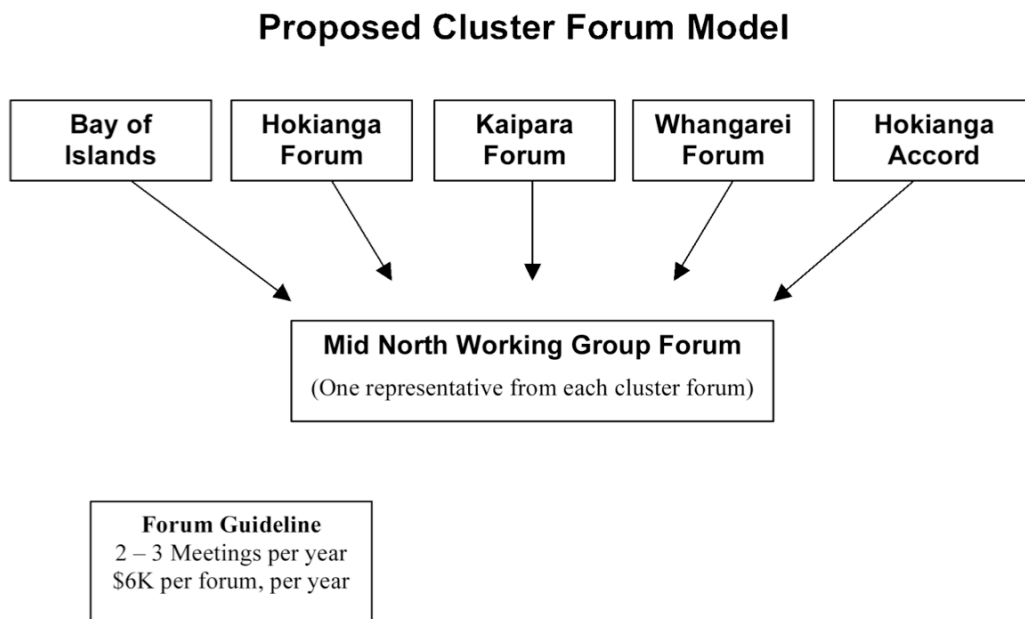
On 6 March 2009 Te Komiti confirmed they did not wish to amend the application after having considered issues raised by submissions.

On 10 March 2009 the Ministry wrote to Te Komiti to provide additional copies of all submissions received and a copy of notes taken during the public meeting. This letter also reiterated the next steps in the application process and that the Ministry would commence assessment of the application against the regulatory criteria.

Progress on Te Puna application assessment will be dependent, in part, on the specific challenges arising from the application and consideration of available resources and other priority work (the Ministry currently has 33 mataitai reserve applications to process). We envisage that the assessment of the Te Puna Mataitai reserve application should occur within the next few months.

At this time, the Ministry anticipates completing this assessment and advising the Minister of Fisheries within the next year.

Figure 1: Ministry of Fisheries' proposed cluster forum model, June 2009.



Proposed Mid-north Customary Forum Model

Carl Ross, Customary Relationship Manager, Ministry of Fisheries

Carl Ross, the MFish Customary Relationship Manager, has recently been in the mid north talking with iwi leaders about an alternative engagement model to enable tangata whenua to have meaningful input and participation into fisheries and area management. He and the Pou Hononga, Natasha Clarke and Bevan Hunter, were keen to discuss the proposed customary forum model with the hui and receive any feedback.

MFish envisage having 12 regional iwi customary fisheries forums in the North Island. Forums for both the mid north and Tauranga/Opotiki regions still needed to be finalised. Carl has drafted a cluster forum model, which takes into account previous comments from iwi leaders. (Figure 1)

Both Natasha and Bevan have been working with iwi/hapu to determine what their needs were in regards to fisheries and area management. There were a number of issues to consider, including the following:

- ⇒ There are a large number of iwi and hapu in the mid north who are actively engaged in fisheries management;
- ⇒ There are significant areas and species within the region that are of particular importance to tangata whenua; and
- ⇒ There is a need to develop a forum model that compliments iwi and hapu engagement based on significant fishery areas.

These significant fishery areas included the Hokianga, Kaipara and Whangarei Harbours and the Bay of Islands. The proposed forums will allow iwi/hapu from around these harbours and the Bay to gather and discuss common issues.

It was proposed that each forum will be entitled to its own funding. The Hokianga Accord will remain separate, as one of the five forums, feeding into the mandated Working Group forum.

An example of a whole-of-government approach was taken last year when meeting with tangata whenua from Mahia. MFish, the Department of Conservation (DoC) and the Ministry for the Environment attended their forum with a view to addressing many issues related to both land and sea. This same approach could be applied to the proposed mid north Working Group forum, and if accepted, can be included in the Terms of Reference for that particular forum.

Hui Discussion

Fragmentation of interests

Ngati Whatua has interests spanning all the Harbours mentioned. A number of tensions already exist within Ngati Whatua and one of the major concerns is the government's preference to deal with hapu as opposed to the iwi.

Hapu do not exercise Tino Rangatiratanga and so the Crown gets away with doing things against the greater interests of Ngati Whatua. A recent example of this is the process employed to gain approval from hapu for the underwater power turbines proposed for the Kaipara Harbour entrance.

Given historic behaviour, Ngati Whatua wants to be cautious, particularly given the potential to fragment interests. Isolating hapu from their iwi is detrimental to the wider interests of everyone.

While the cluster forum model has merit for discussion purposes, those groups cannot make decisions on behalf of either Ngati Whatua or Ngapuhi. Similarly, neither iwi make decisions on behalf of each other.

There was also the existence of the regional recreational fishing forums that encompass the same areas. These are the North Island northern and west coast forums. Some people from those forums were also participating in the Hokianga Accord. It needs to be clarified how these forums will interact with these proposed five forums.

It does not seem to make much sense having so many forums discussing similar issues for the same harbours and coastline.

More discussion is required and it is essential that everyone is welcome to participate in the Hokianga Accord. That is because there needs to be widespread understanding of all the issues that affect fisheries and area management. That understanding can only be gained by having commercial, customary and amateur fishing, and environmental interests participating in the discussions.

Support for Hokianga Accord

Sonny acknowledged the Ministry's support for this hui. They had provided some funding to enable the hui to proceed, and the forum's supporters will cover remaining costs.

The Hokianga Accord has existed through the input and resources from the organisations involved in the Accord. With or without MFish support the Hokianga Accord will continue its work.

Issues for localised forums

MFish was asked to clarify what issues would be discussed at the localised forums that cannot be discussed at the Hokianga Accord.

Natasha Clarke, MFish Pou Hononga, explained that most of their work is carried out with Tangata Kaitiaki and on rohe moana management issues.

These whanau have a very different understanding of the major issues and how they want to engage with MFish. This cluster model provides for their need to get greater value out of their engagement with MFish, while acknowledging the need to bring everyone together so there is widespread understanding of the broader issues.

Many of the Tangata Kaitiaki believed they needed to sort out issues within their rohe before they could deal with regional or national issues. The proposed cluster forum would give them that opportunity and provide MFish support for their initiatives.

Missing interface with MFish processes

The Crown's obligation, as per the Fisheries Act 1996 and Deed of Settlement, is in providing for the input and participation of tangata whenua into fisheries and area management.

A missing element in the MFish proposal is how the forums are going to participate and have input into the timetabled processes of research, science, planning, management and development. There is no proposed interface between the forum and these processes that influence management at the highest level and ultimately affect how much fish is available in each area.

Both Trish Rea and John Holdsworth attend some of these meetings and report back to the Hokianga Accord and other non-commercial organisations.

However, the MFish model is incomplete. This aspect will need to be addressed if mid north iwi intend to have meaningful input and participation into fisheries and area management, and enjoy results at a local level, within the rohe.

Mana and customary rights

The commercial fishing industry does not dispute the mana or customary rights of tangata whenua. The collision occurs due to poor process and inadequate mechanisms, as evidenced with Te Puna Mataitai application.

It is important, for whatever structure of representation is agreed, that there is a pathway for resolution to the problems that arise. That is because the decisions that are made in the formal planning, science and management processes affect tangata whenua in each rohe.

The Hokianga Accord seems to be the vehicle to advocate for the fishing interests of mid north Maori but there still needs to be an interface with the Wellington-based formal processes.

Planning processes

It was agreed at the November 2007 Hokianga Accord hui that Trish Rea would attend the North Island West Coast Finfish Fisheries Plan process with the mandate of Ngapuhi and Ngati Whatua⁵. Her role was to present positions arrived at within the Hokianga Accord, record and report back to the forum. Essentially this is a role carried out by a contractor, accompanied by an iwi tautoko/support person, to the satisfaction of Ngapuhi and Ngati Whatua.

None of the MFish proposed engagement models seem to empower any of the forums to retain the facility or resources for a contractor-type role where meaningful input and participation, and importantly reporting, is completed.

Treaty claims representation

Many Maori were struggling to gather the necessary support, by October 29th, for one representative to speak on behalf of their collective interests in the Treaty claims process. This had proved difficult for Ngati Rehia and other Bay of Islands Maori.

Similar difficulties will arise when trying to agree on one representative for the proposed mid north fisheries Working Group. That representative would be expected to speak on behalf of their collective iwi/hapu fishing interests if the MFish cluster forum model was approved.

Confirmation for MFish

Ngapuhi and Ngati Whatua agree that the Hokianga Accord is the mid north iwi fisheries forum. Ngati Wai are free to decide their own level of participation.

This confirmation has been given to MFish on many occasions and was reiterated at this hui.

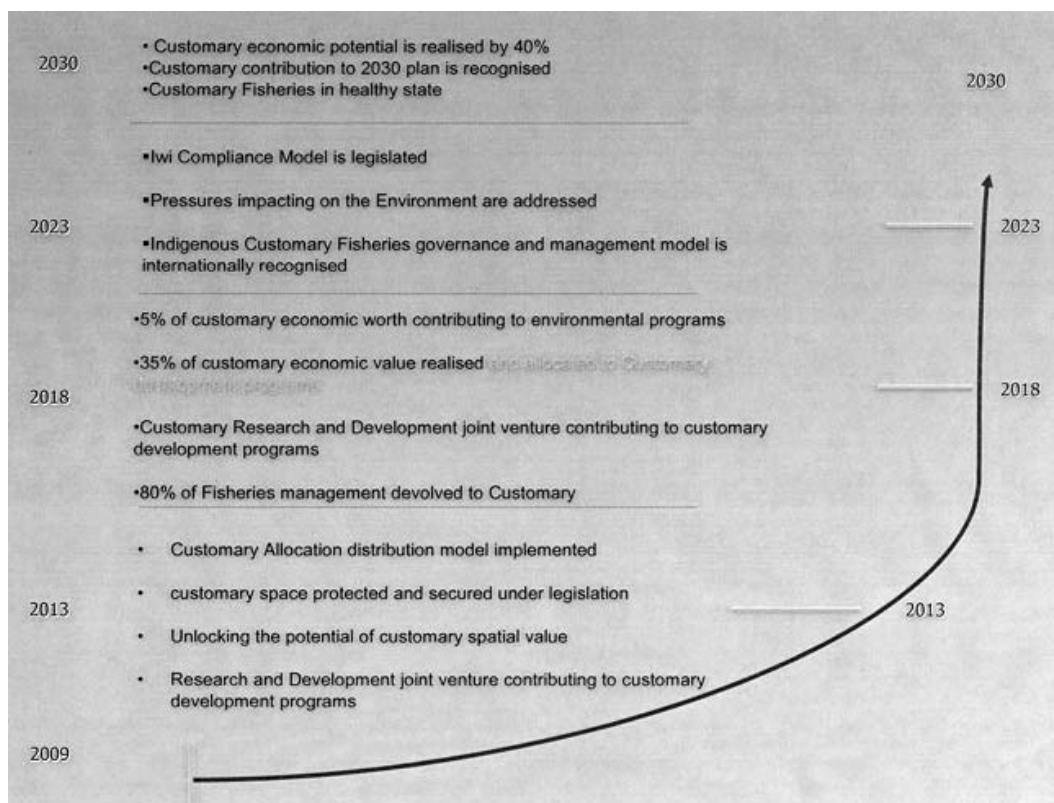
The MFish-proposed cluster forums are groups of people who want to meet and discuss issues specific to their area and needs.

Sonny clarified that the Hokianga Accord was not objecting to MFish dealing with local hapu, communities and their issues. However, there was no need for MFish to establish four new forums to deal with these issues or to siphon funds from current forums to finance the new groups.

Current work involving hui with iwi/hapu can easily continue. The Pou Hononga were doing a good job working with these communities.

⁵ http://option4.co.nz/Fish_Forums/documents/har1107.pdf, p58.

Figure 2: Draft proposal from executive members of Te Kahui Maunga o Tangaroa, in response to the Ministry of Fisheries' 2030 proposals.



National Customary Iwi Forum Update

Mike Neho and Tom Paku

Mike Neho of Te Kaahi o Rauru, and Tom Paku of Ngati Kahungunu were both members of Te Kahui Maunga o Tangaroa (TKMoT), the National Iwi Customary Fisheries Forum, alongside Abe Witana of Te Rarawa and Paul Haddon of Ngapuhi. They would give an update of both the Customary Forum's activities and a progress report of Te Ika A Maui, the National Freshwater Fisheries Forum.

Mike is Chairman of the Steering Committee of Te Kahui. He tabled a report that covers the work the National Customary Forum has been involved in since 2007⁶.

When MFish initiated the *Fisheries 2030*⁷ discussions earlier in the year the Iwi Leaders Group insisted that customary interests be represented in those discussions. As a result, Te Kahui Maunga o Tangaroa has participated in two *Fisheries 2030* meetings.

After analysing the directive from the Cabinet to MFish regarding the *Fisheries 2030* project Te Kahui came to the conclusion that, given past history, the feedback being sought from MFish would be supplementary to the pre-determined course that the Ministry were taking.

Also, Te Kahui Maunga o Tangaroa recognised that it was unrealistic to expect a full analysis and discussion of the MFish 2030 strategy to occur at the multi-stakeholder meeting in Wellington on May 14th.

So the Forum developed a Position Paper, presented it to the 14 May meeting, and provided the Accord with a copy of the document. (Refer Appendix Three)

Te Kahui intended to be involved and contribute positively to every phase of the development and implementation of the *Fisheries 2030* strategy.

Key issues identified by Te Kahui were that the strategy:

- ⇒ Does not fully recognise customary interests in terms of values; and
- ⇒ Appears to have prioritised commercial interests above other sectors.

Between the meetings on May 14th and 28th MFish asked participants to analyse the objectives and action points in the draft *Fisheries 2030* plan and provide some comment.

Te Kahui considered the documentation, developed their input and presented their feedback to the joint meeting on May 28th. Mike emphasised to the hui that their feedback was 'work in progress' and had not been considered fully by the Forum. (Refer Figure 2)

Due to its early development, there are no details aside from what has been presented. The Forum considered it was important to highlight that customary issues had not been adequately considered and that they wanted to provide some preliminary feedback.

Te Kahui Maunga o Tangaroa was interested in research and development that would contribute to customary and environmental programmes, and devolution of customary management to tangata whenua. Also, legislative changes to both protect customary space and enable the customary 'allocation' to be distributed amongst interests.

There was a very strong emphasise in the Ministry's 2030 plan to maximise the economic potential for commercial interests. This draft plan was endeavouring to maximise the potential for customary interests.

⁶ National Customary Fishing Council, Steering Committee 2009, Customary Fisheries.

⁷ http://option4.co.nz/Fisheries_Mgmt/2030.htm

Their plan revolves around achievements before and by 2030.

Given the difference between an allocation, which this model was based on, and that customary interests currently have an 'allowance' there is plenty more to discuss before anything is finalised.

[Under current legislation the Minister sets aside a tonnage of fish to 'allow for' Maori customary non-commercial fishing interests (Fisheries Act 1996, s21(a)(i)).]

Mike advised that Te Kahui Maunga o Tangaroa would continue to develop their draft model and then seek to discuss it with other iwi forums before talking with other interested parties. The Hokianga Accord will be an integral part of assisting the National Forum to achieve the best outcome for customary interests.

Hui Discussion

Mike was asked to identify a couple of points in the MFish *Fisheries 2030* document that did not meet the expectations of Te Kahui Maunga o Tangaroa.

Mike explained that there were only four action points and one or two strategic objectives that mention customary interests. While there was a strong bias towards making more money out of the fish there was little emphasis on addressing environmental concerns or having more fish in the sea.

While the Treaty Settlement and customary rights are mentioned there was not a lot of discussion in the document on how to strengthen the relationship between tangata whenua and the Crown, or how customary interests would achieve anything more than what MFish currently provide.

Establishing mandate

It was a disappointment to Ngapuhi that Te Kahui Maunga o Tangaroa seemed to be developing policy and direction without first establishing itself as a national body representing customary interests. Irrespective of whether this was a fault of MFish, Te Kahui or both, the representative status of the Forum needed to be cemented first.

It was important to ensure that Te Kahui formalised its status so that all the customary forum leaders could meet, discuss, and make decisions on behalf of all customary interests.

Mike and Tom's forums were obviously thinking well in advance of some of the other forums, but there was a danger in being diverted away from the task of establishing a national customary voice.

A constitution had been developed and MFish had worked hard with the Te Kahui, but until the Minister of Fisheries had both approved the status of the Forum and its legal status, Te Kahui could not act on behalf of all customary interests.

Mike explained that Te Kahui Maunga o Tangaroa needed to have a national conference to ratify the constitution. Once that was completed the Forum's constitution could be submitted to the Minister for approval.

Iwi leaders, including Sonny, had made it clear to MFish that customary interests needed to be involved in the *Fisheries 2030* process, that's why Mike and Tom had attended the *Fisheries 2030* meetings and participated on behalf of Te Kahui.

Phil Heatley had advised Mike that he was not available to attend Te Kahui's national conference in July, as he would be overseas. That conference would be re-scheduled for August so that the Minister could attend.

Proportional allocation

Daryl Sykes is an industry representative on both the NZ Seafood Industry Council (SeaFIC) and National Rock Lobster Management Group (NRLMG). He wanted to respond to earlier statements that if the non-commercial allowances were downgraded to proportional allocations then industry would be given the unused portion of the customary allocation.

“I can give you a categorical assurance that never in my company, or in my presence, has it ever been proposed that if there was any sort of proportional allocation, whether it was fixed or flexible, that the commercial sector would wish to take away some unused portion off some other sector.

“There is clearly an implied proportionality in TAC [total allowable catch] setting now. From our point of view, certainly from the Rock Lobster industry’s point of view, we would be quite happy to negotiate both ways. If you don’t want it we will buy it off you or lease it off you. If we don’t want it you might want to lease it off us, so the tradeable side of things is fine.

“I give you an absolute and categorical assurance there is no underlying scheme...that would say ‘trap them in[to] a proportional allocation scheme so that we can take their unused portion of their allocation’.”

Daryl did not want non-commercial fishers to be worried about this notion as it may inhibit people from taking other opportunities that may arise during future discussions.

National customary voice

Sonny explained that Te Ohu Kaimoana (TOKM) was originally going to represent the customary view in discussions with MFish. Sonny had earlier assured the Accord that there ought to be a dedicated national view but not from TOKM, so Te Kahui was an outcome of those discussions.

Even earlier, at the insistence of the Accord, Richard Orzecki was appointed to represent Te Kahui and customary interests during the *Shared Fisheries*⁸ discussions initiated by MFish in 2007 and 2008. Sonny was involved in those discussions as a representative of TOKM. *Shared Fisheries* was unfinished business.

Resourcing for Te Kahui

Resourcing for Te Kahui Maunga o Tangaroa still needed to be finalised, as the Forum could not be expected to operate without a budget. It was unrealistic to think that money could be generated from selling the unused portion of the customary allowance because the law did not allow for that to happen. Mike confirmed the Te Kahui’s *Fisheries 2030* proposal was preliminary and open for discussion. The final outcome may not resemble the current draft.

Ideally Te Kahui Maunga o Tangaroa and Te Ika A Maui, the National Freshwater Fisheries Forum, would amalgamate so there would be no segregation of interests between the freshwater and marine environment. It was important to recognise the ‘mountains to sea’ approach as what happened inland affected the moana.

⁸ <http://option4.co.nz/sharedfisheries/index.htm>

National Freshwater Fisheries Forum Update

Abe Witana, Te Rarawa

Abe Witana is the Waipuna marae delegate to Te Runanga o Te Rarawa and the Chairman of Te Hiku O Te Ika, the far north regional Customary Iwi Fisheries Forum. Abe is Te Hiku's representative on both Te Kahui Maunga o Tangaroa and Te Ika A Maui, the National Freshwater Fisheries Forum. This Forum only dealt with North Island freshwater fisheries issues because the South Island's freshwater fisheries were included in Ngai Tahu's Treaty settlement with the Crown.

Prior to 2006 inland iwi dealt with freshwater fisheries issues. In 2006 central North Island iwi invited all iwi to a hui to korero/talk about management issues. At the first hui an executive was appointed by the participating representatives. Both Abe and Te Raa Nehua of Ngapuhi were members of that executive group.

It took quite a few hui before agreement was reached on a constitution, because it was important that each iwi's aspirations were reflected in the document.

Over time it became obvious to Te Ika A Maui that MFish envisaged the freshwater forum would become obsolete once the freshwater fisheries were incorporated into the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

In late 2007 the Hokianga Accord submitted in support of amending the Kaimoana Regulations to include the freshwater fisheries⁹. These regulations have now been amended to include some freshwater species.

Te Ika A Maui have also developed and agreed on a Memorandum of Understanding (MOU). This has been reviewed by MFish corporate services and no problems were identified.

Currently, the Minister is still being advised that the Te Ika is surplus to requirements because of the amendment to the Kaimoana Regulations. So there is an impasse, but there are ways around it.

One solution being discussed at the moment is to integrate Te Ika A Maui with Te Kahui Maunga o Tangaroa so that there is only one national body speaking on behalf of customary interests. The kaupapa/cause is very similar and integration would streamline costs and reduce duplication of effort by participants. Doing this would help tangata whenua to have meaningful input into managing the taonga/treasures from the mountains to the sea.

Te Ika A Maui is due to meet with Wayne McNee, MFish Chief Executive at the end of the month to try and get his support for the proposed integrated forum.

Hui Discussion

Customary representation in Court

Stuart Ryan was the lawyer for the Kahawai Legal Challenge team during the four-year proceedings. Serious consideration was given to the need to have customary interests represented in the Courts but the search for a suitable group proved fruitless. At a very late stage a memo was prepared for the New Zealand Maori Council and presentations were given at two of their meetings.

Given that the Court decision affects non-commercial fishing interests, both customary and recreational, it is unfortunate that customary interests were not in Court and part of the proceedings.

However, timing was an issue as many iwi were focussed on settling their Treaty claims for the commercial fishing asset.

⁹ http://option4.co.nz/Marine_Protection/cust_maori.htm

The legal team made preliminary inquiries to a suitable Barrister in Wellington in the event that a 'Friend of the Court' was to be appointed for customary interests. That means a lawyer can be appointed to represent a party whose interests might be affected by the outcome, even though they are not before the Court. A Friend of the Court can only be appointed if the Court approves. Neither the Crown nor the commercial interests would support this application.

In retrospect the recreational parties could have made the application for a Friend of Court by themselves, but thought there was more chance of success if the Crown was supportive, because if a Friend of the Court is appointed it is the Crown purse that pays for that representation.

These kahawai proceedings were an example of where a national body representing non-commercial Maori customary interests would have been very useful. In the 1996 Snapper 1 proceedings there was representation of customary interests so there is a precedent.

Reallocation of unused allowances

It was very clear in the High Court proceedings that counsel representing Sanfords and Sealords and one other commercial party were seeking to have Maori customary interests (allowance) reduced to align with actual take.

An example from the South Island was presented to the Court demonstrating that Kaitiaki records had shown very low returns on permits issued for kahawai (around 60Kg) when compared with the actual allowance made for customary interests (115,000Kg¹⁰).

It was important to note this aspect was a feature of the High Court case as presented on behalf of Sanford Ltd, Sealord Group Ltd and Pelagic & Tuna New Zealand Ltd. However, this issue was not pursued on appeal.

Management of freshwater fisheries in National parks

Abe was asked to clarify how well management agreements operate with freshwater fisheries located within National parks administered by the Department of Conservation (DoC). Given DoC's increasing role in the marine environment it would be interesting to know if there was any lessons to be learnt.

Historically Maori has had difficulties working with DoC in many areas. It was hoped that a better working relationship could be cultivated between the national forums and all the government agencies with an interest in both land and sea management. These agencies include DoC, MFish, the Ministry for the Environment, territorial and regional councils.

Hopefully the outcomes for both commercial and non-commercial fishing interests would be enhanced by this integrated management approach.

¹⁰ MFish website <http://fs.fish.govt.nz/Page.aspx?pk=8&tk=41&ey=2006>
June 2009 Hui Report

Figure 3: T90 square mesh design



Trawling Innovations Update

Richard Burch, commercial skipper, Napier

Rick Burch has been to several Hokianga Accord hui and was pleased to provide an update on how the T90 net trials were going on his Napier-based commercial trawler the Nancy Glen II. Rick was actively involved in the group Guardians of Hawke Bay Fisheries alongside Wayne Bicknell and Johnathan Dick, both of whom were at this hui.

Trials were continuing to find the best combination of the new T90 net and associated gear. The T90 net was a square mesh design, based on conventional diamond mesh trawling net rotated by 90 degrees.

Images were shown of the new T90 net demonstrating the wider gaps in the mesh, through which small fish could escape.

Rick appreciated the support received from the Guardians of the Sea Charitable Trust, who had assisted with costs and funded three new nets.

Comparison of trawl nets

Diamond mesh nets compress as they are hauled through the water, ensnaring small fish and creating drag. Consequently, more fuel is required to haul these nets and juvenile mortality can be high. Damage to the seabed is incurred as the heavy chains and tackle fitted to conventional gear is dragged over the seafloor.

Using the lighter T90 net meant that it was no longer necessary to use the heavy warp, chains and tackle normally required for trawling.

By rotating the mesh 90 degrees the T90 net held its configuration and allowed small fish to escape through the open holes.

Another benefit was that this net was lighter and 10mm Dynex rope, weighing around 200 grams in water, had replaced about 1200 metres of heavy wire and chain.

Preliminary results

There had been some promising developments during the trials including:

- ⇒ 90 percent reduction of trawl gear contact with seabed;
- ⇒ fuel savings of between 25 and 30 percent;
- ⇒ ability target specific species; and
- ⇒ less juvenile fish being caught and killed.

In mixed fisheries it was more difficult to target specific species with conventional nets. Also, if a species was in the quota management system, all fish caught within legal size had to be landed.

Fish caught in the T90 net seemed to be larger and in much better condition.

Figure 4: Single trawl rig set-up

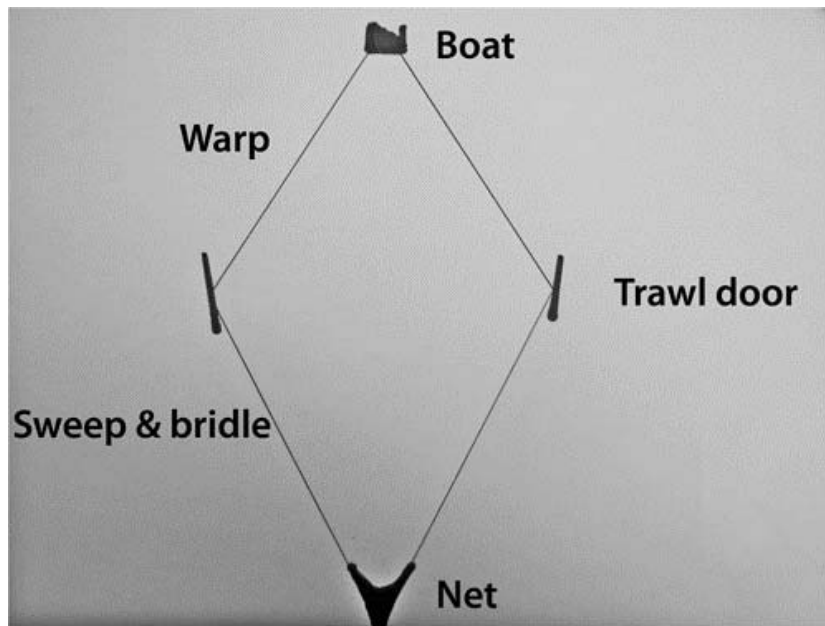
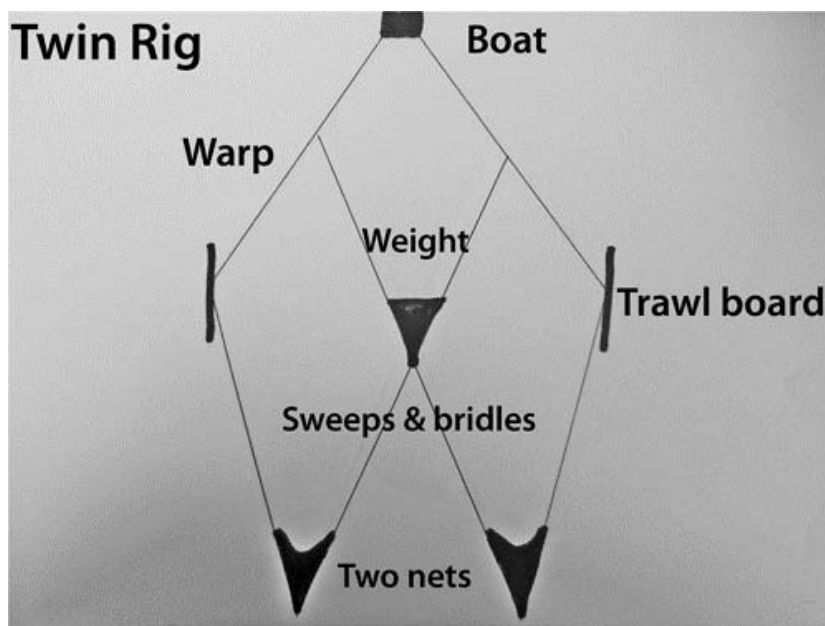


Figure 5: Twin trawl rig set-up



Twin-rig trials

To prove the difference in catch between the nets, the Nancy Glen II had been fitted with two trawl drums and a twin-rig system. This will enable a T90 net to be towed alongside a conventional diamond mesh net, and when raised, their contents will be counted and recorded separately.

Of particular interest is the difference between numbers of fish killed using the conventional, diamond-mesh net compared to the mortality rate associated with the T90 net.

In England it is compulsory for commercial fishers to insert a panel of square mesh into their nets. Rick and his team, assisted by Icelandic company Hampidjan, were attempting to make the entire net out T90, but more tests will be required to prove if that is a realistic outcome.

Formal trials are due to begin in Spring. Film footage and independent observers will be used to monitor the results.

Although this is an expensive programme and there is a lot more to do, Rick is convinced that T90 net is the key to future trawling and sustaining our fisheries. Fishers do not need to kill the juvenile fish to capture the larger specimens.

Reducing the mortality rate and allowing fish to grow older will give us what we all aspire to achieve, that is "more fish in the water/kia maha atu nga ika ki roto i te wai".

Hui Discussion

Financial support for trials

It seemed ironic that the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* had provided funding for the trials yet the New Zealand Seafood Industry Council (SeaFIC) had not supported Rick's effort. As a commercial fisherman Rick paid SeaFIC levies so it surprising they had not been more helpful.

Rick agreed that SeaFIC had not provided any financial support, however, he had not directly applied for funding. Rick and Hampidjan's New Zealand-based manager requested funding by application and during a meeting with several industry representatives in Wellington. Initially they seemed supportive but later advised Rick the Seafood Council could not support the project because it was "not scientific enough". However, the funding application was passed onto to EECA, the Energy Efficiency Conservation Authority, for their consideration.

After a presentation to the Sustainable Business Network in Napier Rick worked with an EECA manager who accepted the original application sent to SeaFIC. He confirmed the application did not need amendment or re-writing for EECA's purposes.

After several weeks EECA confirmed to Rick that the application had failed on the grounds that his carbon emissions are not great enough. Eventually EECA offered to pay for the trial net.

However, the net is the least expensive element of the trials, it is the time, fuel, crew wages and loss of earnings that incur major costs during testing. Notwithstanding that any scientific review and subsequent results reporting will need to be funded as well.

Daryl Sykes is an industry representative on the NZ Seafood Industry Council (SeaFIC). He assured the hui that SeaFIC does not have a technology development budget, unlike the old Fishing Industry Board (FIB) that used to have a fund that could support such initiatives. During the 1980s fuel crisis this money was spent on fuel efficiency trials.

Rick's original funding application was submitted through Seafood Innovations Ltd, a joint venture between industry and the government, so the original application would have been a grant request for Crown funds, not SeaFIC funding.

Daryl confirmed there is no funding for ecological, environmental or sustainability developments. Given current governmental interest in certified, export fisheries there could be a prospect for funding through the seafood certification process.

After the hui Daryl would explore ways in which an application could be made to that fund and advise Rick.

Broader industry support

The simple answer as to why other fishermen are not employing similar innovative techniques is the lack of money.

Rick is a dedicated fisherman who has committed to finding new ways to fish and he has received support from the Guardians of the Sea Charitable Trust to continue those trials.

Most of the smaller, inshore trawl fleet are marginal operations, dependent on ACE [Annual Catch Entitlement] and are not cash-rich so have no surplus to invest in new fishing technology.

When Daryl first heard about Rick's trials at an earlier Hokianga Accord hui he investigated the opportunities for possible funding sources for other fishers. He could not find a source of funds that would realistically provide a loan at reasonable rates, not even a suspensory loan, to support such innovation.

Rick confirmed he has not consistently sought funding for his initiative; he is a simple fisherman trying to save what fish he can.

He first started using square mesh in 1994 and had developed other innovations over time. Rick also understands the financial status of most inshore trawler fishermen is marginal.

However, a section of square mesh in front of the cod end would likely cost around \$200 and save many juvenile fish. Not a huge investment compared to a new net that costs around \$5,000 each.

Other SeaFIC initiatives

SeaFIC is currently spending a considerable amount of money on a television campaign to convince New Zealanders that our fisheries are sustainable, even so there seems to be no money for initiatives that will mean "more fish in the water" for everyone.

Moreover, the focus of the MFish *Fisheries 2030* project is to maximise the returns from the fisheries yet it is the non-commercial sector, through the Guardians of the Sea Charitable Trust, that is supporting an initiative that will maximise investment returns for commercial fishers.

In response Daryl explained that if this work that Rick is doing demonstrates there are efficiency gains - that more money can be earned from less - then economics will drive the necessary change.

SeaFIC, in conjunction with co-funders EECA¹¹, had spent a considerable amount bringing Danish fishing gear expert, Ulrik Hansen, to New Zealand in May 2008, for a year, to examine and discuss various fishing methods.

¹¹ Energy Efficiency and Conservation Authority. <http://www.eeca.govt.nz/>
June 2009 Hui Report

Also, it was significant that while Rick is implementing these changes the other 352 trawler operators around the country are not. Ulrik's visit has sparked some interest in alternative fishing methods.

Rick noted that Ulrik was focused on the cod-end of the net as opposed to this T90 net, which is a whole-net design. Ulrik had spent a little amount of time with Rick and has continued to work with Rick by email since leaving New Zealand.

Investment in fishing

The implementation of the quota management system (QMS) has enabled the monopolisation of quota into the hands of a dozen or so owners. These quota holders reap the rewards from fishing while the actual fishers were earning very little.

Promises of private property rights in fisheries delivering husbandry, rebuilt fisheries and sustainability have not been fulfilled.

There is no shortage of money in fishing however, the high returns are in owning quota, handling, processing and exporting fish. Not in the catching, as evidenced by the poor state of the inshore fleet.

Claims of no money to achieve more fish in the water seemed to be disingenuous, insincere.

Capture methods were not the fish handler's responsibility, all the receiver wanted was the catch. This was demonstrated by the reality that Rick had supplied his catch to Moana Pacific for 19 years yet they were not interested in investing in his new net design.

There is no funding stream that is directed at improving the performance of fishing vessels to produce the outcomes being expressed at this hui, such as the release of juveniles from trawl nets.

However, if the industry is serious about reducing carbon emissions and increasing efficiency then this type of innovation will need to be considered seriously.

Fishing related mortality

Daryl assured the hui that all the small fish that are caught using the old technology, diamond mesh nets, are all accounted for in the process to set total allowable catches (TACs).

This assertion was challenged but there was insufficient time to debate this issue so it was agreed to continue that discussion at another time.

Increasing productivity

There are strong incentives to conserve fish even if, as commercial fishers assert, that juvenile mortality is accounted for in the TAC setting process. Two reasons are quota value and productivity.

If small fish are left to grow bigger then there will be more fish available to be allocated amongst commercial fishers. Shares in available quota will grow and increase in value. This presents a strong incentive to release juvenile fish to increase the overall stock size and therefore yield from the fishery.

Keeping trawl gear off the seabed also has many benefits for commercial fishers. The Hauraki Gulf used to support a huge density of fish. There has been a complete, detrimental change in the benthic environment since trawling was introduced.

In the Gulf widespread distribution of horse mussels prevented use of trawl nets because they would snag and be lost to the fisher. These horse mussels were clear-felled using massive chains strung between vessels.

Productivity has decreased with the loss of habitat and diversity. The Gulf can no longer support the numbers of fish that it used to. This loss of productivity will affect all fishers.

Aside from the incentives to conserve fish, increase productivity, yield and quota values there are added benefits from having sustainable fishing methods independently certified. Markets worldwide are increasingly seeking fish taken using environmentally friendly methods and paying premium prices for that product.

Developing new technology such as the T90 net has many benefits for both the fisheries and environment, commercial and non-commercial fishing interests.

Discussion was reluctantly drawn to a close due to a lack of time. Informal talks could continue throughout the remainder of the hui.

Update from Guardians of Hawke Bay Fisheries

Jonathan Dick and Wayne Bicknell, Napier

Jonathan Dick, Wayne Bicknell and Rick Burch had travelled together from Napier to be at this hui. They were all keen participants of previous Hokianga Accord hui and the Guardians of Hawke Bay Fisheries Forum. It was Jonathan's first Accord hui since leaving the Ministry of Fisheries. He has been chairman of the Guardians for less than 12 months.

The Guardians of Hawke Bay Fisheries Forum is a recently-formed collective, based in Napier, of environmental, commercial and non-commercial fishing interests seeking to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai".

There is a strengthening alliance with Ngati Kahungunu and today had been another opportunity to talk with Tom Paku, who is chairman of the kaitiaki committee for their area.

There are common concerns for the fisheries amongst the community. Initially these issues were raised with the local MP, Chris Tremain. He was very supportive and agreed to chair the Guardians until a community representative was selected. A constitution and incorporation process has been completed.

The Guardians of Hawke Bay Fisheries Forum fully support the T90 net innovations and their aspiration is to have every commercial vessel using this new gear in Hawke Bay waters.

Hui Discussion

Inshore fishing effort

It is Rick's understanding that Auckland and Nelson based commercial fishers seemed to have access to sufficient snapper and other species to fulfil their needs, whereas in Hawke Bay they are struggling.

Rick confirmed there were issues with high-powered vessels fishing in Hawke Bay waters. This has been attributed to having many of the displaced Orange Roughy boats fishing in the Bay.

Quota cuts to Orange Roughy stocks has meant this excess capacity has moved inshore. These boats have anywhere between 1,000 and 2,000 horsepower motors. One of these vessels has arrived from the closed cod fishery in Newfoundland (Canada), and is catching snapper in 40 feet of water.

Local, smaller vessels using between 100 and 400 horsepower motors are vulnerable to the vagaries of the weather, so a severe southerly or easterly means that fishing ceases as crews head to shore. This is a form of conservation that has helped preserve the local fishery for many years.

These higher-powered vessels are generally larger and do not stop unless the weather is extreme. They continue dropping and hauling their nets 24 hours a day, seven days a week. This constant pressure can disrupt the natural feeding and spawning cycles of fish.

Another concern is the vessels targeting scampi have been trawling through the known nursery grounds off Napier using two-inch mesh. This 2-inch mesh is half the minimum 4-inch legal size for finfish trawl nets.

Mortality of juvenile fish is likely to be severe, some unofficial estimates are as high as 85 percent of their catch is dumped or not recorded.

There is no doubt the Hawke Bay fisheries are dwindling and the Guardians are seeking to halt that decline.

Catch surveys

Wayne confirmed the Hawke's Bay Sports Fishing Club has conducted boat ramp surveys for the past three years. Club members have recorded catch from 1,691 anglers in 2006, 2,700 anglers in 2007 and 2,352 anglers were interviewed in 2008. Results are grim. (Refer Table 2)

Catch rates for groper (hapuku) are decreasing and other species are variable. Whatever way the figures are viewed, the fishery is not providing for people's non-commercial fishing interests and certainly not sufficiently abundant to enable people to catch a reasonable amount of fish to feed their whanau.

MFish has advised that the surveys are unscientific and therefore not valid data. However, the club is committed to continuing the survey so they have some measure of what is actually happening in the fishery.

It may be worthwhile approaching MFish again for an explanation as to what needs to be modified so that the survey is considered valid data. This is particularly pertinent if the club is going to persist with the surveys.

Table 2: Results of Hawke Bay club fish surveys.

Ramp Fish Surveys

2006 - 2007 season (16 competition days)

Surveyed: 1691 anglers

Species	Fish per angler day
Snapper	0.94
Gurnard	2.19
Tarakihi	0.44
Trevally	0.15
Groper (Hapuku)	0.23

2007 - 2008 season (17 competition days)

Surveyed: 2700 anglers

Species	Fish per angler day
Snapper	0.85
Gurnard	1.55
Tarakihi	0.36
Trevally	0.10
Groper (Hapuku)	0.09

2008 - 2009 season (17 competition days)

Surveyed: 2352 anglers

Species	Fish per angler day
Snapper	0.94
Gurnard	1.98
Tarakihi	0.43
Trevally	0.08
Groper (Hapuku)	0.07

Update on Regional Recreational Forums

Paul Batten and Richard Baker

Richard Baker was a member of the Auckland/East Coast Regional Recreational Fisheries Forum and Paul Batten, from Waipu, was on the Northern East Coast Forum. The main issues being discussed at the moment was the Minister's proposed recreational-only fishing areas and the ongoing representation of recreational fishing interests.

There was a lack of detail about how or when the recreational-only fishing areas would be implemented, and how effective they would be. More information is being sought.

Representation of recreational fishing interests and how to be a more effective lobby was an issue that was discussed at the November 2008 national hui of recreational forum representatives. Richard, Kim Walshe, Derrick Paul and Laurel Teirney were tasked by the national hui to develop some options for future representation.

Very little progress had been made, although informal discussions had been initiated with various people. Richard was hoping to develop and distribute a discussion document soon.

Alan Keys and Nelson Cross, from the South Island, had distributed a separate document discussing future representation. It was controversial in parts but had not been widely discussed. The document was due to be discussed during the New Zealand Recreational Fishing Council's AGM in late July.

Hui Discussion

Possible future representation

There are a variety of groups advocating for recreational fishing interests with tension between some groups or individuals. If and when a new structure is created it will need to facilitate the ability for individuals to have a meaningful say on issues.

Also, fishers will need to facilitate change themselves. It is unrealistic to expect the government to fund any new structure or provide ongoing support. Using Australia as an example, their government has recently withdrawn their funding support for the body established to represent recreational fishing interests.

Discussions are still underway to identify the problems and develop possible solutions prior to developing a discussion document. Possible solutions could include the dissolution of either or both of the New Zealand Big Game Fishing Council and New Zealand Recreational Fishing Council. However, it is too early in the discussions to determine if that is an answer to having a stronger lobby.

Over the past four years the Kahawai Legal Challenge has featured in many discussions with other interest groups, iwi and both the Minister and Ministry of Fisheries. In some circumstances the absence of a judgment from the Court has hindered progress, in others it has been a central theme but had little influence.

Now that the Supreme Court has dismissed the appeal the amateur sector needs to rally its resources. That is because the Court's judgment does not seem to be favourable to non-commercial interests, MFish is due to restructure its organisation, and policy development such as *Fisheries 2030* is continuing. This would present an ideal time for commercial fishers to push hard for catch levels increases.

Another issue is whether there needs to be a lobbying presence in Wellington, given that, as of October, MFish is centralising its management and science teams there.

Both the NZ Big Game Fishing Council and the NZ Recreational Fishing Council (NZRFC) need to discuss this issue with their constituents.

The NZRFC desire a united voice of representation and recognise that a presence in the Wellington-based working group and policy development processes will be crucial over the next few years.

Functionality and funding for the representative organisation can only be determined after any new structure is agreed upon.

It is likely that both the existing Council's membership will want to retain their organisational structures so it is vital more discussion is facilitated amongst all the groups.

Even when there has been consensus amongst the various groups the Ministry has ignored that advice and proceeded with its own agenda, so there is not universal agreement that a new organisation is required or will be effective. However, a thorough problem identification process will be required before resolution is found.

Collusion between the industry and Ministry on numerous occasions has been detrimental to environmental, customary and amateur fishing interests.

Kahawai Legal Challenge

Stuart Ryan, Barrister

Stuart Ryan was the lawyer for the Kahawai Legal Challenge (KLC) team during the four-year proceedings. Barrister Alan Galbraith QC led the Court hearing assisted by Bruce Galloway and Stuart Ryan.

The New Zealand Big Game and Recreational Fishing Councils spearheaded the challenge supported by option4, Ngapuhi and Ngati Whatua, and many other non-commercial fishing groups and individuals.

At the Court hearing it was argued that a common interest exists between non-commercial fishers, both recreational and customary Maori. Recreational/amateur/sustenance fishing is important to both Maori and non-Maori. If Maori are fishing to feed their whanau, without a permit, this is *categorised* as recreational fishing exercised under the amateur fishing regulations¹².

The legal challenge was heard in the High Court (late 2006), Court of Appeal (February 2008) and finally Supreme Court in February 2009. On May 28th the Court dismissed the appeal taken by recreational fishers.

The legal challenge was a test case taken by recreational fishing interests against the Minister of Fisheries' 2004 and 2005 management decisions for kahawai. The case is significant in being the first time that recreational fishing interests have initiated proceedings against the Minister of Fisheries in the 20 years since introduction of the quota management system.

Overview of Court decisions

In March 2007 the High Court ruled in favour of the recreational parties and directed the Minister to review the decisions taking into account people's well-being, the importance of the Hauraki Gulf Marine Park and the need to review individual daily bag limits. Full costs were awarded against the Crown in favour of recreational parties.

In the High Court, Justice Harrison held that the Minister's decisions setting the total allowable commercial catch (TACC) for kahawai were unlawful, as the Minister failed to have proper regard to people's social, economic and cultural well-being.

The High Court found the Minister placed improper weight on the Ministry of Fisheries' policy of allocating the available fish based on catch history.

The High Court decision was a significant victory for non-commercial fishing interests, especially in view of the court's finding that a significant factor was the common law right to fish for food.

Justice Harrison agreed that before setting the TACC the Minister must first allow for non-commercial fishing interests. While the total allowable commercial catch could be set at zero, the allowance for non-commercial fishers could not be set to zero because they must be provided for where they exist.

Commercial fishers, including Sanfords, Sealords and one other company appealed against the High Court decision. Recreational fishers also lodged a cross-appeal against an aspect of the High Court decision relating to the Hauraki Gulf Marine Park Act.

The Court of Appeal allowed, in part, both appeals in June 2008, but reversed the key High Court declarations in respect of the relevance of people's social, economic and cultural well-being when setting the total allowable commercial catch (TACC). No costs were awarded.

¹² Fisheries (Amateur Fishing) Regulations 1986.
June 2009 Hui Report

Recreational interests sought and were granted leave to appeal to the Supreme Court. Four of the five judges ruled in favour of the commercial fishers' arguments. Chief Justice Sian Elias dissented. She would have allowed the appeal and even suggested part of the majority decision was 'misconceived'. No costs were awarded.

Some of the implications of the Supreme Court judgment had not been fully considered by the legal team so there was more analysis required after the hui. However, there were some positive aspects of the decision which were worth considering. Further information is online at www.kahawai.co.nz/kahawai.htm.

Arguments to the Supreme Court

Clarification was sought from the Courts as to how the Minister of Fisheries ought to 'allow for' non-commercial fishing interests when setting the total allowable commercial catch (TACC) for a fishery.

Section 8 of the Fisheries Act 1996 directs the Minister to provide for the utilisation (use) of fisheries while ensuring sustainability. Recreational fishers argued that the utilisation aspect meant the Minister must manage fisheries to enable people to provide for their social, economic and cultural wellbeing s8(2).

Section 21 sets out how the total allowable commercial catch (TACC) is set. In carrying out this function the Minister 'allows for' non-commercial fishing interests, both customary and recreational, and other mortality caused by fishing.

Sections 8 and 21 were highlighted to counter the Ministry's proportional allocation policy, which has become their preferred way of dividing up a fishery. This proportional approach meant that both the commercial allocation and non-commercial allowances were reduced by the same percentage in 2004 and 2005. It was argued before the Supreme Court that this was unfair if the reductions are required because the fishery has been depleted by the commercial sector.

Commercial fishers argued that non-commercial interests were 'allowed for' through the reductions in the total allowable catch (TAC). The TAC was reduced by a total of 25 percent over the two years 2004 and 2005. This reduction meant that there would be "more fish in the water" because the total catch levels had been reduced.

Lastly, the Crown, representing the Minister and Ministry of Fisheries, conceded that allocation decisions could not be made solely based on catch history, that consideration needed to be given to the broader aspects of non-commercial fishing interests. Otherwise, they accepted the Court of Appeal's decision as correct.

Supreme Court judgment

Overall, the Supreme Court decision by a majority of the Judges was a loss for non-commercial fishing interests. As explained earlier in the hui, there could be implications for customary interests. (Refer page 43).

In the Court's opinion, ultimate discretion rests with the Minister as to the level of total allowable catch (TAC) and how he apportions the catching rights.

When setting the TAC, the Minister may choose to maintain stock size above the level that can produce maximum sustainable yield (MSY). For most fisheries, management at a level above MSY equals greater numbers and larger, older fish.

This means the Minister has the flexibility to leave more fish in the water.

Both the minority and majority decisions of the Court were clear that the TAC must be set first, and is concerned with ensuring sustainability of the fisheries resource.

The Court did not agree with arguments from non-commercial fishers, that the utilisation aspect of the Act's purpose – the need to manage fisheries sustainably to enable people to provide for their social, economic and cultural well-being - expressly guides decision-making when setting the total allowable commercial catches (TACCs) under the Act.

However, an assessment of the 'three well-beings' would seem to be necessary if the Minister was to be properly informed. In this regard the majority decision also held that "*the notion of people providing for their wellbeing, and in particular their social wellbeing, is an important element of recreational interests*".

The Minister is obliged to conform with the purpose of the Fisheries Act and the relative priority between the sectors is a matter for the Minister to decide. The Minister can make a policy decision and has the discretion, provided he is well informed and reasonable, to give priority to either commercial or non-commercial fishing interests.

The Court acknowledged there is provision for the Minister to set the TACC at zero but such decision would be subject to the test of reasonableness, which is a high hurdle in legal terms.

Contrary to the recreational's arguments, the Court ruled that common law rights are not relevant to the Minister's powers under section 21 as these had been largely displaced by statutory powers.

Also, the Court decided that the Minister must allocate all of the total allowable catch (TAC), once it is set, to the relevant interest groups.

This is contrary to what recreational fishers had argued, in that to achieve "more fish in the water" the Minister sets the TAC at a sustainable level then 'allows for' *interests* as opposed to making an allowance for historical catch. Interests would take into account having sufficient abundance to enable people to both have fish available to catch and leave enough for future generations.

While the dissenting view of Chief Justice Sian Elias has some attractive aspects, especially for conservation interests, the majority decision is binding on the Minister, his officials and the lower courts.

There does seem to be problems ahead for the Minister given both pressure from commercial interests and a string of Court rulings, which confirm that he has a duty to impose bag limit reductions to comply with allocation decisions.

The Court has indicated the Minister will need to be properly informed of any allocative implications before he makes a decision. In some cases the outcome of that investigation may be politically unpalatable. For example, analysis by NIWA during the kahawai review showed that the daily bag limit would need to be reduced from 20 per person a (mixed bag) to around six per person.

Further study by John Holdsworth had narrowed that down to a bag limit of three or four at best, in Kahawai 1 (KAH1), the management area between East Cape and North Cape.

Given the Court's confirmation of the Minister's broad discretion and the lack of clarity around whether compensation is payable or not, it would be open to him to apply the Ministry's default proportional allocation policy in future decisions.

This proportional approach is strongly supported by commercial fishers but is highly objectionable to non-commercial interests and was one of the catalysts for the legal proceedings.

Abundance for customary interests

Historically the Minister has set the customary allowances for many fish stocks well above what the actual catch has been, in recognition of Treaty obligations.

It remains to be seen whether this policy will survive a future challenge from commercial interests given the Court's decision and the commercial parties' stance in the High Court, where commercial fishers claimed a share of the "excessive" customary allowance because it was not being fully caught.

It would be reasonable to anticipate a challenge from commercial fishers that the Minister cannot make an excessive allowance for non-commercial customary interests that far exceeds what will be able to be caught.

Implications of Supreme Court decision

The Supreme Court has provided a binding ruling on how the relevant provisions of the Fisheries Act should be applied. This clarification will assist all fishing interests.

The Court has concluded that the TAC is the primary mechanism available to the Minister to ensure sustainability. Both the majority and minority decisions held there ought to be a separate decision to set the total allowable catch (TAC), which must be set prior to the total allowable commercial catch (TACC). Historically these decisions have been made at the same time.

It is a reasonable interpretation from the Court decision that the TAC should be set before the Minister decides on the allowances and finally the TACC. This could have both positive and negative implications. It could lead to two separate consultation rounds, one for the sustainability aspects in setting the TAC, and another for the utilisation, distribution of the available fish.

On the one hand this would effectively isolate the discussions around sustainability from the debate about who gets what amount of fish. Conversely, two separate processes would require additional engagement and resources from non-commercial fishing interests.

There may be some value in discussing this issue with MFish to ascertain whether there will be any change to how they are going to manage future sustainability rounds.

In future there could conceivably be more pressure, applied by commercial interests, on the Minister to set reasonable overall allowances and enforce measures on individual fishers to ensure that they are not exceeded.

The minority decision does provide an alternative view of how the sustainability process could operate and possibly better allow for non-commercial environmental and non-commercial fishing interests. It maybe worth considering if there is going to be legislative change. However, commercial interests would likely challenge that approach because it would make the TACC setting process and outcome even more uncertain than what it is now.

If there was to be legislative reform non-commercial interests could consider whether there is a need for express criteria to be listed in section 21 to clarify the matters that need to be taken into account when fisheries are divided between the interest groups. There are strengths and weaknesses to this approach. An example is in section 104 of the Resource Management Act, which has specific factors that guide the decision-making process.

These kahawai proceedings were the first time amateur fishers have fully engaged in the legal process to help define their rights and fight for their interests.

Non-commercial fishers, both Māori and non-Māori, have learnt some important lessons about the judicial system and decision-making processes, which will be put to good use in the future.

Hui discussion

It does seem that the majority decision has given discretion to the Minister to set any of the allowances, for customary, recreational or mortality, at zero for the benefit of other users, including commercial interests. Next year's review of kahawai management will be a good indication of where the Minister of Fisheries' priorities lie.

Richard Baker, on behalf of the New Zealand Big Game Fishing Council and all other non-commercial fishing interests, thanked Stuart Ryan, Bruce Galloway and the legal team for their dedication to the proceedings, and acknowledged Scott Macindoe for his financial support.

While the outcome may not have been as positive as hoped, the process had sharpened the focus and was good preparation for any proposed changes to the Fisheries Act 1996 in the future.

Day's Conclusion

It was late in the evening by the time Samara Nicholas stood to address the hui. Winnie Clarke from Ruawai, had recommended Samara attend her first Hokianga Accord hui, and she was pleased to have had the opportunity to do so.

Samara is a marine educator based in Whananaki and is part of the Experiencing Marine Reserves (EMR) national programme, which aims to educate communities about marine protection. EMR support both marine reserves and mataitai.

She has the same passion for "more fish in the water" for the future so makes a special effort to teach kids about the ocean, marine reserves and inspiring them to make a difference by becoming more active in local issues.

Samara was excited that Waitai Tau, son of the Accord's chairman Sonny, is featured in the project's recently released DVD. The movie shows Waitai with his school mates exploring and enjoying activities based around the Northland shoreline.



Late evening in the wharenui at Whitiara Marae, Te Tii, Purerua Peninsula in the Bay of Islands. June 2009.

Friday 12th June

Greenpeace sustainability report

Karli Thomas, Oceans Campaigner, Greenpeace

Greenpeace officially attended the hui for the first time, with three people from their oceans campaign team. Greenpeace oceans campaigner, Karli Thomas, emphasised the common ground between environmental organisations and customary and recreational fishing groups, and the shared need for more fish in the sea, healthy and abundant ocean ecosystems and fish for the future.

Although there was not time in the hui agenda for a presentation of the recent Greenpeace report *While Stocks Last - Supermarkets and the Future of Seafood*, copies of the report were distributed and the thinking behind the campaign was discussed informally. The report is available from the Greenpeace website <http://www.greenpeace.org/new-zealand/sos/while-stocks-last>.

Accord Public Awareness Update

Scott Macindoe, option4, Auckland

The Hokianga Accord has had a stall at the last five annual Ngapuhitanga Festivals, three in Kaikohe and two in Auckland. Hokianga Accord and Kahawai Legal Challenge information has been distributed during all the festivals. Scott has attended all five along with others of the team.

At the most recent event held in Waitakere George Riley was assisting with both the Hokianga Accord and Ngapuhi displays. Flax-roots feedback has been consistently positive and appreciative of the effort being made to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai".

Written material was provided to people who were interested in knowing more about the Accord's activities, including the updated brochure¹³, copies of the *New Zealand Fishing News* monthly Updates and hui reports¹⁴.

The *New Zealand Fishing News* magazine is unique in that it is the only non-Maori mainstream fishing publication to recognise the value of having a tangata whenua perspective. They have dedicated a regular slot for the Accord to write 500 words every month and inform people what is happening in the north.

Grant Dixon, the editor, has been instrumental in establishing this practice and has published 22 Hokianga Accord Updates so far. All of these Updates are online and can be downloaded from the Hokianga Accord's site at [http://option4.co.nz/Updates and Alerts/accordupdates.htm](http://option4.co.nz/Updates_and_Alerts/accordupdates.htm).

Guardians of the Sea Trust

Scott Macindoe, Guardians Trustee, Auckland

Scott is a Trustee of the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa*, along with Wane Wharerau, Tom Fox (chairman), Martin Irvine and Jason Foord. Steve Sangster is the secretary and author of the Trust's monthly Updates, which are also published in the *The New Zealand Fishing News* magazine.

¹³ http://option4.co.nz/Fish_Forums/hokianga.htm#public

¹⁴ http://option4.co.nz/Fish_Forums/hokianga.htm#reports

Tax deductability is now available for people wanting to give money to support the work to achieve “More fish in the water”. A brochure has been developed and distributed to encourage both awareness and donations, so that project funding can continue. The Guardians have also established a website www.guardians.org.nz.

Recently the Guardians provided \$10,000 to the New Zealand Big Game Fishing Council in support of the Hiwi the Kiwi Goes Fishing project, discussed earlier in the hui. (Refer page 23).

Ongoing support has been provided for the trawling innovations being tested by Richard Burch, in Napier. The Trust is very pleased the project is about to launch into running the twin rig system so comparative data on juvenile mortality and bycatch can be collected and reported. (Refer page 48).

Modest funding has also been provided to the Guardians of Hawke Bay Fisheries Forum to assist in its establishment and to support their secretariat.

option4, the NZ Big Game Fishing Council and the Hokianga Accord have all benefited from Trust funds. All applications from these organisations that have complied with the Trust’s deed have been considered, and most have been accepted.

Black Magic Tackle have been a very generous donor to the Trust, as have a growing number of individuals. Without that generosity and insight the Trust could not assist these initiatives.

It was unfortunate the current economic downturn had occurred just as the Trust was ready to go into a major fundraising drive with high net worth individuals. That initiative will occur as the opportunity arises, with a strong emphasis on the benefit of a 33.3 percent tax deduction for donations up to a year’s earnings.

Fisheries 2030 Strategy

Group discussion

Background

In the last half of 2008 MFish held separate stakeholder meetings to discuss a vision strategy, to reflect how all interests wanted New Zealand's fisheries to look like by the year 2030. MFish engaged a contractor, PricewaterhouseCoopers (PwC), to collate the responses and develop a report for the Minister.

In March 2009 the PwC report, Fisheries 2030 – Vision, result areas and action plan. Unlocking the potential of the New Zealand fisheries sector, (Fisheries 2030), was released.

This report suggests there are significant problems existing in fisheries and advised that, “*the status quo is, in this important sector, not a tenable option*¹⁵”.

In MFish's view this project aims to develop new institutional arrangements and tools to unlock this potential. MFish has also indicated that legislative reform maybe required to support implementation of the plan.

MFish met with Te Kahui Maunga o Tangaroa, the National Iwi Customary Fisheries Forum, at the end of April to discuss the *Fisheries 2030* proposals. As discussed earlier in the hui, Te Kahui has offered their initial feedback to the Ministry (Appendix Three) and since developed a further document. (Refer page 39)

Two multi-stakeholder meetings were held in Wellington on the 14th and 28th of May. MFish, PwC, industry, environmental, customary and amateur fishing representatives were at these meetings.

Trish Rea attended on behalf of option4 and the Hokianga Accord. A report of both meetings was distributed by email and posted online at http://option4.co.nz/Fisheries_Mgmt/2030.htm#corresp.

Response to Fisheries 2030 proposals

Preliminary feedback from non-commercial environmental and fishing interests reflects major concerns about a number of issues, including the lack of any public consultation prior to implementation of the plan and any subsequent legislative change.

Also, the focus of the project had changed from developing a collective vision to maximising the economic return from the fisheries.

MFish has made it clear that this is a process of “engagement” with interest groups as opposed to ‘consultation’, therefore the Ministry will listen to the feedback but will be providing their own advice to the Minister before he is due to report back to his Cabinet colleagues in July.

Prior to this hui a response document had been drafted and distributed. This was open for discussion, amendment or other suggestions. The aim of the document was to outline practical, cost-effective solutions to achieve "more fish in the water/kia maha atu nga ika ki roto i te wai".

Joint response

The original intention of the document was to present a collective non-commercial environmental and fishing interest view to the Minister at this hui. This had not been possible in the time available. After further discussions at this hui, it was agreed that a letter from this alliance of interest groups would be sent to the Minister. The joint letter would include an agreed set of principles.

¹⁵ http://option4.co.nz/Fisheries_Mgmt/documents/PWC_2030_Report_19_02_09.pdf, page 1.

Contributors to the alliance include:

- ⇒ the Hokianga Accord;
- ⇒ Greenpeace Aotearoa - New Zealand;
- ⇒ the Royal Forest & Bird Protection Society of New Zealand;
- ⇒ the Environment and Conservation Organisations of Aotearoa New Zealand;
- ⇒ the NZ Big Game Fishing Council;
- ⇒ the NZ Recreational Fishing Council;
- ⇒ the Guardians of Hawke Bay Fisheries;
- ⇒ the NZ Angling and Casting Association;
- ⇒ the Council of Outdoor Recreation Associations of NZ;
- ⇒ Marlborough Recreational Fishers Association;
- ⇒ the Wellington Recreational Marine Fishers Association; and
- ⇒ option4.

It was somewhat surprising to hear Daryl Sykes of SeaFIC express the previous day that he had not been aware of any opposition to the MFish *Fisheries 2030* proposals until this hui.

Moreover, it was interesting to hear earlier in the hui, the Minister echo previous claims that he knows he is doing a good job when all interest groups think he is in another sector's 'pocket,' by showing bias towards one or other group. This did not engender confidence that he would be listening to the collective non-commercial concerns.

Given the pre-determined nature of the *Fisheries 2030* project, there was a danger in just responding to the Ministry's proposals, without offering an alternative approach.

While the draft response document had merit there was a pressing need to have a collective submission to give to the Minister outlining the concerns and offering workable solutions.

Collective letter

Karli Thomas was at this hui with three Greenpeace colleagues. They confirmed their commitment to participate in the development of a joint letter to the Minister.

Clive Monds from the Environment and Conservation Organisations of Aotearoa New Zealand (ECO) also confirmed their willingness to contribute to a joint response to the Minister and Ministry.

While there were no Forest & Bird representatives at this hui their conservation advocate, Kirstie Knowles, had earlier indicated their organisation's support for a collective response and alternative strategy.

Hui participants spent the next hour working through ideas and drafting principles for the joint letter to the Minister.

Value of fishing

An important element that had been overlooked in both the MFish and non-commercial draft documents was the economic value of the non-commercial sector. The MFish document was clearly focused on maximising the economic return from fish however, non-commercial fishing was valuable both in monetary and non-monetary terms.

In 1999 MFish commissioned the South Australian Centre for Economic Studies (SACES) to report on the value of recreational fishing in New Zealand. The report focused on five most popular species,

they were snapper, crayfish, kahawai, kingfish and blue cod. SACES estimated recreational fishing expenditure to be around \$973.5 million dollars per annum.

Audit of fisheries

The Auditor General's report on fisheries may also provide some useful information. The initial report was filed in 1999 and followed up in June 2005. The Parliamentary Commissioner's report on fisheries is another source of material that could be used.

For some years ECO has been advocating for another Auditor General's report on fisheries. So far this request has fallen on deaf ears.

A list of fish stocks without reliable status information may also be helpful. For example, kahawai has been discussed for over five years yet MFish only have a reliable stock estimate for Kahawai 1. There is no new information for the other five kahawai stocks.

Certification of sustainability

There are question marks as to the validity of fisheries such as hoki receiving sustainability certification from the Marine Stewardship Council (MSC). Fish with this tick of sustainability attract higher prices overseas. The Minister earlier indicated that MFish is working with industry to get more fisheries certified. This will be one way to increase the economic return from fisheries.

Vision statement

Good visions have measurable statements of how you know you are successful within the timeframe specified. The current draft vision statement does not meet that criteria, nor does it have any 'romance' that will inspire people.

Recognition of tikanga

Any submission to MFish or the Minister needs to include proposals for seasonal fishing, if the Accord is serious about having "more fish in the water". There is a tradition of leaving fish alone when they are spawning to encourage abundance in the future.

This tikanga [best practice] is not currently acknowledged by fisheries managers, even though section 12(1)(b) of the Fisheries Act directs the Minister to have particular regard to kaitiakitanga. The Crown's ongoing, statutory obligations to tangata whenua will also need to be highlighted in the correspondence with the Minister.

Nora Rameka presented the Accord with a copy of their Kaitiaki's recently completed rohe moana management plan that covers the waters in the northern Bay of Islands. She suggested that many of the issues already identified had been addressed in the Whakature plan and was knowledge passed down from their ancestors. Whakature was willing to share that information with alliance rather than expending effort in trying to develop something new. The alliance appreciated this offer and would review the plan before finalising the correspondence.

Feedback to MFish

It was important a response was provided to the Ministry by their 16th June deadline. Given that the Minister was due to report back to his Cabinet colleagues by July, it would be necessary to provide him with some feedback before that time.

Any feedback will need to be simple, realistic, measurable and from the context of this hui.

It was agreed that Trish Rea would coordinate a working group, made up of a representative from each organisation, to develop a draft letter for the Minister. Each representative would be responsible for distributing the draft amongst their constituents and providing feedback and ultimately sign-off.

A similar working group process would be taken with the sustainable strategies document already drafted. However, given the limited timeframe it was unlikely that the environmental organisations would have time or resources to devote to this effort.

The Accord and other organisations were satisfied that everyone would do their best so that feedback would be with the Minister and Ministry by the end of the following week.

* On June 17th two documents were sent to the Ministry and Minister:

⇒ Joint letter to the Minister, from non-commercial environmental and fishing interests (Appendix Four)

http://option4.co.nz/Fisheries_Mgmt/documents/Fisheries_2030_joint_letter_to_Minister.pdf
and

⇒ Sustainable strategies for more fish in the water, from the Hokianga Accord, the NZ Big Game and Recreational Fishing Councils and option4.

http://option4.co.nz/Fisheries_Mgmt/documents/Alternative_joint_strategy_2030.pdf

A record of this process, a report of a meeting with the Minister and further submissions to the Minister and MFish are online at http://option4.co.nz/Fisheries_Mgmt/2030.htm.

Hui Evaluation

At the conclusion of each Hokianga Accord hui all participants are given the opportunity to make a closing statement or provide their feedback on their experience of the hui. The evaluation session provides a valuable opportunity to hear from people who were not presenters or the main contributors to the two-day hui.

Sonny Tau, co-chairman of the Accord thanked everyone for their willingness to share their knowledge throughout the hui and confirmed that this session was an opportunity for people to express what they had learnt and offer suggestions for the next Accord hui.

It had been a very positive hui with full and frank discussions. For a newcomer to both marae and Accord hui it had been very powerful experience. All our communities would benefit if this type of collaboration could be reproduced nationwide.

The Accord seemed to be making good progress. The next challenge will be both educating the public about the state of our fisheries and inspiring them to support what the Accord and many others at hui advocated, which was "more fish in the water/kia maha atu nga ika ki roto i te wai".

It had been an eye-opener to witness the close relationships between both Maori and Pakeha at this hui. Having the health of the whenua/land and moana/sea as a basis for discussions is a start to wider relationship building. The hui had been uplifting and the next hui would be attended with pleasure and interest.

Water quality issues need to be addressed along with fisheries matters. Other interest groups that impact on both land and sea through sediment generation are forestry operations and the building industry. Involving them in Accord discussions maybe beneficial in the long-term.

Paul Haddon was acknowledged for his effort in bringing into the Accord kaitiaki from Hokianga Ki Te Raki Takiwa. Regular participation in the forum's hui for the past three years had broadened the kaitiaki's view of fisheries management, and the impacts of management on both customary and amateur fishing interests.

It was concerning as a great-grandfather to learn of the accelerating destruction of our taonga/treasures in fisheries and the moana. However, it was encouraging to know that the Accord was striving for "more fish in the water" so that everyone's mokopuna would benefit.

There was a certain humility associated with returning to Whitiara marae after visiting twice before and knowing that this marae was where the first Accord hui was held in May 2005. The hospitality and warmth shown to both Maori and non-Maori was appreciated.

It had been a pleasure listening to the debates, helping out in the kitchen and enjoying the delicious food. All this was made much sweeter because it meant a couple of days off school for the younger participants.

The ongoing commitment and effort by everyone involved in the Accord was marvellous. It was such a pleasure to be able to tell others about what the Accord is doing to achieve better fisheries management. This was important not only for the well-being of future generations, but also because of the quality of life enjoyed by those who fish and the people that you meet while fishing.

It was encouraging to have more young people attend this hui and get involved in the discussions. After thirteen overnight hui there had been no major disagreements, this was a testament to the attitude of everyone involved. This collective approach to common concerns bodes well for the future of the fisheries and all New Zealanders well-being.

The whanaungatanga/relationships evident at this hui was heartening. It offered encouragement for others wanting to establish similar forums in their regions.

In the future it would be powerful if there was more korero/talk from the local kaitiaki. While it was an education and necessary to talk about the national issues the Accord could be missing out on hearing about key, local issues.

It was unrealistic to expect everyone to agree on all matters however, it was important that the various groups at this hui, both environmental and fishing, carried on supporting each other on common issues.

For too long these groups had been divided but so much more could be achieved with solidarity. It is blindingly obvious that we all want more fish in the sea and a healthy and abundant ocean and it was great to be narrowing the gap between the interest groups.

The Hokianga Accord was a good example of collaboration between different interest groups, Maori and non-Maori, customary, commercial and amateur fishing. The way Maori had organised representation of their interests was an example of how the amateur fishing sector could re-organise itself to have one representative body speaking on behalf of the public.

Most of the major decisions that affect our fisheries and our lives are made in Wellington. Serious consideration needs to be given to having effective lobbying and input into the Ministry's policy and science processes conducted in the capital. This was even more important given the proposed restructuring of MFish.

Back in 1989 Moyle's promise¹⁶ was made in the process to develop a vision for 2008. That statement from the then Minister of Fisheries, Colin Moyle, clearly spelt out that priority would be given to non-commercial fishing if fisheries were not abundant enough to support both commercial and non-commercial interests. It was disappointing that 20 years later conversations about a vision and priority are still occurring.

The Hokianga Accord was unique in its composition so it was encouraging to hear the Minister and MFish staff working towards building an acceptable model that includes and recognises the Accord.

Ngati Kahu had aspirations for a mataitai in the far north. After several years of discussions and working with MFish very little progress had been made. A decision was made to declare Mana Moana, which they did in late 2008. It was widely advertised and the Ministry's only response was a compliance question about whether section 27A, of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, still applies. Section 27A will be retained until the Runanga has completed a management plan for their rohe.

It would have been helpful to have more time the previous day to ask the Minister questions or make a comment, but he had to leave sooner than expected. If the Minister is going to attend future Accord hui more time needs to be set aside for him to stay and speak.

To be more effective the forums needed a link between each other to raise awareness of how the various groups are operating, and what the issues are. Being completely separate units made it difficult to keep up with others' progress and important issues.

It was very interesting to have the SeaFIC representative at the hui the previous day. It helps to build relationships, understand the arguments and also how non-commercial fishers are impacting on commercial interests. This collaborative approach could be of benefit to all fishing interests. Industry representatives ought to be invited to future hui.

¹⁶ http://option4.co.nz/Your_Rights/moyles.htm

Suggestions for one representative organisation for amateur fishers may have merit but the problems need to be clearly identified, discussed and agreed before solutions can be found. If the problem identification process is carried out effectively often the solution is obvious.

In these tough economic times the government was desperately looking for ways to make money. We need to remain vigilant that the fish that belong to our mokopuna are not sold in the pursuit of short-term gain. The *Fisheries 2030* project seemed to be such a scheme and needed to be rebutted.

It was obvious there were less fish available for non-commercial interests. The simple answer is to leave more fish in the sea. Demands for higher returns from commercially caught fish can be met through adding value to the product sold overseas. That can be achieved through clever marketing and developing new ways to serve our kaimoana.

Inspiration and invigoration is what the Accord means to many people. It is also an opportunity to catch up with people who are now friends with a genuine, common goal. The Accord is special in the way it welcomes people from all over the country, not just Northland.

The way that the environmental organisations have been accepted at this hui is a measure of progress for the forum. It was important to back-up all the conversation with some action and Greenpeace are keen to be involved in further discussions with the various groups to achieve healthy and abundant oceans.

Contrary to earlier views, a lot has been achieved despite the differing views held by the groups representing amateur fishing interests. Two notable successes have been the rejection of successive proposals to implement proportional allocation and change people's right to fish. Non-commercial fishing rights or area rights are not for sale.

With *Fisheries 2030* the opportunity exists to broaden the collective response to the Ministry, to include environmental groups. More can be achieved by doing things together and hopefully other initiatives will emanate from that closer relationship.



Ringa wera/kitchen crew (Left to right) - Erin Rea, Robyn Heaps, Bill Hemana, Richard Dods and David Casey.

Conclusion

Sonny concluded this two-day hui by highlighting some of the main issues that need to be addressed.

There is undoubtedly an advantage if the amateur fishing sector can organise itself to speak collectively. This would simplify engagement with both the Ministry of Fisheries and the commercial sector. The commercial sector has been successful because it largely presents a combined voice to MFish.

While some people may perceive that progress is slow for the Accord, there is a huge amount of effort going into developing discussion documents, proposal summaries and submissions. People at the hui were encouraged to join the mailing list so they too could have input into these development processes.

It was all very well presenting problems; the real achievement will be to engage all interests in meaningful discussion to produce agreed outcomes.

Nga Hapu o Taiamai Ki Te Marangai was the first group to gazette their rohe moana under the Fisheries (Kaimoana Customary Fishing) Regulations 1998. Waata Rameka was one of the kaitiaki from fourteen marae who had applied for Te Puna mataitai in the northern Bay of Islands and they were pleased to present the Accord with a copy of their rohe management plan.

It was a pleasure for Ngati Rehia to host the Hokianga Accord and hear the enlightening discussions. Innovations such as the T90 net being tested in the Hawke Bay were exciting developments, which needed support so that fishing could continue in the future.

Nora Rameka briefly explained the history of Ngati Rehia in Te Tii, where the marae was situated. As children their staple diet was not meat, it was fish, oysters and pipi gathered from within the bay.

Their old people urged them to maintain the kaimoana and water quality, but also taught them that to be successful they had to sustain the land. This was the basis of their Hapu Environmental Management Plan, which they had developed over the past four years.

The Accord was welcome to use the environmental and rohe management plans if that helped to bolster what the forum was trying to achieve.

Now that both documents were completed, the kaitiaki looked forward to presenting their both of their management plans at future Accord hui.

Hima Heihei expressed his thanks to everyone for coming to Whitiara marae, sharing their views and knowledge with each other and wished them well for the journey home.

Waitai Tua reminded anyone who wanted to return to Whitiara to make contact with Nora Rameka so that she could notify the hapu around the Bay and ensure there was a warm welcome.

Another successful hui closed with a beautiful rendition of Pokarekare Ana, a hymn and karakia [prayer] by Waitai.

Himene

How Great Thou Art

Whakaria mai

Tou ripeka ki a au

Tiaho mai

Ra roto i te po

Hei kona au

Titiro atu ai

Ora mate

Hei a au koe noho ai.

Appendix One – MFish Answers to Hokianga Accord Questions

8 April 2009

Trish Rea
Hokianga Accord
AUCKLAND 0604

Tēnā koe Trish

HOKIANGA ACCORD QUESTIONS & RESPONSES

Thank you for your letter of 18 November 2008. On behalf of the Hokianga Accord, you enclosed a summary of questions arising out of the last meeting of the Accord that was held in September 2008.

I will address the questions in the same order as posed in the enclosure, but firstly please accept my apologies for the delay in providing this response.

Mortality from deeming

Our Science Team has provided the following information.

Catch history is used in the snapper models to provide the best assessment possible at any time. A 10% allowance for under-reporting has been included for each year since 1986 (20% before that year). This is not an allowance for deemed catches but for illegal and other sources of mortality. However, any deemed catch would be included in the model as part of the catch history, where reported.

The situation with the TAC and allowances is outlined in the following table taken from the Plenary Report.

TACs, TACCs and Allowances (t) for Snapper by Fish Stock from 1 October 2005

<i>Fish Stock</i>	<i>TAC</i>	<i>TACC</i>	<i>Customary Allowance</i>	<i>Recreational Allowance</i>	<i>Other mortality</i>
<i>SNA 1</i>	7550	4500	2600 (combined)		450
<i>SNA 2</i>	450	315	14	90	31
<i>SNA 3</i>		32.3			-
<i>SNA 7</i>	306	200	16	90	-
<i>SNA 8</i>	1785	1300	43	312	130
<i>SNA 10</i>		10			

Note that the deemed catch in future years is not provided for at all. The deemed value is meant to protect the TACC from being over-caught, and ideally deemed catches would be zero (in a perfect ACE trading-world and no rogue fishers).

The deemed value for snapper in area 1 is \$13 annual (\$6.50 interim) with the normal ramping up to \$26 for 100% over-catch. SNA 8 attracts a lower rate of \$8 annual (\$4 interim). Deeming in the 2007/08 fishing-year was minimal in both areas.

Forum Support

A letter sent to Sonny Tau dated 19 July 2006 from the Deputy Chief Executive, Stan Crothers, states:

“In respect of the Hokianga Accord, it is clear that most Mid-North leaders do not consider that this vehicle is as yet their preferred option for input and participation into fisheries management processes. As such it cannot be considered to be a Regional Iwi Forum and it would not be appropriate for the Ministry to fund its operations from resources that Government has allocated to provide for the input and participation by tangata whenua.”

Advisers to MFiSh

The Iwi Reference Group’s purpose is to provide advice to me at a strategic level. The individual members were invited to be part of the advisory group because of their role in Māori society as leaders of iwi and their ability to look at strategic interactions between Māori and the public sector. They are not intended to be representative of either particular iwi or sectors of iwi interest. Consultation, prior to their appointments, was held with the then Associate Minister of Fisheries, the Hon Parekura Horomia.

Mātaimai application

A public meeting to consult with the local community is a required step in the mātaimai reserve application process under the kaimoana customary fishing regulations.

On 14 August 2008, the Ministry wrote to the applicants for Te Puna mātaimai reserve, Te Komiti Whakature I Nga Taonga a Tangaroa (the Komiti), advising of the reasons that the Ministry would not hold the required public meeting at Te Tii Marae during the Hokianga Accord hui on 4-5 September 2008.

The Ministry stated that the sole purpose of the public meeting is for the Ministry and the Komiti to consult with the local community, as defined in regulation 2 of the kaimoana customary regulations. The Ministry advised it considered attendees at the Hokianga Accord hui may not be representative of the local community; although some might meet the local community definition, and that some local community members interested only in the mātaimai reserve application may not wish to attend the meeting if it was part of a wider agenda covering matters that did not concern them.

The Ministry suggested the public meeting be held on a date after the Hokianga Accord hui, and asked the Komiti to propose a date and venue. The meeting was held at Whitiara Marae, Te Tii, on 6 October 2008, as recommended by the Komiti.

On 6 November 2008, a further meeting was held in Kerikeri between the Komiti and a commercial rock lobster fisher whose operation would be affected by establishing the proposed mātaimai reserve. Staff from the Ministry also attended this meeting.

In terms of identifying areas of cultural significance within their rohe moana, the Customary Relationship Manager recently received a proposal from the Chair of the Kaitiaki Komiti. With the Ministry agreeing to fund this initiative, I understand the ‘upskilling’ of the Tangata Kaitiaki took place today.

Treaty Strategy

What is the relationship strategy?

The Treaty Strategy seeks to develop a model for hapu and iwi to have effective input and participation in fisheries sustainability processes. It also seeks options to make the most effective use of the available resources to achieve this objective.

How had MFish implemented the strategy?

MFish has not implemented the proposals signalled in its Treaty Strategy consultation document. Consultation and submissions closed on 31 March 2009. Analysis of written submissions and consultation hui information is being considered and decisions on the preferred approach will be made subsequently.

How well has MFish implemented the strategy?

See above.

With what has already been done by MFish, how does that fit in with the strategy?

There is a range of existing engagement models being applied around the country. Once an optimum input and participation model has been developed, taking into account matters raised by hapu and iwi in consultations, there will an assessment required of how consistent existing processes are with the optimum model.

How has MFish gone about measuring your successes?

Decision on the optimum model for hapu and iwi input and participation has not been completed. The model will be supported by monitoring and evaluation processes to measure results of the policy.

MFish talks about relationships with groups of people, I don't know of anyone in here (hui) who has been consulted in terms of that relationship ... you mention you talk to your Pou Hononga, it would be nice to know if you had actually spoken to the other partner in the relationship.

A presentation on the Treaty Strategy was made at the last Hokianga Accord hui at Te Tii Marae (and Paihia); presentations were also made at the Ngä Puhi Runanga offices (two people attended), a hui was held in Whangarei (Forum North) for hapū / iwi in that area (attendance three), and Auckland for Ngāti Whātua and iwi in the Tamaki Area. MFish has made an effort to make itself to iwi across the Mid-North to discuss the Treaty Strategy.

Nāku noa,
nā

Wayne McNee
Chief Executive

c.c. Raniera T (Sonny) Tau
P O Box 263
KAIKOHE

Appendix Two – MFish Mātaimai Letter to Iwi Reference Group

19 March 2009

Tēnā koe,

Support for Mātaimai Reserves

The Ministry of Fisheries is currently reviewing the way our organisation works. The purpose of the review is to ensure we will be as ready as we can be for the work we have to do over the next few years. Running parallel to the review is the Ministry's Treaty Strategy consultation process; the Strategy aims to deliver on our specific fisheries obligations to Māori. To better inform this process, feedback from tangata whenua around the country is being sought.

While we are undertaking the review, the Minister of Fisheries has requested that the Ministry should not promote mātaimai reserves, and that our staff should not provide any assistance and support to tangata whenua in the preparation of mātaimai reserve applications.

Given the need to align ourselves with this thinking, the new policy will apply to all Ministry staff: it will have, in particular, an effect on the work of the Pou Takawaenga. Applications for mātaimai reserves, however, will continue to be progressed in the usual way. What will change is that the Ministry will not promote mātaimai reserves; more significantly it will not assist tangata whenua with the drafting of their applications.

Ministry staff, including those from the Inshore, Pou Hononga and Pou Takawaenga Teams, will continue to have active roles in engaging with tangata whenua including:

- ⇒ processes associated with the appointment of Tangata Kaitiaki and Tangata Tiaki
- ⇒ developing rohe moana plans with tangata whenua
- ⇒ meeting protocols and treaty settlements agreed between tangata whenua and the Crown
- ⇒ implementing foreshore and seabed settlements
- ⇒ co-ordinating and managing iwi forums
- ⇒ assisting tangata whenua provide input to fisheries plans and, more generally, into management of fisheries.

We will continue to work with our staff and the Minister to ensure the government's expectations of our work are effectively integrated with the Crown's obligations to tangata whenua and will better align with the results of our organisation redesign project.

Nāku noa,
nā

Appendix Three – Te Kahui Maunga o Tangaroa, Fisheries 2030 Position Paper

14 May 2009

Introduction:

This paper has been prepared by Te Kahui Maunga o Tangaroa for the Iwi and multi Stakeholder meeting on 14 May 2009 in Wellington:

Background:

Te Kahui Maunga o Tangaroa, National Customary Fisheries Council Inc. has been established under the auspices of the inaugural Hui of the National Customary Fisheries Forum held in Rotorua on 21 and 22 November 2007.

The Forums represent customary fishing interests which are identified at appendix 1. And does not represent Maori Commercial interests;

Mission:

The Council is committed to:

- ⇒ Tupuna rights and traditional practices including those customary rights guaranteed and confirmed by the Treaty of Waitangi and reaffirmed by the Treaty of Waitangi (Fisheries Claims) Act 1992
- ⇒ The members will engage in accordance with the principles of manaakitanga, rangimārie and mana
- ⇒ Ensuring participation at a national level in the customary fisheries industry
- ⇒ Improving customary fisheries obligations through closer relationships with key national and regional stakeholders involved in the fisheries industry

Its mission is to serve as a national body that recognises and acknowledges importance of customary fisheries as a vital building block which sustains whānau, hapu, Iwi existence and will endeavour to conduct itself in a manner that supports this kaupapa

Activities / Functions:

- ⇒ To work with the members to identify the key customary / Iwi fisheries issues and to decide on how these may be best represented at a national level
- ⇒ Strengthen knowledge and understanding of customary fishing rights and traditional practices through education and the promotion of these rights and practices for the benefit of its members and the wider community
- ⇒ Ensure that it is well linked to the authoritative sources of information
- ⇒ Adopt an evidence-based approach
- ⇒ Engage proactively with other Stakeholders
- ⇒ Acknowledge and uphold the mana of its respective members and their right to represent their particular issues as they see fit
- ⇒ Adopt a consultative approach with its members
- ⇒ Be mindful of the role of the other stakeholders in representing the interests of their constituents and ensure that these interests do not override the tupuna rights of Tangata Whenua
- ⇒ Maintain a high level of integrity in carrying out its role and function by upholding te mana me te mauri o nga tupuna

Fisheries 2030:

In regards to the 2030 Vision document the Customary Forum Chairs have met as follows:

30 April 2009 – 2030 document presented for the first time to the full Council; a one day Workshop was facilitated by Stan Crothers and Wira Gardiner; Phil Kirk, Carl Ross (Ministry of Fisheries); 2030

8 May 2009 – a one day Workshop was held by Iwi Forum Chairs to further consider the document;

Position we take on this process:

Te Kahui Maunga o Tangaroa:

- ⇒ intends to be involved and will contribute positively to every phase of the development and implementation of the 2030 strategy;

Key Issues:

The Strategy:

- ⇒ Does not fully recognise customary interests in terms of values
- ⇒ Appears to have prioritised Commercial interests above other sectors

Recommendations:

1. That the multi Stakeholder meeting receives notes and discusses this paper as tabled.

Appendix Four – Fisheries 2030 June Joint Letter to the Minister of Fisheries



GREENPEACE



Hokianga Accord



Hon. Phil Heatley
Minister of Fisheries

cc. Ministry of Fisheries

Parliament Buildings
Wellington

17 June 2009

Dear Minister

Fisheries 2030 and an alternative collective view

It was heartening to hear you confirm at last week's Hokianga Accord hui, that all your future fisheries management decisions will be based on improving the health of our fish stocks. This is good news for all New Zealanders who have an interest in abundant fisheries and a healthy marine environment.

Our organisations share major concerns about the current Fisheries 2030 strategy and its focus on maximising use and economic benefits from the marine environment to the detriment, we believe, of our social, environmental and cultural wellbeing.

The environmental and non-commercial fishing interest signatories to this letter wish to go on record that we do not support the Fisheries 2030 strategy, vision and process in its current form.

In the interests of being constructive and progressing the discussion we offer you an alternative management strategy and a vision that is supported by the following organisations:

- ⇒ Royal Forest & Bird Protection Society of New Zealand;
- ⇒ Environment Conservation Organisations of Aotearoa New Zealand;
- ⇒ New Zealand Big Game Fishing Council;
- ⇒ New Zealand Recreational Fishing Council;
- ⇒ Hokianga Accord, mid north iwi fisheries forum;
- ⇒ Guardians of Hawke Bay Fisheries
- ⇒ Greenpeace Aotearoa – New Zealand;
- ⇒ option4; and
- ⇒ New Zealand Angling and Casting Association.

Initial dialogue on the 2030 project began in mid 2008 with an outline of the project's objective - to work towards a shared vision for our fisheries. Indeed the programme was called "Vision 2030" and we were initially very supportive. We entered into the discussions in good faith, in the hope that it would help deliver an improved approach to fisheries management in New Zealand.

Following release of the Price Waterhouse Cooper (PwC) report, it has become very clear to us that the Fisheries 2030 programme has veered away from the original objective. Cabinet instructed the Ministry of Fisheries (CAB Min (09) 9/8A) to work in collaboration with tangata whenua and fisheries stakeholders to build on the PwC report and confirm a shared direction and plan of action.

The PwC report and Fisheries 2030 programme, as currently drafted, do not reflect the views of non-commercial environmental and fishing interests.

Despite repeatedly being told the PwC report is a draft, we are disappointed that it is already being used to guide Ministry direction and decision-making, such as the Ministry's restructuring. As a result, there is now a considerable concern about the significant bias in the reporting, the programme's intended purpose, and the switch from consultation to mere 'engagement' to seek sectors' views, all designed to achieve a preconceived agenda.

Our organisations support, in principle, the development of a shared vision for Fisheries 2030. However, the Fisheries 2030 process, to date, has not sought to reach agreement with non-commercial environmental and fishing interests on that vision, and has instead moved on to the discussion of a range of proposed actions to achieve a vision that none of us support. The objective of "unlocking economic potential of the New Zealand fisheries sector" and actions to do so must not over-ride a vision for our fisheries.

New Zealand's fisheries management requires both vision and prioritised urgent action, but without agreement on a vision the Fisheries 2030 process is doomed to fail. Furthermore, enhanced economic potential and returns from our fisheries will result from putting our fisheries on a truly sustainable footing, but the PwC proposals will not deliver enduring fish stocks or an intact environment.

As environmental and non-commercial fishing interests we share significant concerns about the direction of the Fisheries 2030 process, and frustration that our fundamental concerns are being sidelined or ignored. This common frustration has led to a strengthening of our relationships with one another.

We collectively propose an alternative approach to Fisheries 2030. Attached as a 'work in progress' is a response document sent by some of our organisations to MFish. Our agreed vision, goal and prioritised actions are:

Vision: *Healthy and abundant oceans with more fish in the water, providing all New Zealanders with access to kai moana and our future generations with the opportunity to enjoy a healthy ocean and sustainable fisheries.*

Sustainable fisheries indicators:

- ⇒ Fish stocks in a healthy abundant state providing a sustainable catch for customary, recreational and commercial fishers and for non-harvest values.
- ⇒ No use of fishing practices and land uses that damage or destroy the marine environment and threatened species;
- ⇒ Future generations enjoy the riches and benefits of healthy, abundant and diverse marine ecosystems; and
- ⇒ Particular regard is given to the principle of kaitiakitanga in all management decisions.

Goal: *To achieve ecologically sustainable management of the marine environment and fish stocks so that present and future needs of tangata whenua and all New Zealanders are met and the 2030 vision is accomplished.*

Urgent actions:

- a. Specify management objectives and target biomass well above BMSY or its proxies for key fish stocks with a clear rebuild timeframe.
- b. Strengthen s10 of the Fisheries Act to allow the Minister to make precautionary decisions, to protect the fish stocks and environment, in the face of uncertain or inadequate information. This must be uni-directional in that TACs can only be decreased under these circumstances and not increased.
- c. Identify and protect areas of important fish habitat or marine biodiversity (e.g. nursery and spawning areas, traditional fishing areas and areas of high biodiversity) using an array of tools. These can include customary management, area based management, method, seasonal, and tonnage restrictions and no-take zones, as appropriate.

Long-term actions:

- d. Develop policy and a management framework that ensures use of marine resources in an equitable and ecologically sustainable way.
- e. Reduce marine resource waste and increase promotion of added value from our fisheries (including targeted catches, gear selectivity, reduced discarding and more efficient processing).
- f. Strengthen community and regional management led decision-making, guided by national standards and overview.
- g. Undertake targeted research and information gathering (across all sectors), ensuring transparency of this information for stakeholder use.
- h. Eliminate ecologically destructive fishing techniques (e.g. dredging and bottom trawling) in favour of sustainable technologies.
- i. Ensure that the Ministry of Fisheries undertakes fisheries management and commissions fisheries research.

Minister, we would all be happy to meet with you to discuss our shared concerns about Fisheries 2030 and our collective alternative strategy, vision, goal and actions outlined here. We believe a meeting would be beneficial and we look forward to your favourable reply.

Yours sincerely,

Mike Britton
Forest & Bird

Geoff Rowling
NZ Recreational Fishing Council

Trish Rea
option4

Paul Haddon
Hokiana Accord

Richard Baker
NZ Big Game Fishing Council

Bunny McDiarmid
Greenpeace Aotearoa –
New Zealand

Jonathan Dick
Guardians of Hawke Bay

Cath Wallace and Barry Weeber, Co-chairs
Environment and Conservation
Organisations of Aotearoa New Zealand

Appendix Five – 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 Whitiora 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
- 24/12/08 A joint letter to the MFish CEO, Wayne McNee, asking for clarification of statements made in the MFish document, Briefing to the Incoming Minister. Signed by representatives on behalf of the Accord, the option4 team and the NZ Big Game Fishing Council.
http://option4.co.nz/Fish_Forums/documents/HA_McNee_1208.pdf
- 17/03/09 The Ministry's CEO, Wayne McNee, responds to the Accord's questions raised in late 2008, seeking clarification of the Ministry's statements to the incoming Minister of Fisheries Phil Heatley.
http://option4.co.nz/Fish_Forums/documents/MF_HA_clarification_309.pdf

17/06/09

Joint letter to the Minister of Fisheries from non-commercial environmental and fishing interest groups advising of no support for the current *Fisheries 2030* strategy, vision and process. An alternative view was offered as a solution to a joint vision and optimising benefits from fisheries.

http://option4.co.nz/Fisheries_Mgmt/documents/Fisheries_2030_joint_letter_to_Minister.pdf

Appendix Six – 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 September 2009. 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.
	4 – 5 September	Scenic Circle, Bay of Islands, Northland
2009		
	11 – 12 June	Whitiora, Te Tii, Bay of Islands

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

2008	April	8	Successful recipe for environmental outcomes http://option4.co.nz/Updates_and_Alerts/haupdate8.htm
	May	9	An effective voice for non-commercial fishing interests http://option4.co.nz/Updates_and_Alerts/haupdate9.htm
	June	10	Improving legislation to achieve more fish in the water http://option4.co.nz/Updates_and_Alerts/haupdate10.htm
	July	11	What fish? There are no fish http://option4.co.nz/Updates_and_Alerts/haupdate11.htm
	August	12	Hasty legislation rarely delivers good outcomes http://option4.co.nz/Updates_and_Alerts/haupdate12.htm
	September	13	Fisheries Act Amendment – Frequently asked questions http://option4.co.nz/Updates_and_Alerts/haupdate13.htm
	October	14	Sweet and sour hui reception for Ministry’s Chief http://option4.co.nz/Updates_and_Alerts/haupdate14.htm
	November	15	Solid support for Kerikeri mataitai applicants http://option4.co.nz/Updates_and_Alerts/haupdate15.htm
	December	16	Mountains to sea management approved http://option4.co.nz/Updates_and_Alerts/haupdate16.htm
2009			
	January	17	Michief-making campaign thwarting attempts for more fish http://option4.co.nz/Updates_and_Alerts/haupdate17.htm
	February	18	Where are the fish? http://option4.co.nz/Updates_and_Alerts/haupdate18.htm
	March	19	Next hui confirmed, mark your diaries http://option4.co.nz/Updates_and_Alerts/haupdate19.htm
	April	20	New dates for hui and rahui to rebuild fish stocks http://option4.co.nz/Updates_and_Alerts/haupdate20.htm
	May	21	Hui dates and venue confirmed http://option4.co.nz/Updates_and_Alerts/haupdate21.htm
	June	22	Positive progress at Whitiora marae http://option4.co.nz/Updates_and_Alerts/haupdate22.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/DVJointsubmission201006.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/peoplessubmission.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/option4FABillsubmission407.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_Forum/documents/Hokianga_Accord_K_regs_submission_1107.pdf
2008		
	5 August	A comprehensive submission from the Hokianga Accord and others asking for the Fisheries Act 1996 Amendment Bill (No.2) to be withdrawn. http://option4.co.nz/Fisheries_Mgmt/documents/Hokianga_Accord_section_13_submission_FINAL.pdf
	11 August	A supplementary submission from the Hokianga Accord and others addressing the concerns raised during the Select Committee hearing on August 7th, 2008. http://option4.co.nz/Fisheries_Mgmt/documents/HokiangaAccords13SupplementarysubmissionFINAL.pdf
	5 December	A joint submission providing the new fisheries Minister, Phil Heatley, with non-commercial fishing interests' perspectives on the issues facing the government in enabling the Minister to achieve sustainable use of our fisheries. http://option4.co.nz/Fish_Forum/documents/NoncommercialperspectivesforMinister.pdf
2009		
	17 June	Joint submission to MFish from the Hokianga Accord and others. This document discusses innovative ways to increase the value derived from fishing to achieve abundance, a healthy marine environment and fish for the future. http://option4.co.nz/Fisheries_Mgmt/documents/Alternative_joint_strategy_2030.pdf

Appendix Seven – Hui Agenda

Hokianga Accord Hui 11th and 12th June 2009

DAY ONE

- 10.00am Whakatau (Welcome)
- 10.30am ***Kapu Ti***
- 10.45am Introduction by Chair
- 11.00am Minister of Fisheries, Phil Heatley, to address meeting
- 11.20am Question and answer session to above
- 11.45am Need for collection of information on amateur catch – Panel discussion. Panelists: ***Peter Douglas, Daryl Sykes, Barry Torkington, Paul Barnes, John Holdsworth*** – one more to be invited.
- 12.15pm Question and answer session to above
- 12.30pm Update on support of Mataitai reserves by MFish as per letter dated 19th March 2009. ***Wayne McNee, CEO MFish.***
- 12.45pm Question and answer session to above
- 12.50pm Update on Te Puna Mataitai application by Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa and MFish process to consult and implement the mataitai in the northern Bay of Islands. ***Judah Heihei and Hiwi Rihari.***
- 1.00pm ***Lunch – Team photo***
- 1.45pm Latest developments in formalising the relationship between the Accord and Ministry of Fisheries. What, if any, progress has been made? ***Carl Ross, Customary Relationship Manager, MFish.***
- 2.00pm Question and answer session to above.
- 2.15pm Update on Te Ohu Kaimoana allocation programme and strategic direction. ***Peter Douglas, CEO, Te Ohu Kaimoana.***
- 3.00pm ***Kapu Ti***
- 3.30pm Written update from MFish on draft North Island West Coast Finfish Fisheries Plan. The draft plan is awaiting approval from the Fisheries Minister prior to its release. ***Trish Rea, Hokianga Accord participant in planning process.***
- 3.45pm Question and answer session to above
- 4.00pm Progress report from Te Kahui Maunga o Tangaroa, the National Iwi Customary Fisheries Forum. Clarification of the forum's role in regards to both freshwater and the moana. ***Mike Noho, Tom Paku, TKMoT.***
- 4.15pm Question and answer session to above
- 4.30pm Update from Te Ika A Maui, the National Freshwater Fisheries Forum. ***Abe Witana and Mike Noho.***
- 4.45pm Question and answer session to above
- 5.00pm Update on trawl innovations from the skipper of the Nancy Glen II, Napier. ***Richard Burch.***
- 5.15pm Question and answer session to above

- 5.45pm Update on Guardians of Hawke Bay. **Wayne Bicknell and Jonathan Dick.**
- 6.00pm Break
- 6.30pm **Dinner**
- 7.30pm Update on the Kahawai Legal Challenge Supreme Court hearing and their recent decision to dismiss the appeal. **Stuart Ryan, counsel.**
- 7.45pm Update on Regional Recreational Fishing Forums – **Richard Baker/Paul Batten**
- 8.00pm Update of the ‘Hiwi the Kiwi Goes Fishing’ education project for children. An initiative designed to inspire children to look after the coastline, the fresh waterways and fish so there is abundance for their mokopuna. **Richard Baker and Evan MacKay.**
- 8.30pm **Kapu Ti**
- 9.00pm Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* – progress on fundraising initiatives and future programmes. **Scott Macindoe and Steve Sangster.**
- 9.15pm Update of the Hokianga Accord’s public awareness initiatives including the publication of regular news items in mainstream media and the recent Ngapuhitanga Festival held in Waitakere. **Scott Macindoe and George Riley.**
- 9.30pm Karakia-moe (sleep time)**

DAY TWO

- 6.00am **Karakia**
- 7.00am **Parakuihi (Breakfast)**
- 8.00am Analysis of the PwC report, *Fisheries 2030 Vision and strategy*, and the Cabinet Paper, *Actions to Unlock the Economic Potential of the New Zealand Fisheries Sector*. **Group discussion.**
- 10.30am **Kapu Ti**
- 10.45am Hui evaluation
- 12.30pm **Lunch – Poroporoaki (farewell)**

Appendix Eight – Glossary

September 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

Fisheries 2030/ 2030	The Ministry of Fisheries proposals to unlock the economic potential from New Zealand's fisheries
FLA1	Flatfish/flounder management area 1 Tirua Point (north Taranaki, Mokau) to Cape Runaway (East Cape).

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	
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
Mätaitai	Reserve
Mauri	Life force
Mihi	Greeting
MIO	Mandated Iwi Organisation, sometimes referred to as a Mandated Iwi Authority.
MFish, Ministry	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
Tauwi	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