

Report

Hokianga Accord

Waipapa 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.

10 – 11 November 2007



More fish in the water for tomorrow's mokopuna

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Contents

Report Acknowledgements	4
Apologies.....	4
Executive Summary	6
Introduction	8
Deed of Settlement Implementation Programme.....	12
Political Panel Discussion	18
Update on Trawling Technology	24
Proactive Fisheries Management Proposal for Kahawai.....	27
Fish Hook Developments	33
Marine Reserves and Research	40
Cheltenham Beach Rahui	42
Aotea Marine Reserve Process.....	44
Achievements of Pou Hononga.....	46
Review of Minister’s Eel Decision	52
Review of MPA Submission	53
Northern West Coast Fisheries Plan	54
Friday 10th November.....	59
Guardians of The Sea Trust.....	59
NZ Big Game Fishing Council.....	60
Review of Kaimoana Regulations.....	62
Kaipara Harbour Scallop Closure	64
Evaluation Session	66

Appendices

Appendix One – MFiSh Letter To The Accord	70
Appendix Two – Forum’s Response To MFiSh	72
Appendix Three – Minister’s Reply to Hui Invitation.....	74
Appendix Four – MFiSh Update on Deed of Settlement Implementation Programme	76
Appendix Five – Accord Questions for Politicians	80
Appendix Six - Proactive Fisheries Management.....	82
Appendix Seven – MFiSh Update on Pou Takawaenga	84
Appendix Eight – Accord Questions to MFiSh	88
Appendix Nine – Summary of Eel (Tuna) Management Decisions	90
Appendix Ten – Kaimoana Regulations Submission	94
Appendix Eleven – Hui Agenda	100
Appendix Twelve – List of Hokianga Accord Hui and Updates	104
Appendix Thirteen – Correspondence with MFiSh.....	106
Appendix Fourteen – Glossary.....	108

Report Acknowledgements

Thanks to Sonny Tau, Scott Macindoe and Shelley Naera for their time so generously given to review the draft report prior to its completion and publication.

Appreciation goes to Steve Sangster, Brett Oliver, Craig Sinclair and Sam Graham in accepting responsibility for recording the hui on video to enable accurate reporting of discussions.

Apologies

Johnny Hata and Manny (Tuiringa) Mokomoko (Whakatane), Larry and Barbara Baldock (Tauranga), John Chibnall (NZBGFC and Bay of Islands SFC representative), Damian Clayton, Ester Cooper, Robbie Cullen, Warren Dalzell, Grant Dixon (NZFN editor), Chris Jenkins (Northland Conservator, DoC), Justin MacKinnon and Pete Saul (Tutukaka), Abe Witana (Te Rarawa), Te Raa Nehua (Mangakahia), Peter Maddison (Forest & Bird, President), Steve Radich, Tom Robben, Stuart Ryan, Kathy Walsh, Wiremu Wiremu, Jeff Romeril, Diane Cooke, Stephen Naera, Tipene Pehikuru, Tom Moana (Waikato), Sean Goddard (Auckland Conservator, DoC), Juliane Chetham (Environ Holdings, Te Uri o Hau).

Executive Summary

This document is the record of the Hokianga Accord's hui held at Waipapa Marae, Auckland University, Auckland, on the 9th and 10th of November 2007. The theme of the tenth hui was "*more fish in the water for tomorrow's mokopuna.*"

The report covers the topics discussed during the overnight hui and includes appendices relevant to the mid north iwi fisheries 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 recording taken throughout the hui.

The Hokianga Accord encompasses the interests of iwi and hapu of Tai Tokerau, Ngapuhi, Ngati Whatua and Ngati Wai. The forum is intended to assist the Minister of Fisheries (the Minister) fulfil, in part, the Crown's ongoing statutory obligation to provide for the input and participation of tangata whenua having a non-commercial interest in fisheries, an interest in the effects of fishing on the aquatic environment while having particular regard to kaitiakitanga. (Fisheries Act 1996, section 12 (1) (b)) The Accord's goal is "more fish in the water/kia maha atu nga ika i roto i te wai".

Discussion surrounding the Deed of Settlement Implementation Programme (DOSIP) continued despite the absence of Ministry of Fisheries (MFish) senior managers. DOSIP was established to increase the capacity of Maori to participate in fisheries management processes. MFiSh' written update provided scant detail on where the programme's \$17.045 million has been spent.

Peter Douglas, Chief Executive of Te Ohu Kaimoana (TOKM), offered valuable insights into the DOSIP and the history of the Settlement leading up to the enactment of the Maori Fisheries Act 2004.

There was interesting debate during the political panel session on whether current fisheries legislation is deficient or if it was more an issue of poor application of the law, inappropriate policy and/or an out-of-control Ministry. Phil Heatley, Pita Paraone and Hone Harawira welcomed feedback from the forum on positive ways to address outstanding management issues.

Inspiring trawling innovations that have reduced seafloor contact by 95 percent have major implications for protecting biodiversity. Richard Burch from Hawke Bay updated the forum on the latest trawl net trials. In addition to fuel savings of around 30 percent, modifications to fishing gear had increased returns, enhanced the ability to target specific species and reduced the mortality of young fish.

Vigorous discussion followed the presentation promoting voluntary measures to reduce amateur catch, to rebuild the kahawai fishery. Previous conservation initiatives have been undermined by management decisions that failed to account for people's effort to improve abundance. The proposal will be revised prior to the next hui and will need to be supported by a formal agreement with the Minister, MFiSh, or through a fisheries plan.

It was difficult to understand MFiSh' *laissez faire* approach to fisheries management when MFiSh-funded research has proven more environmentally friendly fishing methods exist. Trials had proven the effectiveness of hooks fitted with appendages in preventing the capture and mortality of fish. These hooks and other strategies to rebuild depleted fisheries were discussed during Paul Barnes' afternoon session.

The merits of marine reserves were hotly debated following Dan Breen's presentation on DoC's ongoing work to monitor closed areas around the northeastern coast and Peter Blackwell's update on DoC's Aotea (Great Barrier) marine reserve application. Establishment of marine reserves denied tangata whenua access and management rights over areas of cultural significance, forever.

A positive example of local area management was the Cheltenham Beach rahui. This closure was initiated in 1993 by both iwi and locals. Regular monitoring of shellfish levels has occurred, with little evidence of regeneration. Investigations are continuing as to the reasons for that.

Jonathan Dick's presentation on the achievements of the Pou Hononga raised a number questions, these have been sent to MFish for clarification. As manager of the Extension Services team he was responsible for the Pou Hononga and Pou Takawaenga teams delivering on the Crown's statutory obligations to Maori. DOSIP funding, appointment of new staff, the little-known Mataitai Guideline and section 12 obligations were all robustly debated during this session.

The Minister has agreed with non-commercial fishers, that hefty cuts were required to rebuild depleted northern eel (tuna) fisheries. A brief analysis of the Hokianga Accord's July submission and the Minister's decision was provided to the hui.

Key points raised in the Accord's Marine Protected Areas submission were reviewed. The MPA proposals from MFish and DoC represented a confiscation of both rights and access and did not give particular regard to kaitiakitanga, as required by current legislation.

The Hokianga Accord has mandated Moana Consultants Ltd to represent their interests in the North Island west coast finfish Fisheries Plan process. Trish Rea and one tautoko person would attend the planning meetings and be the 'eyes and ears' of mid north iwi. Regular reports will be provided to iwi, key points will be raised and responses developed prior to further meetings.

Fundraising material for the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* was being finalised. The Trust had approved several applications over past twelve months. Two grants had been approved to support Richard Burch's trawl net trials onboard the Nancy Glen II.

The NZ Big Game Fishing Council continues to support the Accord, as the key to solving fisheries issues lies with Maori, given their substantial interests across all stakeholder groups.

Healthy debate was generated during the discussion on whether the Accord should support the proposal to amend the Kaimoana Regulations. A submission¹ was sent to MFish supporting the amendment following the hui.

Hally Toia provided the hui with a quick update on the Kaipara Harbour Scallop section 186A temporary closure. In September the Fisheries Minister extended the closure for another year. Ngati Whatua, Te Uri o Hau and the locals were pleased with this outcome and appreciated the support from others at the hui.

"More fish in the water for tomorrow's mokopuna" is a collective responsibility. The Accord's effort to achieve its goal cannot be stifled by the reluctance of administrators to manage fisheries and the environment to enable people to provide for their social, economic and cultural wellbeing.

¹ http://option4.co.nz/Fish_Forums/documents/Hokianga_Accord_K_regs_submission_1107.pdf

Introduction

Raniera T (Sonny) Tau welcomed around 45 people to the tenth Hokianga Accord hui and acknowledged the participating organisations of the mid north regional iwi fisheries forum. Some of those organisations were non-Maori groups that had pledged their support for the Hokianga Accord.

Te Runanga o Ngati Whatua and their chairperson Naida Glavish deserved particular mention. Ngati Wai were welcome and had participated in previous hui. Te Runanga A Iwi O Ngapuhi (TRAION) had been very supportive; there were five Board members present at this hui including Sonny, who is the current Board chairman. Paul Haddon, Graeme Morrell, Joe Bristowe and Judah Heihei were all members of the TRAION Board.

Ongoing support from the New Zealand Big Game Fishing Council and option4 was appreciated. There were a number of Council and option4 people due to give presentations during the hui.

Scott Macindoe was acknowledged for his effort in organising both the ringa wera (kitchen staff) and the kai (food) for the hui.

It was pleasing to have Ngati Hine's fisheries spokesperson, Phil Bristow, at a Hokianga Accord hui for the first time. His input into the two-days of discussions was most welcome.

Other hapu and fishing representatives at the hui included Ngati Rehia, Vic Holloway of Ngati Kahu, Hokianga ki te Raki Takiwa, Nick Williams of Hokianga, John Retimana, Winnie and Joe Clarke and particularly Hugh Nathan of Ngati Whatua o Kaipara.

Forum co-chairman, Judah Heihei, was acknowledged for his contribution to the Hokianga Accord Working Group, which does much of the background work between hui. Sonny is co-chair of the Forum and appreciated being asked by Judah to facilitate this important hui.

It was good to have Ministry of Fisheries (MFish) staff at this hui. George Riley, Pou Hononga for Muriwhenua (far north) and Jonathan Dick, manager of the Pou Takawaenga (extension services team) would be discussing a number of interesting subjects later in the hui.

It was unfortunate that the MFish Acting CE Stan Crothers, and national managers Jonathan Peacey and Carl Ross had declined the invitation to attend the hui. (Refer Appendix One.)

The Hokianga Accord Working Group responded in writing to the letter from Carl Ross, MFish Customary Relationship Manager. (Refer Appendix Two.)

The Minister of Fisheries was also invited to the hui. Jim Anderton advised he was unavailable to attend but was happy to receive an invitation to address the forum on another occasion. (Refer Appendix Three.)

A written update from MFish was sent in lieu of their attendance and discussion regarding the Deed of Settlement Implementation Programme. (Refer Appendix Four.)

Since the previous hui, held at Whakamaharatanga marae, Waimamaku, August 2007, Sonny Tau has been appointed a commissioner for Te Ohu Kaimoana (TOKM). There had been some discussion

about whether Sonny now has a conflict of interest, being both commissioner of commercial fishing assets and promoting non-commercial fishing interests. It was important to clarify this matter before the hui proceeded, particularly given that the CEO of TOKM, Peter Douglas, was due to speak later in the hui.

Paul Haddon explained the TRAION Board had discussed the potential conflict of interest matter and fully supported Sonny being 'at the front of the waka,' providing guidance for commercial and non-commercial, both customary and amateur (recreational), fishing interests.

There is no debate that Sonny holds the Ngapuhi mandate for commercial fishing interests. He also represents the overarching customary and amateur fishing issues for Ngapuhi. The joint submissions that have been prepared by the Accord represent major commercial, customary and amateur fishing interests and carry the mandate of more than a hundred thousand people. Ngapuhi alone has 122,000 constituents.

MFish established the Hokianga Accord in 2005, as the regional forum representing the fishing interests of iwi from the mid north. The three Mandated Iwi Organisations (MIOs) of Te Tai Tokerau are Ngapuhi, Ngati Whatua and Ngati Wai.

MFish were initially very supportive of the Accord. Things changed when amateur fishing representatives became involved and when the questions started to get 'tough'. MFish have since walked away from the Accord and do not support it despite having the resources to do so, including \$20,000 per annum being budgeted for this forum as part of their Deed of Settlement Implementation obligations.

Maori own around 40 percent of the fishing quota, have indigenous customary rights to harvest kaimoana and have significant interest in amateur (recreational) fishing rights. It is a balancing exercise for Maori to represent those multiple fishing interests. Sonny is comfortable with representing all of those interests on behalf of iwi.

Sustainability is the bottom line when considering the management of shared fisheries. Maori that Sonny associate with accept sustainable utilisation is in the interests of all sectors.

The Hokianga Accord is a forum to discuss issues that affect all New Zealanders, not just Maori. That's why the message to MFish that they are promoting racially segregated forums has been so consistent and strong. It was unacceptable that they were concurrently managing regional recreational fishing forums and also iwi 'customary' forums in the same areas.

Ultimately the issues are the same; sustainable utilisation of the fisheries affects all fishers, brown or white. It was important for all fishing interests to understand the common concerns so those could be addressed, otherwise conflict between sectors would continue.

The Hokianga Accord is an initiative to bring commercial, customary and amateur fishing interests together to resolve issues of common concern. Effort has been made to respond to MFish and the Department of Conservation (DoC) proposals jointly.

A number of submissions have been presented over the past year including:

- Joint deemed value review submission
http://www.option4.co.nz/Fisheries_Mgmt/deemedvalues.htm#2006
- Preliminary view of MFish' Shared Fisheries proposals
<http://www.option4.co.nz/sharedfisheries/preliminaryview.htm>
- The People's Submission on MFish' Shared Fisheries proposals
<http://www.option4.co.nz/sharedfisheries/peoplesubmission.htm>
- Submissions to the annual review of sustainability measures
http://www.option4.co.nz/Fisheries_Mgmt/index.htm
- Joint Marine Protected Area submission
http://www.option4.co.nz/Marine_Protection/mpas.htm
- Submission on the Hector's and Maui dolphin draft threat management plan.
http://www.option4.co.nz/Fisheries_Mgmt/dolphins.htm#subs

The People's Submission is a significant document written in commonsense language and everyone is encouraged to read it to better understand the major issues confronting all New Zealanders and their rights and access to abundant fisheries.

In contrast, the MFish *Shared Fisheries* discussion document was bereft of detail and offered 'tick the box' options with little explanation as to what the implications of future decisions would be if those options were given management effect.

A number of documents were provided to hui participants to assist their understanding, including:

- Proactive management proposal for kahawai
- The People's Submission
- Whakamaharatanga August 2007 hui report
- Previous hui reports.

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

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

Deed of Settlement Implementation Programme

Background

The Deed of Settlement Implementation Programme (DOSIP) was established as part of MFish' Treaty Strategy to increase the capacity of Maori to participate in fisheries management processes, implement the customary fishing regulations, increase the capacity of MFish to meet its Fisheries Settlement obligations and comply with the principles of the Treaty of Waitangi.

MFish were invited to the Hokianga Accord hui to discuss the DOSIP and more specifically to explain where the \$17.045 million allocated in the Vote Fisheries Bid 2004 had been spent.

The Vote Fisheries Bid 2004, a paper approved by Cabinet, details how much would be spent per annum and specified the areas that would be targeted. Broad figures are as follows -

Table 1: Fiscal impact summary²

\$ Million (GST incl.)	2004/05	2005/06	2006/07	Out-years	Total
Total operating cost of proposal	3.456	4.005	4.529	5.055	17.045

MFish declined the invitation to attend the hui and discuss the DOSIP. The written update sent in lieu of their attendance is attached as Appendix Four.

Resources

DOSIP currently operates with 25 staff - ten Pou Hononga, ten Pou Takawaenga, four managers and one Extension Officer. Jonathan Dick would be explaining the role of the Pou Takawaenga later in the hui.

Forums

Forums provide a space for engagement between hapu, iwi and MFish. Since the recent departure of Graeme Morrell as the Pou Hononga for the mid north MFish has not appointed any individual to service the needs of mid north iwi. George Riley is the MFish Pou Hononga for Te Ika A Maui, the far north forum and as such he is limited to what assistance he can provide to the Hokianga Accord.

MFish continued to disregard the Hokianga Accord and that matter would also be discussed later in the hui. In the meantime Peter Douglas, Chief Executive Officer (CEO) of Te Ohu Kaimoana would give TOKM's perspective on DOSIP and how the commercial fishing asset has been distributed to iwi.

Peter Douglas, CEO of Te Ohu Kaimoana

Peter was pleased to be representing TOKM at his second Hokianga Accord hui and wanted to share some background information regarding the Deed of Settlement.

² Vote Fisheries Bid 2004, page 11.

History of Te Ohu Kaimoana

In 1988 the Crown and Maori fisheries negotiators, led by Matui Rata and Sir Graham Latimer, with Bob Mahuta and Tipene O'Regan (later Sir), negotiated the interim fisheries settlement of 10 percent of total quota. The Maori Fisheries Commission and Aotearoa Fisheries Limited (AFL) were established and managed the fisheries settlement for four years.

In 1992 Carters decided they wanted to sell their shares in Sealord Limited and this presented an opportunity for the Crown to negotiate a full and final settlement with the Maori Fisheries Commission.

This settlement comprised a number of components, including \$170 million to purchase a 50 percent interest in Sealord Ltd plus twenty percent of any new species introduced into the quota management system (QMS). At that stage there were only around 30 species in the QMS. More than 60 species have been added since 1992. In addition, the original 10 percent settlement had increased to over 15 percent of all quota by this time.

Part of the negotiated settlement included provision for recognition of customary harvesting rights. Assurances were given that mataitai reserves would be developed along with a number of other measures to recognise customary fishing.

An outcome of this process was the establishment of the larger Treaty of Waitangi Fisheries Commission. Thirteen commissioners were appointed and spent around ten years debating the allocation model outlining how those fisheries assets would be distributed to Maori. At settlement time it was envisaged that asset distribution would take around 180 days to complete.

In 2000 a new group of Commissioners was appointed and given two years to develop an allocation model that iwi around the country agreed with. Four years later the agreed allocation model was given effect through the Maori Fisheries Act 2004.

Since being appointed CEO in 2004 it has been Peter's job to distribute the fisheries assets.

Part of the transfer process has involved assisting the 57 Recognised Iwi Organisations (RIOs) to meet the statutory requirements set out in the Maori Fisheries Act 2004 to become a Mandated Iwi Organisation (MIO). Some of the requirements were of a legal nature and included:

- Producing and reporting annual audited accounts
- Holding an election of officers at least every three years
- Managing a register of beneficiaries who had identified themselves as being of that iwi origin in the 2001 census
- Constitutional documents that established a Trust to hold the fisheries assets
- Establishing an asset holding company, separate to the Trust, to manage the assets as a commercial enterprise.

Included in the Maori Fisheries Act 2004 was a requirement for a review after four years, this will occur in 2008. Ngapuhi was the first iwi to complete the mandating process and received their fisheries assets in 2005. Five other iwi received their assets in 2005 and another 41 organisations have completed the process since then.

Overall this process has been positive for tribes, whether they represent over 100,000 people or a few hundred, in that their management structures have been improved. Over 70 percent of the assets have now been transferred to iwi.

Current Te Ohu Kaimoana Process

At the last Hokianga Accord hui Naida Glavish led the discussion around the nomination of Sonny Tau to the TOKM Board. Peter was pleased to report that Sonny was successfully elected as a commissioner and had attended the last two meetings. He had been an active director since his appointment. The Board had been meeting prior to the hui to discuss the future of TOKM.

TOKM's primary responsibilities are:

- Allocate and transfer fisheries assets (quota, shares in AFL) and accumulated settlement funds; and
- Participate in the fisheries management regime to ensure the fisheries assets remain valuable in the short and long-term.

Te Ohu Kaimoana wants to increase its quantity and quality of involvement in fisheries management as TOKM's objective is to dominate fishing in New Zealand. Maori are 100 percent of customary fishing, 40 percent of commercial fishing and around 20 percent of recreational fishing.

Maori were fishing a thousand years ago and TOKM intends to dominate fishing because they see that as being the most effective way of ensuring there will be fishing in a thousand years time.

Management Proposals

There have been a number of policies, legislative and regulatory changes proposed in the last twelve months, including the Shared Fisheries³ proposals, which have kept TOKM very busy. However, it had also been an opportunity to meet with recreational fishing representatives, some of whom were at this hui. These various processes had highlighted the need to balance all the different components of fishing - customary, commercial and recreational.

The proposed amendment to the information principles in section 10 of the Fisheries Act 1996 was causing major concerns for TOKM. Section 10 sets out that when there is insufficient information the Minister of Fisheries can make a management decision, provided he takes into account sustainability and utilisation issues.

It is not unreasonable to expect that the Minister will have to make decisions without all the information, given the nature of fisheries and the difficulty in gathering data. We cannot see under the water to count every fish.

TOKM believe the current balance between utility and sustainability gives the Minister sufficient latitude to make reasonable decisions. When the Minister's decisions have been challenged, sometimes he has won and at other times the challenge has been successful.

TOKM are particularly concerned that an amendment that does not give proper account of the utility aspect could see the value of the Maori fisheries settlement whittled away by a Minister who might have a bent towards sustainability at the expense of utilisation.

³ <http://option4.co.nz/sharedfisheries/index.htm>

Hui Discussion

It seems that the Minister and MFish have already been interpreting and applying the law giving utilisation precedence over sustainability. It wasn't until the orange roughly (ORH1) court case (that sparked the amendment) where the judge ruled utilisation and sustainability are equal objectives that there has been an issue. It is likely the decision-making process will continue as it has since 1996, even if the amendment is passed.

Peter agreed that if the current law was interpreted correctly there would be a balance applied to both utilisation and sustainability. The Minister lost the ORH1 case and now wants to change the law on the basis that the legislation is not strong enough. However, if the law had been applied as intended it would be strong enough. From TOKM's perspective, the amendment would allow decisions to be made without justification.

TOKM will continue to exist after the fisheries assets have been distributed, hence the reason for their recent discussions on the future structure and role of the commission. TOKM would continue to assist existing iwi organisations and act in accordance with the Maori Fisheries Act 2004.

Peter was asked for his comments on whether there was a conflict for Maori in fisheries and if there was a realistic solution to the following comment –

At the introduction of the quota management system (QMS) many of the quota for fisheries were set above what is now understood to be sustainable levels. Having fisheries assets based on those excessive quotas now puts Maori in a 'trap' where commercial interests, including Maori, have been defending the quota holding at the expense of good fisheries management outcomes that will give long-term sustainability.

Peter responded with a question, "*What would you do if you had an asset that someone then told you wasn't worth what you thought it was?*" This is how some fishermen feel. He conceded that some quotas are not exact enough; in some cases they are too low and in others too high. While the QMS is a world leader it does not seem to be as complete as it needs to be. TOKM were planning to be part of the fisheries regime in the long-term.

In terms of reducing quota levels, it was unreasonable to expect to remove any fishing rights without some discussion about compensation. It was also understandable that Maori did not want to see the value of the Settlement reduced.

Further explanation was sought from Peter regarding his comment that TOKM's objective was to 'dominate' fishing in the future.

Peter explained that Maori currently own 40 percent of commercial fishing rights and TOKM has intentions to expand that interest. It was important for Maori people to be able to fish in the future. The domination aspect was about Maori being in a position to ensure continuity of all their fishing interests, both commercial and non-commercial.

Sonny added that this matter had been discussed at the TOKM meeting the previous day. Maori already have significant interest in fisheries yet when it comes to amending the legislation the views of Maori did not seem to be given due weight. So domination is more in the sense of increasing Maori's ability to influence fisheries management decisions for the benefit of all their interests.

Over-allocated fisheries

Peter was asked to comment on the historical events prior to the 1992 Deed of Settlement and whether TOKM acknowledged that excessive quota existed in some fisheries and that there were unresolved issues relating to fisheries where commercial fishers have never been able to harvest what they are allowed to catch.

In 1986 the public fisheries were privatised through the introduction of the QMS. Surplus catching rights were allocated to commercial fishermen and in some inshore fisheries those quota levels have never been reached in the past 20 years.

It was inadequate science that allowed poor decisions to be made that resulted in excessive harvesting rights to many important inshore fisheries. These decisions pre-date the Deed of Settlement, however with TOKM's aspirations to 'dominate' fishing in the future, it was important to know if TOKM acknowledged the excessive quotas in some fisheries, particularly if TOKM were to buy more quota in these over-allocated fisheries.

Peter was unsure how to respond to this comment so the issue was explained in more detail.

The Deed of Settlement was signed by a small number of negotiators. There is some question as to whether they were aware of the proportionality of quota deal hastily signed off in 1990 (including forgoing the right to compensation) or of the unresolved allocation debate regarding excessive quota.

Both Sonny and Peter offered responses to this discussion. It was common knowledge that there were some over-allocated fisheries. Those decisions were made well before the Deed of Settlement and some could say that Maori had been given a 'lemon' of a deal. Compensation has to feature as part of the discussions if there is to be any reduction in quota.

Dumping

In response to a question about dumping, the hui was assured that TOKM do not condone dumping. TOKM was aware that MFish have recently seized several boats suspected of dumping catch. Legal proceedings are now underway.

Fisheries management targets

For many years the non-commercial sector representatives have been striving to have fisheries managed according to the legislation, **at or above the level** that can produce maximum sustainable yield (Bmsy). It was particularly important for inshore fisheries of social and cultural value to be managed well above Bmsy, to provide better quality fishing.

This management objective seems to be at odds with the industry's target of **at** Bmsy with lots of small, fast growing fish. Many of the significant fisheries are nowhere near Bmsy. Maori now own a large portion of the commercial fishery and have the opportunity to lead by example. Shelving (not fishing) quota was one option.

TOKM and other fishers know the ultimate management responsibility lies with the Minister and his Ministry. It would be unfair to expect Maori to not fish their quota if the rest of the industry and non-commercial fishers continued to harvest fish. However, if amateur fishers proposed to catch less fish than TOKM would consider the issue in more detail.

TOKM favour a comprehensive fisheries management framework based on good information. TOKM believe there is 'pretty good' information on the impact of commercial fishing on the fisheries, it is

now mandatory to report on customary harvest but there is not good information on the impact of amateur (recreational) fishing.

Compensation

Others at the hui thought it was unreasonable to expect TOKM or any other commercial fishing company to voluntarily or individually shelve quota. As a commercial enterprise it was incumbent on the directors to manage the company in a way that maximises return.

There was no doubt the government was liable for compensation, based on the premise that those that make the decisions should bear the responsibility. It was the government that gave away the excessive quota in perpetuity, without keeping any in reserve or taking the option of leasing some in the short-term. To then consider taking some of that quota back without recompense is unreasonable and against natural justice.

Progress

The difficulty for all sectors is that there are no consequences for management objectives not being reached. Snapper 8 (SNA8), the snapper fishery on the North Island's west coast, is a fishery that has been below Bmsy for over 20 years. There is a very long rebuild timeframe (past 2020) and deeming continues to be an issue, so catch levels set by the Minister are being ignored.

In some parts of the USA if rebuild timeframes are not met the fishery is closed until it reaches a particular level.

TOKM do not want to rely solely on compensation because they are looking to grow their interest in fisheries. It is more constructive for sectors to work together to rebuild fisheries.

Another point raised during the discussions was that it was unrealistic to expect the government to do much, as they are merely a 'weather-vane' of current public opinion. The solution for rebuilding fisheries rests with the sectors working together for everyone's benefit.

Case study

An example of a co-operative rebuild strategy is the paua fishery on the South Island's west coast. Commercial fishers agreed to not fishing the area for a period of time. Kaitiaki agreed not to issue permits for that same area and amateur fishers imposed a voluntary 50 percent bag limit reduction within that zone. These measures were widely supported.

Two years later commercial fishers conducted a stock assessment and found the fishery had rebuilt. Commercial paua harvesting commenced and it did not take long for the fishery to become depleted again.

Commercial fishers had directly benefited from the conservation efforts of all sectors.

Without a strong commitment from commercial fishers it was difficult to envisage any future conservation initiatives being widely supported.

Political Panel Discussion

Background

In early October representatives from various political parties were invited to the Waipapa hui to participate in a panel discussion.

The current Minister of Fisheries, Jim Anderton was invited along with Phil Heatley (National), Metiria Turei (Greens), Pita Paraone (NZ First) and Tariana Turia (Maori Party). Prior to the hui the Greens sent their apologies and advised they were unavailable to attend. Jim Anderton sent a letter of apology advising of his unavailability and his willingness to address future Hokianga Accord hui. (Appendix Three).

Phil Heatley, Pita Paraone and Hone Harawira joined the hui to answer a number of pre-prepared questions (refer Appendix Five) and discuss the following issue:

"Future fisheries management in light of the judicial review of the previous Minister of Fisheries decisions for kahawai and subsequent High Court decision, and the Department of Conservation and Ministry of Fisheries Marine Protected Areas policy."

Julian Wilcock sent his apologies as he was unavailable to attend and manage the political discussion, as previously arranged. The Hokianga Accord was grateful to Adam Gifford, a well-known writer and political commentator, for making himself available to co-ordinate this session. Kia ora Adam.

1. What will your party do to take control of the Ministry of Fisheries to ensure they fulfil their role to manage fisheries sustainably?

Phil Heatley:

Phil expressed his appreciation for being given five weeks notice of the hui so that he could arrange his schedule to attend the hui. He also acknowledged his parliamentary colleagues, Pita and Hone.

National is very clear that the bureaucracy and the number of government employees in Wellington is 'out of control', irrespective of which department is scrutinised. Undoubtedly many of these people fulfil important roles; however, when National discuss reducing those numbers it does not relate to doctors, nurses, police or fisheries officers, it is more in-line with people such as policy analysts.

The Ministry of Fisheries (MFish) is no different. The staff numbers in MFish has increased considerably over the past four to five years. Most of the increase has been in Wellington, in areas such as policy development and we all know that is not where the fish are.

National has two goals:

- Boost the number of fisheries officers in regional areas; and
- Shift resources from policy to more targeted research to enhance departmental performance including fisheries management.

Pita Paraone:

NZ First is clearly focussed on sustainability of fisheries and the management of the resource. It is not so much about taking control of MFish, it is more about ensuring the policies that they are responsible for are appropriate, and that they fulfil their duty in upholding those policies.

It seems in recent years MFish has moved away from the people. So Mfish' role is to give effect to the Fisheries Act and also involve local people in consultation and management of the resource.

There is also difficulty within MFish in identifying who has the mandate and which people they should be dealing with.

NZ First are determined to ensure MFish carry out the work they are empowered to do. If that means policies need to be changed, then so be it.

Hone Harawira:

Hone advised he was not fully informed on the fisheries issues due to historical reasons. He was bitterly opposed to the Sealords deal (1992 Deed of Settlement) because the courts had said the Crown did not have the right to assume management of the fisheries, they had to do a deal with Maori. At the time Hone believed Maori should have pushed for a share of the management of fisheries, not leave the management with the Crown and just accept quota. "*As long as all you have is quota, somebody else tells you how much quota you can have*". Those days have passed and people have moved on.

It seems to Hone that Maori are now back in the same position. Having pushed through the Sealords deal the government is now looking to stab Maori in the back with their *Shared Fisheries* proposals⁴.

He believes the *Shared Fisheries* proposals are an overturning of the Treaty arrangement for fisheries. No changes should be made to the fisheries settlement without the agreement of Maori.

Maori should collectively say to the Crown, if it wants to change the fisheries deal (through the *Shared Fisheries* proposals) it needs to revisit the whole issue and start again.

The danger for Maori is that the more tinkering there is the less Maori will end up getting. It is the principles that matter and the Maori Party is aware they only exist with the support of the people. The party has a vested interest in gaining agreement from Maori on a positive way to progress issues.

For Hone, the evidence of the Settlement gone wrong is that there are less local Maori fishermen in Tai Tokerau now than what there were before the Sealords deal.

The Maori Party were hoping for a positive working relationship with whichever party wins the majority of seats in Parliament. Through that relationship the party will seek to have more positive fisheries management based on principles.

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

2. What will your party do to ensure that the Ministry of Fisheries honours the legislation to manage fisheries to enable people to provide for their social, economic and cultural wellbeing?

Phil Heatley:

National is committed to the quota management system (QMS) as the best way to manage our fisheries, apart from a few species such as the highly migratory species of skipjack and albacore tuna.

In terms of management, National believe there are some changes that need to be considered for certain issues such as deemed values, the penalty commercial fishers pay for overfishing. Addressing what the penalty is and what to do about the 'missing' fish taken out of the water (above the sustainable catch limit).

Phil believes amateur fishers would have welcomed the Kahawai Legal Challenge⁵ (KLC) decision because it essentially endorsed the QMS and the legislation that supports it. Recreational interests were well supported in the High Court decision.

Phil acknowledged Jim Anderton for his decisions relating to the latest fisheries management sustainability round. There had been significant cuts to commercial catch levels in some fisheries and Phil believed the Fisheries Minister had "gained courage" from the KLC decision to make those cuts. Interestingly, none of the most recent decisions had been challenged by the fishing industry.

It seems it is up to the Minister and MFish to be courageous enough to stand on the current legislation when they are making catch level decisions.

"Jim Anderton was pretty courageous for the calls that he made recently and I think that came out of the Kahawai Challenge, so all credit to those who did that."

The legislation already exists that supports management to provide for people's social, economic and cultural wellbeing. There is also provision for managing fish stocks above the maximum sustainable yield (MSY), as discussed earlier, to better provide for amateur fisher's needs. *"It simply takes a will"*.

There did not seem to be much motivation for managing "general" fish stocks above MSY. In shared fisheries there was a "good reason" to do that because there would be bigger fish and larger populations, which favours non-commercial fishers, both customary and amateur. This style of management does not necessarily favour commercial fishers.

National is happy with the legislation, the issue is more about how it is interpreted and given effect.

Pita Paraone:

From reading the second question it seems the group (the Hokianga Accord) does not believe the social, economic and cultural aspects are being managed the way they should be.

No-one had been to see Pita to advise him of the group's issues. It was important to articulate the particular concerns to Pita so he can deal with them.

⁵ <http://kahawai.co.nz>

It was also unclear what level of catch was required to enable people to provide for their wellbeing. Whatever amount is agreed upon NZ First upheld the view that input from local people was a fundamental requirement in the decision-making process.

The Minister of Fisheries does have to make some "hard" decisions. Notwithstanding the earlier comments, Maori did agree to the Sealords deal and are part of the commercial fishing regime where catch levels are adjusted periodically.

Maori had to have input into the management decisions that have an impact on people's social, economic and cultural wellbeing; In addition to ensuring MFish are adhering to the requirements of the Fisheries Act 1996. If that was not occurring then NZ First wanted to know so they could articulate the concerns to the Fisheries Minister.

At the moment NZ First was "holding up" progress on the *Shared Fisheries* issue and many people are happy that the issue has not proceeded. However, NZ First needed more information from fishers on what the particular concerns are otherwise they will have to concede to the proposals progressing through the parliamentary process, all the current Minister requires is the numbers.

Politics is all about numbers so the Hokianga Accord can have an influence on the decision-makers.

Due to time constraints Adam asked the panellists to give concise answers to the questions posed. Hone acknowledged both Phil and Pita had scheduled plane flights so he would forego his opportunity to answer questions in the interests of the Accord hearing from both Phil and Pita.

3. Do you acknowledge that most of the kaimoana taken to put food on the table, by tangata whenua, is under the amateur regulations as opposed to the customary regulations?

All representatives accepted the above notion and agreed to move onto question four.

4. If so, what will your party do to ensure that the Crown honours its obligations to tangata whenua in section 12 of the Fisheries Act 1996 to ensure that before the Minister of Fisheries does anything he shall:
 - Provide for the input and participation of tangata whenua having:
 - ⇒ A non-commercial interest in a fish stock
 - ⇒ An interest in the effects of fishing on the aquatic environment

Phil Heatley:

Under the legislation customary and recreational (amateur) fishers have a "foremost" allowance. At the beginning of each fishing year the Minister decides what the total catch level is going to be. In doing so he has to set aside the customary allowance, the recreational allowance and an amount for fishing related mortality. Once he has decided on those allowances he can then decide on what the commercial catch level will be.

While the legislative requirements seem to be fairly straightforward, difficulties do arise when trying to determine what the customary and amateur needs are. This can be due to a lack of research or information.

Part of the customary regulations is the mandatory reporting of catch, on a quarterly basis. While this may seem cumbersome, the Minister needs this information to assist in the allowance decisions.

It was noted that Maori are not given any resources to gather and report the customary catch information. Amateur fishers are not resourced to gather information either.

The last national recreational harvest survey was conducted in 1999/2000. Prior to that there was the 1996 national survey. MFish can only imagine what the recreational harvest is now as there is no information to support the Minister's decisions for both customary and amateur catch. Research is the key.

If a system was devised that made it easy for charter boat skippers to report their catch, that would give some indication of a portion of the total amateur catch.

Pita Paraone:

Pita agreed about the importance of research. He also pointed out that the debate surrounding commercial versus non-commercial was relevant to Maori as Maori held significant interests in the commercial industry. So it wasn't merely a Maori versus non-Maori debate.

5. How will your party give effect to the s12 requirement to have particular regard to kaitiakitanga when managing fisheries?

Pita Paraone:

Pita did not want to get into the debate surrounding NZ First's move to remove the principles of the Treaty from all legislation. However, he was adamant that NZ First supported local people being involved in the decision-making and monitoring process.

6. Given Maori's significant commercial, customary and amateur (recreational) interests in fisheries does MFish have the cultural capacity to engage with Maori in fisheries management processes?

"Obviously not," was Pita's response, if the correspondence between Sonny (as co-chairman of the Accord) and MFish was taken into account. Perhaps that was a reflection of the wrong people employed to consider Maori interests.

Phil Heatley:

It seemed from the conversation that people feel MFish should be representing their interests or be on 'their side'. Phil believes MFish are interested, as they are supposed to be, in the fisheries.

"Sustainability is king. Sustainability with utilisation, but ultimately, if there is a bottom line its sustainability."

MFish and the Minister can only make proper decisions with information.

While many people feel MFish do not consult enough, Phil believes MFish are similar to other government departments, and consult too much. There are times when hard calls have to be made and often the final decisions do not please everyone.

"Where it comes to shared fisheries I think it is important to make clear that on those fish stocks like snapper and crayfish, where there's an interest right across the board, should there be a shift in where

the quota allocations go then National will recognise the property right of commercial fishers. You might say, what about our property right? Well, that's a bit hard to measure.

"In terms of the commercial fishery it's easy to measure. You know what it is and we are not just going to take it off them. If it is removed from them it has to be on a 'willing buyer/willing seller' basis.

"Willing buyer/willing seller does not mean compensation. It actually does not have a dollar value. Willing buyer/willing seller means they are willing to sell and you are willing to buy. Then you worry about what the cost is.

"So if we move down that track commercial fishers do have to be paid for that. I think it's important you do acknowledge that, that there is a cost to that if there is a shift."

In the interests of brevity and acknowledgement of Phil and Pita's impending departure, Adam merged the next three questions.

7. Will your party support the Hokianga Accord approach to co-operative, inclusive, fisheries management?
8. What will you do to stop the racial segregation policies being implemented by MFish as they develop separate forums to discuss non-commercial fishing interests, with the intention of weakening instead of strengthening relations?
9. What will you do to ensure the Hokianga Accord is acknowledged by MFish and included in future fisheries management discussions?

Phil Heatley:

The reality is that Maori are commercial, recreational and customary fishers, by far the majority are recreational if not involved in any of the other forms of fishing.

Phil has not had a "decent" answer, or an answer he can understand, as to why the Hokianga Accord is not recognised as an official iwi forum. He cannot guarantee that when National is in government they will "bless" the Hokianga Accord as an iwi forum. Phil does not believe the forum needs official endorsement anyway, because the forum has its own mana.

The forum was recognised by the previous fisheries Minister, David Benson-Pope. The concern is that MFish is frittering away the resources that should be allocated to Maori.

Phil would welcome any enquiries by email and would answer people's questions in writing. He and Pita had to leave to catch their plane flight out of Auckland.

Pita Paraone:

Pita and his colleagues have a personal interest in the Mimiwhangata marine reserve proposal and wanted to make a few quick comments before his departure on marine reserves in general.

Their concerns included:

- The Mimiwhangata proposal area was too large
- If an area is set aside there has to be local management and better consultation.

NZ First's marine reserve policy is that if an area is set aside as a reserve there should be a special area within those boundaries where recreational and customary fishers can fish. Also, commercial fishers will only be able to operate beyond a certain boundary the outside reserve.

Pita also encouraged people to contact him by post or email if they wanted further clarification or had details to offer NZ First.

Hone Harawira:

Hone is doubtful that MFish handles the social, economic and cultural wellbeing issue well. In terms of managing customary harvest, trusted people within the community, not someone in Wellington, should make those decisions.

The relationship between Maori and non-Maori within the Hokianga Accord is a progressive step and if the Maori involved think it's working, ka pai. However, Hone would take his direction from Tai Tokerau Maori not the non-Maori involved in the Accord.

Both the Treaty and courts have confirmed the partnership that Maori have with the Crown. If the Sealords deal was considered an arrangement between partners and the Crown now wanted to change the deal (via the *Shared Fisheries* proposals), then the Crown does not have the right to make changes unilaterally. Maori should have the opportunity to 'go back to the table' and talk with the Crown about any alterations to their rights.

Maori should not accept changes without having a say.

Adam Gifford:

Adam concluded this session by reminding everyone that politicians were good at spinning words but it was only through constant pressure from people that kept them and the Ministers on track. The individuals within the Accord were the people with the fisheries knowledge so it was important to maintain that pressure and "hold their feet to the fire".

Update on Trawling Technology

Richard Burch, trawler skipper, Napier

Richard Burch is from Napier and has been fishing off the North Island's east coast for the past 25 years. He attended the August hui at Whakamaharatanga marae and gave a presentation on the innovations his team were developing to reduce the mortality (death) of young fish while minimising the environmental impacts of trawl fishing⁶.

Since August Richard had been working on a new net design and further modifications to the trawling gear. Richard's long-term crewman Jordan McQuitty was also at the hui. Both were speaking as individual fisherman concerned for the sustainability of the fisheries and environment.

At Whakamaharatanga Richard discussed fuel efficiency, mortality of juvenile (immature) fish and the impact trawling was having on the seabed.

⁶ http://www.option4.co.nz/Fish_Forums/documents/har807.pdf

Fuel efficiency gains of up to 30 percent had been made during the testing phase by replacing the traditional heavy wire warp with lighter Dynex ropes and terminal tackle. The newer 'square mesh' net design also meant reduced drag in the water so less fuel was required to power the Nancy Glen II.

Richard explained how the 200 Kg trawl doors on the end of the warp are used to spread the gear apart and 'herd' the fish into the net. The major advantage of the T90 square mesh as opposed to the conventional diamond mesh was its ability to maintain its shape under load, thus enabling juveniles to escape capture while catching larger, more valuable fish.

Results of onboard experiments using different net design and configurations is enhanced by the use of a 'Net Monitor' connected to the top of the net. Similar in operation to a depth sounder, it sends real-time information to the onboard computer so the crew can monitor the net's effectiveness.

Staff from Hampidjan's Nelson office had been assisting in the development of the T90 net for use in New Zealand. Hampidjan is a world-leader in net manufacture based in Iceland. Their major focus is on supplying large-scale deepwater fishing trawlers, so working on gear for small inshore vessels was an exciting development in their research programme.

A downside to experimenting was the loss of catch and therefore financial returns. Initial trials with the modified net produced just eight gurnard, two barracouta and one jack mackerel.

Hampidjan then sent their chief designer to Napier to assist in rebuilding the net. Over a six-week period the net was rebuilt twice.

Results of the modifications included:

- An increase in catch levels = better financial returns
- Good condition fish on capture = higher sale value
- Ability to target and catch specific species with minimal by-catch = less deeming
- Very few small fish caught = less juvenile mortality.

Contact on the seafloor had been reduced by around 95 percent through the use of the newly-designed sweeps (ropes on net). This had benefits for biodiversity protection.

Richard was now running two nets and planned to continue redesigning the net and associated tackle to achieve further gains.

Richard began experimenting with different net designs in the mid-1990's. A trial using a very large (150mm) diamond mesh codend (end of the net where the fish are captured) produced only sole (flatfish), Richard's target species. Tests with square-mesh codends produced similar results in capturing the target species. Much of his early work was contributing to the development of the latest multi-mesh codends.

Twin Rig Trawling

In 1995 Richard tested a twin-rig set-up whereby two nets were run between one set of trawl doors. If additional funding was made available Richard was prepared to trial the twin-rig towing a conventional net next to the new T90 net. Monitoring and recording the results of this research would enable the direct comparison between catches and juvenile mortality associated with each net.

The Nancy Glen II has been fitted with two hauling drums so that these trials can proceed, if funding is provided. Officials in MFish and other agencies have not been supportive so far.

Summary

Richard has witnessed the decimation of the orange roughy fisheries in the 1980's and more recently the marked decline of the hoki stocks. Irrespective of what officials may say and the arguments surrounding quota ownership, the fisheries are declining.

In the early years Richard marvelled at the acres of barracouta and hoki in Hawke Bay. When Richard first bought the Nancy Glen II he was catching between 20 and 30 tonnes of hoki, as by-catch, every year. Last year he caught 4 Kg of hoki, equivalent to two single fish.

Unless new technology is developed to address juvenile mortality and by-catch we are not likely to achieve the goal of "more fish in the water". Innovations to avoid catching small fish and fish that neither the fishermen nor the processing sheds wanted were critical.

Hampidjan in Nelson and Iceland, and Seafish in the United Kingdom, recognised the value of developing this new trawling gear and were willing to continue assisting Richard. Both these companies have been instrumental in the process so far. Richard and his team were keen to make progress and had further developments to trial on their return to Napier.

Hui Discussion

Richard was asked to verify the claims that converting to this new technology could cost in the region of \$20,000 to \$30,000. He agreed it was a very expensive exercise; however, the long-term vision of no fish and jobless fishermen was a bigger price to pay.

The return on converting to this type of gear was in fuel saving, better quality fish and the ability to target specific species, with minimal by-catch. Species such as small barracouta, hoki or silversides may seem insignificant but they are important in the marine ecology.

Further advantages in using the Dynex rope versus warp was the convenience of being able to make instantaneous repairs, by tying several ropes together, rather than struggling with heavy tools to repair steel warp. Fishing could recommence as soon as the repairs were completed.

Conventional nets are usually around \$3,000 compared with the price of the newer nets, which cost around \$5,000 each. The longevity of the new nets compensated for the higher price. The nets and warps on the Nancy Glen II have been in use since 2004. Standard wire needs to be replaced every seven months, so there are distinct financial benefits associated with using this new technology.

The speed used to run the twin-rig made it particularly effective in targeting flounder, tarakihi and gurnard. When Richard was testing the twin-rig he would use one conventional diamond-mesh net and only make modifications to the second net. The goal was to determine the best design for one net.

It was a surprise to many at the hui that Richard was not receiving any official funding for this project. Approaches had been made to both MFish and the Energy Efficiency and Conservation Authority (EECA), who specifically advertised they were interested in assisting in fuel-saving projects. Initially EECA were very keen; however, the insistence that the steel warp had to be reconnected to the net and a fuel meter installed deterred Richard from pursuing that avenue of

funding. It was a retrograde step as they would lose the advantages already made and would achieve little.

Hampidjan offered Richard a new all-T90 net that had been developed and tested in the company's testing tanks. This was an opportunity to apply for a specific grant to fund the purchase of the net. Richard and his team applied to Seafood Innovations, a division of the NZ Seafood Industry Council (SeaFIC). A meeting was held and Seafood Innovations seemed very keen to help. Two months went by with no word from them. Coincidentally the net release was delayed by several months so Seafood Innovation's slow response did not present a major obstacle.

Eventually Seafood Innovations contacted Richard and his team to advise the experiments were "not scientific enough." However, they could see the potential benefits in reducing both juvenile mortality and seabed impacts, so Seafood Innovations referred Richard's team to EECA.

While waiting for Seafood's response Richard had given a presentation to 'Sustainable Businesses' in Napier and received positive feedback and subsequently met with EECA's head of department. Richard was quite confident EECA would support their application and was very surprised to receive a letter declining their application several weeks later. EECA advised the Nancy Glen II's carbon emissions were not great enough. EECA advised they were willing to pay for the net only.

In Richard's experience the net is not the major cost. The fishing downtime, subsequent loss of catch, ongoing crew wages, re-designing and rebuilding the nets are the most expensive aspects of trialling new equipment.

Despite the reluctance of local entities to support these initiatives, progress is being made in the Northern Hemisphere to eliminate the use of diamond-mesh nets.

Richard Burch confirmed he had received two grants from the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa* to support the trawl net trials on the Nancy Glen II.

Richard also wanted confirmation that it was acceptable for him to be telling other fishermen and government departments where he was getting his funding from. Richard gratefully received the support from the Accord and Charitable Trust.

The Hokianga Accord appreciated the update from Richard and reiterated their support for these and other innovations that will improve sustainability and restore coastal fisheries to former abundance levels, so people can provide for their social, economic and cultural wellbeing.

Proactive Fisheries Management

John Holdsworth, fisheries scientist, Tutukaka.

John Holdsworth has been to most of the previous hui and was a very active participant in discussions amongst the Hokianga Accord's Working Group. In response to the Accord's earlier conversations about being more proactive to "achieve more fish in the water," John had produced a discussion document for the Accord's consideration: *Proactive Fisheries Management. Discussion document for the Hokianga Accord, 9 November 2007.* (Refer Appendix Six.)

Historically non-commercial fishers had been more reactive than proactive in fisheries management. Reacting to MFish proposals usually only gave the opportunity for submitters to respond to already-

formulated ideas. This proposal, to ask amateur fishers to help rebuild kahawai stocks, was an opportunity to take the lead and achieve some positive results.

Promoting a practical fisheries management issue can be used as a vehicle to carry the Hokianga Accord's message of "more fish in the water/ kia maha atu nga ika i roto i te wai" to a much wider audience.

By promoting voluntary management measures for amateur kahawai fishers the link can then be made to the victory gained in the High Court's landmark judgment following the Kahawai Legal Challenge (KLC)⁷.

One of the main messages proposed is the need to rebuild a healthy, productive kahawai fishery.

The issues raised during the legal challenge were much bigger than merely taking fish from the fishing industry to put on amateur and customary hooks. There was considerable discussion about the long-term sustainability of fisheries in order to provide for all New Zealanders' wellbeing. Justice Harrison's decision was particularly strong on the wellbeing factor and even went on to explain that wellbeing means, "the state of people's health or physical welfare".

Kahawai proposal

"A voluntary bag limit of two kahawai for each person that is being provided for that day."

This proposal removes the focus from the numbers of people fishing that day to the actual numbers of people those fishermen are taking food for. So if you are fishing for a large family or function you can still take up to the legal limit of 20 kahawai per day. The proposal asks that fishing people think about how many kahawai they need to keep.

There would be no fines, no checking, just people supporting the rebuild while feeling good about contributing to achieving "more fish in the water". This is the type of rule that the Minister or MFish could never make because it is un-enforceable. There is no way they could measure how many people fishermen are providing for or how many people actually conserved fish.

When the kahawai fisheries do recover non-commercial fishers could then be satisfied they have contributed to the rebuild of a taonga (treasure).

This is not a save the whale-type campaign – a look but don't touch initiative. It's an idea to maximise the value and wellbeing generated from a renewable resource.

At the same time the use of kahawai can be celebrated. They are a great fish to catch, available in many coastal areas and great to eat fresh.

Emphasising the 'freshness' factor offers an opportunity to advise people how to bleed kahawai, ice them and the best cooking methods. In addition, advice could be given that kahawai are fattest in the summer and autumn and thinnest in winter.

This proposal is linked to the Planning Right principle #3, of option4 –

"The ability to devise plans to ensure future generations enjoy the same or better quality of rights while preventing fish conserved for recreational use being given to the commercial sector."

⁷ <http://kahawai.co.nz/decision.htm>

Proposal such as this needs to be thoroughly debated, as there could be some consequences that are detrimental to achieving the desired rebuild.

This proposal is about having respect for kahawai and thinking about how each of us value and use the fishery. It's about Kaitiakitanga.

Questions for debate:

- How many kahawai per day is sufficient to provide for wellbeing while conserving enough to make a difference?
- Is a voluntary bag limit (a lot less than 20 fish) a tool that the Hokianga Accord could support?
- What are the principles that underlie this initiative that can be promoted widely?
- What happens if the Minister and MFish “think” that two fish a day is all we need?

Other issues to consider:

- Will an initiative that reduces non-commercial kahawai catch lead to a reduction in the amateur “allowance”?
- Will a lower non-commercial “allowance” mean an increase in the commercial allocation, within sustainable limits?
- Will kahawai become more of a sport/recreational fish and less of a table fish?
- If there were a billion kahawai would they become a pest for fishermen targeting other types of fish?

Hui discussion topics:

- Defining what the message should be
- Whether this is the best ‘vehicle’ to publicise the conservation initiative and reach a larger audience
- How each organisation involved in this initiative can be linked to the rebuild strategy
- How best to promote Kaitiakitanga to a much wider audience.

Hui Discussion

The New Zealand Big Game Fishing Council proposed a similar voluntary conservation project for kingfish some years ago. Many fishers chose to tag and release kingfish, only taking one fish per person while fishing to a higher-than-normal size limit.

The flaw of this strategy was revealed in 2003 when the Fisheries Minister reviewed the kingfish Total Allowable Catch (TAC), allowances and total allowable commercial catch (TACC). Both the TACC and recreational allowance were reduced, with no recognition given to the conservation efforts of recreational fishers.

Moreover, the recreational allowance was set at (the then) current catch levels because MFish could not determine how many kingfish had been conserved. This was contrary to the recreational fisher's objective of landing less fish to help rebuild the fishery.

Unless the Minister and MFish formally agree to recognise and manage kahawai above the level that can produce maximum sustainable yield (Bmsy), and accept that this measure is being taken by non-commercial fishers to assist in the rebuild, then the plan is flawed. This is because under the current regime any surplus fish above Bmsy is allocated as quota to the fishing industry.

An alternative approach is to include this initiative in a single-sector fisheries plan. MFish has previously indicated that a non-commercial plan could be developed and implemented using a similar process to that applied to developing the commercial sector's fisheries plans.

The proposal is an excellent idea that will require careful planning, more discussion and a strategic approach to ensure any adverse effects are considered prior to implementation.

Past experience has proven that MFish cannot be relied upon to protect non-commercial fishers' interests so it would be necessary to formalise written agreements with the Minister before proceeding with any such project.

Another strategy would be to approach both the Ministers of Fisheries and Conservation and ask them to support the project by way of a 'social contract'. If neither Minister agrees then the initiative is not likely to succeed.

Nothing should proceed until the outcome of the Sanford Ltd and Sealord appeal⁸ against the Kahawai Legal Challenge decision is known, because any initiatives prior to the judgment is likely to be viewed as pre-empting the Appeal Court's decision.

Preparation of the proposal ought to proceed so it is ready to be released as soon as the decision is known. This would provide a great opportunity to offer a proactive solution to an ongoing sustainability issue.

Non-commercial fishers are advised against proceeding with this project without the agreement from the Minister and MFish (ideally through a fisheries plan) that the objective of rebuilding and maintaining the biomass (stock level) above maximum sustainable yield is an agreed management strategy.

Allowances versus 'allow for'

Throughout these conversations it seems people are being lured into discussing an allowance, as a fixed amount, as opposed to the common law right of every New Zealander to be able to fish to feed themselves and their whanau (family). Customary rights are far broader than merely an 'allowance.'

Amateur fishing representatives have long opposed MFish' attempts to describe the customary and recreational allowances as an 'allocation', a strict definition of an amount of fish for each sector. The Kahawai Legal Challenge judgment had been very clear in its definition, it is an amount that the Minister has to 'allow for' to enable people to provide for their social and cultural wellbeing before commercial use of the fishery is considered.

⁸ <http://kahawai.co.nz/kahupdate25607.htm>

Currently, the High Court has ruled the Minister, when setting the TACC, must 'allow for' non-commercial fishing interests, both customary and amateur. The judge described those interests as being very broad, whatever they are, as opposed to a fixed amount. Although the allowance is described as a tonnage it is an expression of what the Minister considers will satisfy those broad interests, before a commercial catch level is set. The amount 'allowed for' may change over time depending on issues such as population growth and distribution.

Non-commercial catch

At present amateur kahawai catch is managed by regulations limiting method, area, size and daily bags. There is currently no minimum size limit on kahawai. The bag limit is derived from the mixed finfish daily bag limit of 20 fish per person per day (in the northern area). There has not been a conversation regarding regulatory controls, such as bag limits, specifically for kahawai.

The High Court directed the Minister to review the bag limits when he reconsiders the management decisions for the kahawai fisheries. This aspect of the High Court decision has not been challenged in the upcoming Appeal Court proceedings, so management changes are likely in the future and this proposal presents an opportunity for non-commercial fishers to be proactive in the management of the kahawai fishery.

Of concern is the inability to quantify amateur catch. There has been no reliable harvest survey capable of discerning the numbers of fish caught, released or taken by amateur fishers. Both the government and commercial fishers have maintained that the issue of compensation will arise if it is found that the allowances are set well below what is actually taken.

To counter this and other arguments, consideration should be given to using the term 'entitlement' as opposed to 'allowance'. We do not believe the current allowances reflect our entitlement in most inshore fisheries. The entitlement would be based on the individual's requirement and how many people that person is fishing for.

There is no credibility in the manner in which MFish determine allowances. Nor is there any basis for making those allowances explicit allocations within fisheries. The industry's stance that shares are already fixed in fisheries also needs to be refuted.

Abundance determines non-commercial catch, if there are plenty of fish, people will catch plenty. If there are few fish available then less will be caught.

The Fisheries Act 1996 is very clear, the Minister has the statutory authority to manage fisheries at or above the biomass level that can produce maximum sustainable yield (Bmsy). Therefore the Minister has the power to allow non-commercial fishers to catch more fish, if he chooses to do so.

Support in principle

An 'agreement in principle' could be sought from the Minister/MFish, through the Amateur Fishing Ministerial Advisory Committee (AFMAC), to ensure voluntary initiatives such as this would not be undermined by management decisions that fail to take into account the conservation effort of non-commercial fishers.

While this is a fisheries management initiative this could also be used by the Hokianga Accord as a vehicle to promote kaitiakitanga - people looking after the interests of both people and the fishery.

Non-Maori involved in these hui are keen to tautoko (support) the mid-north iwi fisheries forum in this initiative, if the Accord agrees it should proceed.

Every year MFish review a certain number of regulations and controls but only in terms of numbers. There is no consideration given to the principle of whether bag limits are the most appropriate way to manage particular fisheries. For example, there is no scientific basis for existing bag limits. They were merely designed to differentiate between what is a commercial catch limit and what is not.

This proposal is a way of redefining the principles underpinning fisheries management and deserves support on this basis alone.

Alternative perspectives

Consideration should be given to rewriting the document from a commercial perspective. This would determine if commercial fishers would have the same concerns that non-commercial fishers have, in that would a reduction in commercial kahawai catch lead to a reduced TACC? This is particularly important given Maori's significant commercial stake in fisheries.

There is some doubt of the success of this initiative given its voluntary nature. It is also concerning that it does not resolve the underlying issue of a lack of abundance of kahawai and people's subsequent struggle to catch enough fish for their needs. It could be setting an unwelcome precedent if people then agreed to accept less than current allowances.

This initiative to promote the catching and provision of two fish per person, as opposed to the current twenty, would be a difficult concept to 'sell' to Maori considering the unsatisfactory outcome of accepting 10 percent of all fisheries in the 1992 Settlement.

It could possibly lead to arguments within the non-commercial sector as to what is an appropriate catch level; this would detract from the wider issue of resolving the abundance and 'allow for' non-debate, particularly given the upcoming kahawai appeal hearing.

Clearly non-commercial fishing interests are far broader than just what a fisher may choose to take on a daily basis. Historic harvest surveys have proved there are very few people landing more than four kahawai per person. This is an initiative to leave fish in the water as a contribution to the overall abundance levels.

Outcome

The principles underlying this proposal need to be agreed upon before any progress is made.

The Hokianga Accord would welcome the opportunity to discuss a revised version of the proposal at the next hui with a view to coming to an agreement on how the initiative could be promoted.

Fish Hook Developments

Paul Barnes, inventor and researcher, Auckland.

At the Whakamaharatanga hui Paul Barnes had explained the historic research conducted to determine the best fishing hook to reduce unnecessary mortality and improve the yield in fisheries⁹. Paul had spent much of his life at sea. He started commercial fishing when he was around 17 years old. In the late 1980's he established Paul's Fishing Kites and has developed longline fishing technology and hooks for both commercial and amateur use.

In the mid 1990's Paul worked closely with the then Minister of Fisheries, Doug Kidd. Doug asked both the commercial and amateur fishing representatives to develop a management plan for snapper as an alternative to facing massive cuts to both individual bag limits and commercial catch limits (TACCs).

Attempts were made to work with the fishing industry. Those were unsuccessful so a separate plan was put to the Minister, which resulted in the existing amateur controls of:

- A maximum of 25 hooks per longline
- An minimum size limit (MLS) increase from 25cm to 27cm for snapper
- A reduced daily bag limit, from 20 to 9 per person (northern east coast).

A quota reduction of 1500 tonne was also implemented to assist the rebuild of Snapper 1 (SNA1), on the east coast of the North Island.

These were significant measures, which have very likely contributed to the rebuild of the SNA1 fishery from previous low levels.

Part of the deal with the Minister was that MFish would fund research into fishing hooks. There have been a number of research projects which have tested the effectiveness of both commercial and recreational fish hooks.

Are we using the best fish hooks?

In a virgin (unfished) or lightly-fished fishery many fish to grow to their maximum size. Pockets of these healthy fisheries still exist around the coastline. One example is Mokau, northern Taranaki, where there is very little commercial fishing and as a result snapper fishing, even from the shore, is very successful with 20lb fish caught regularly.

If a fishery is managed at a higher biomass (stock level) there are fewer, larger fish in the fishery. As a fish stock declines through intensive fishing there a greater numbers of fish but they are smaller. Consequently there is less yield per fish taken from the Bay of Plenty and Hauraki Gulf compared to the larger fish in Taranaki.

A legal-size recreational snapper of 27cm weighs around 330 grams and at 25 cm, the commercial minimum size, snapper weigh around 280 grams.

⁹ http://www.option4.co.nz/Fish_Forums/hokianga.htm#reports

The major concern is that in a depleted fishery between 3000 and 4000 snapper are killed for each tonne of just-legal sized fish taken. In a healthy fishery, for every tonne of big snapper caught only 100 to 200 fish are killed.

Several factors arise that need to be taken into account when fish stocks are low:

- Mainly small fish are left in the fishery
- Many more fish have to be killed to make up each tonne of catch
- Gear is modified to ensure the capture of just-legal size fish
- Mortality of under-size fish increases as fishing effort increases and gear is modified.

The fishery only produces a certain number of small fish per year. If we kill more fish than are being produced as replacements, the fishery will decline.

Current fisheries management focuses on managing the tonnes of fish landed with little or no regard to how many fish are being killed.

Managing the total numbers of fish killed by fishing makes much more sense, because if we constrain the number of fish killed to less than the number of juvenile (young) fish entering the fishery, rebuilding of the fish stock would occur.

North Island West Coast snapper

The Snapper 8 (SNA8) fishery on the west coast of the North Island is severely depleted. Ninety percent of the virgin (original) fish stock has been removed and the remaining 10 percent is mainly small fish. Excessive commercial fishing has caused most of the damage to the SNA8 fishery.

The average size of west coast snapper is now very low; 30cm snapper are common whereas 40 years ago the average size of shore-caught fish was around 45cm.

The most effective ways to help rebuild the SNA8 fishery, without cutting catches, is to protect under-sized fish from being killed and reduce the catch of just-legal sized fish. This can be achieved through changing fishing gear used in harbours, both hooks and nets, and increasing mesh sizes on trawlers.

Northern East Coast snapper

The Snapper 1 (SNA1) fishery on the northern east coast is also below the optimum size of between 20 and 25 percent of virgin stock. The 16 percent of fish stock remaining is mainly small fish.

Again, the most effective ways to rebuild the SNA1 fishery is to protect the juveniles and reduce the catch of just-legal sized fish.

Fish mortality

A major cause of fish mortality is when undersized fish completely swallow the fish hook, this is called gut hooking.

Research has shown that 98 percent of gut-hooked fish die after release. The same research indicated that 95 percent of fish that are hooked in the mouth or lip survive release.

Gut hooking is the main cause of wastage in both recreational and commercial fisheries that use hooks.

Size limits

Increasing the minimum size limit (MLS) is often promoted as being an ideal way of protecting small fish and rebuilding fisheries. However, the mortality of the fish that are returned to the sea becomes an issue at the larger minimum sizes. This is because fishing patterns and the fish stock do not change.

People will fish harder to catch the bigger sized fish and therefore a lot more fish will be released after being gut-hooked.

Finding the best fish hook

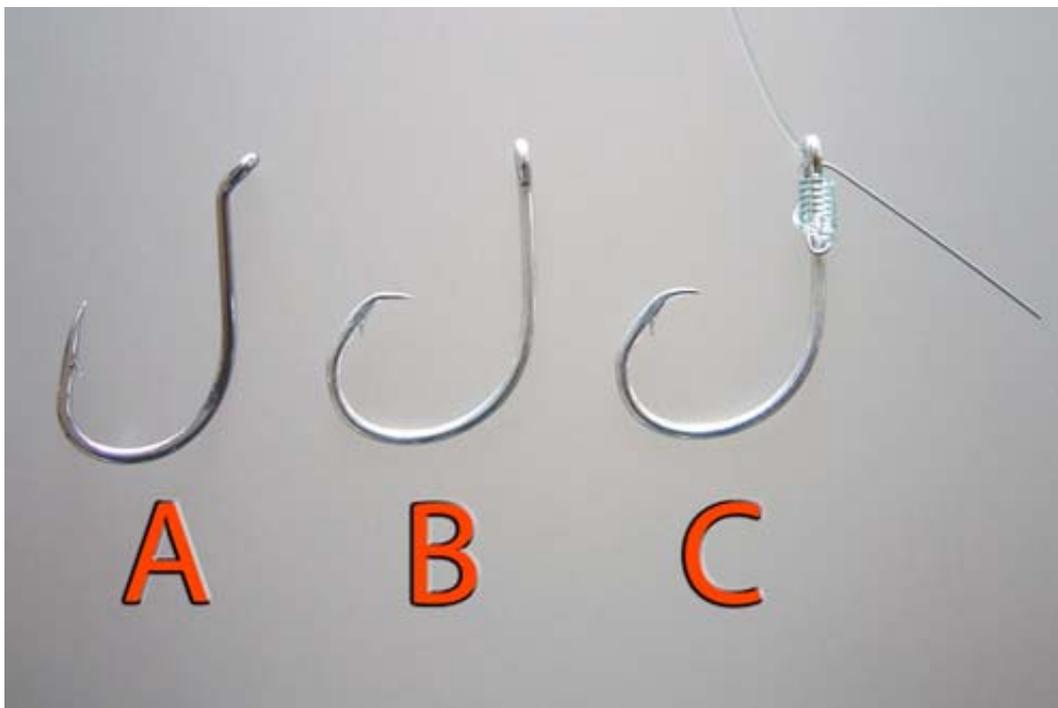
Both commercial and recreational fish hooks have been studied and the results are surprising. The type of fish hook we use can affect the health of the fishery.

Recreational hook types

The most common hook used by amateur fishers is the 'J' shaped Octopus or O'Shaunessey hook. A circle hook was also tested, as was both the circle and Octopus hooks with a wire appendage fitted to the back shank of the hook. The wire was designed to stop fish swallowing the hook and becoming gut-hooked.

Figure 1: Recreational hook types.

A = J shaped Octopus or O'Shaunessey hook. B = Circle hook. C = Circle hook with an appendage.



A total of 13,000 hooks were run in the recreational hook trials. Around 2,500 snapper were caught on these hooks baited with squid. To standardise the tests all hooks were used on longlines as opposed to rod and reels.

Table 2: Mortality of snapper per tonne of catch on four hook types.

Snapper size limit	Plain circle hook	Circle hook with appendage	Plain Octopus hook	Octopus hook with appendage
25cm	1671	1544	1657	1445
26cm	1660	1496	1636	1368
27cm	1622	1421	1637	1308
28cm	1592	1371	1683	1248
29cm	1547	1306	1668	1129
30cm	1561	1256	1702	1057

Results from lifting the size limit while still using a plain Octopus hook show that mortality actually increases at the 30cm compared to the current 27cm limit. This is because the numbers of fish being gut-hooked and subsequently dying erodes the benefits of taking less fish home.

The addition of an appendage to both hook types dramatically decreased the mortality of snapper at the 30cm size limit, particularly for the Octopus hook.

Direct comparison of the catch rates between the standard 'J' Octopus and O'Shaunessey hooks with the appendaged circle hook also provided interesting results.

Table 3: Comparison of snapper catch on 1740-hook trial.

Description	'J' Octopus and O' Shaunessey hooks	Appendaged circle hook
Numbers of hooks run	1740	1740
Snapper caught	317	507
Caught snapper over 30cm	101	192
Gut-hooked snapper under 30cm	47	0

Future management options

If the more environmentally friendly appendaged hooks are used minimum size limits can be increased and the fishery will improve. This means that the yield per recruit (yield per fish) increases and wastage is also reduced.

If smarter hooks are not used the additional mortality caused through increasing the size limit erodes most, if not all, the benefits of the increasing the minimum legal size for snapper.

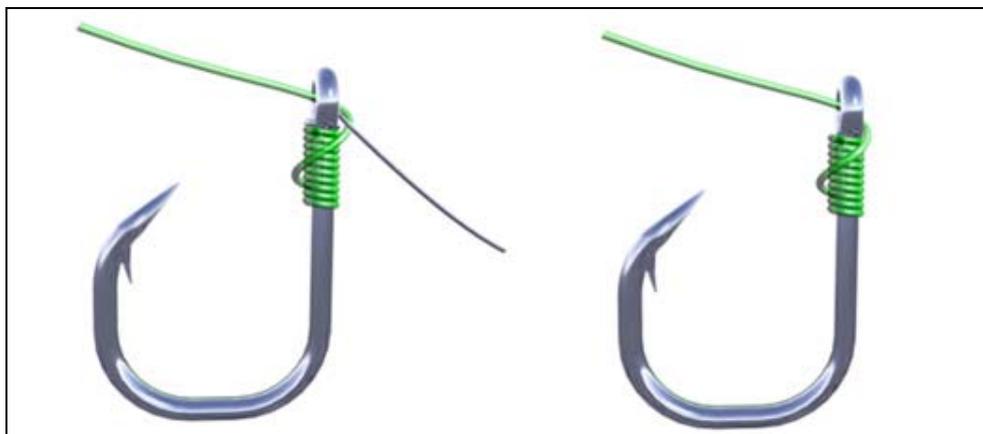
No one knows how many tonnes of snapper non-commercial fishers catch. Estimates vary between 300 to 900 tonnes in SNA8, and in SNA1 the harvest is estimated to be between 2500 and 5000 tonnes.

If the mortality associated with amateur fishing is reduced by only 300 snapper per tonne, then using the improved hook designs could conserve around 800,000 to 1.7 million fish per year. In only five years these fish would weigh between 800 to 1700 tonnes. These estimates exclude the offspring produced by those additional fish.

Incentives to rebuild fisheries are required to encourage conservation and the use of improved hooks.

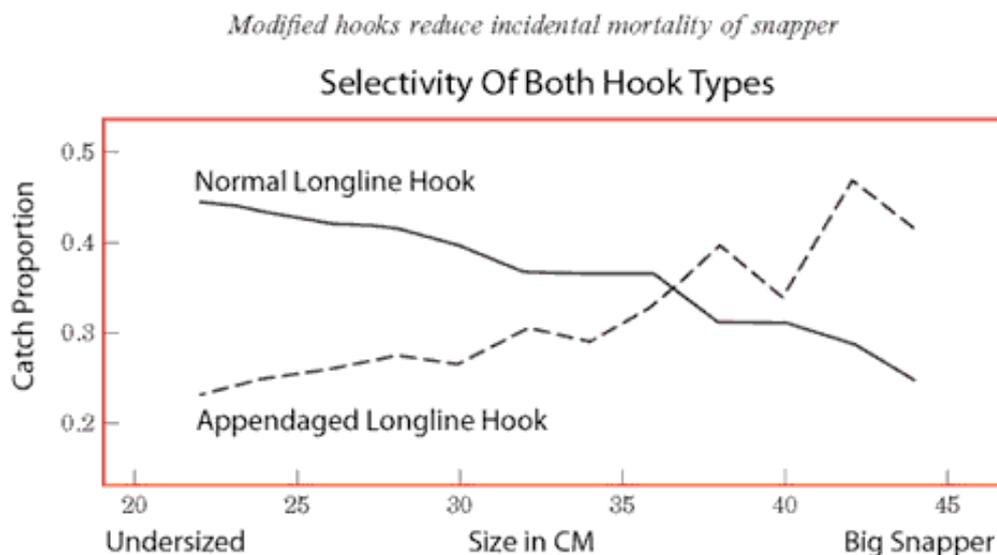
Commercial fish hooks

Figure 2: Size 16r Tainawa or ‘Jap’ commercial fish hooks, appendaged and plain hooks.



A separate, larger trial was conducted on the commonly used ‘Jap’ or size 16r Tainawa commercial hook. 40mm wire appendages were fitted to half the hooks tested. The results from the Willis and Millar commercial fishing study SNA9082 are staggering.

Figure 3: Catch of appendaged 16r Tainawa hooks compared to 16r Tainawa plain hooks.



Adding an appendage to the 16r Tainawa hook reduced the catch of undersized snapper by at least 50 percent. Around 36cm selectivity was about equal, that is both the plain and appendaged hooks were catching around the same numbers of fish.

Above 36cm the appendaged hooks caught more, larger snapper. Reasons for this could include both the lack of small fish being hooked and that the wire appendage seemed to be deterring smaller fish

from taking the baits, consequently the baits were available for a longer period of time to attract the larger fish.

Table 4: Estimated annual reduction in incidental mortality of undersized snapper for the longline component of the stock (SNA1) using modified hooks, based on extrapolation of observed catch and gut-hooking rates. (Based on a 2000 tonne commercial longline catch.)

Effective size limit	Hook	Number of undersized snapper caught	Number of undersized snapper gut-hooked	Percentage reduction in discard mortality
25cm	Plain	574,301	118,880	
	Modified hooks	383,644	4,987	95.6%
27cm	Plain	1,280,369	290,643	
	Modified hooks	916,359	10,996	96.2%

The 95 percent reduction in mortality associated with using modified hooks at both 25cm and 27cm size limits is both dramatic and promising.

Why so little progress in fisheries management?

Clearly these research results prove there are better hooks available that could both reduce mortality and assist in rebuilding fisheries.

There are several reasons why there has been so little progress made in fisheries management over the past twenty years, including:

- The lack of incentives to encourage users to adopt better fishing practices
- The failure of MFish to focus more research on:
- Fishing-related wastage; and
- The development of technologies to reduce wastage.

While commercial fishermen can harvest their quota almost anywhere within the large management areas and continue to waste through killing juvenile fish, there is no incentive for fishing practices to change.

An incentive also needs to be available for non-commercial fishers to conserve fish. Fisheries Plans that recognise conservation and allow those fish to either remain in the water or the allowances to be increased are two options to empower people to take collective responsibility towards achieving the required rebuild in important fisheries.

Eventually MFish may need to use input controls to implement new environmentally friendly fishing technologies.

Input controls would work well in the Kaipara Harbour. Tangata whenua and the local communities around the harbour had been working since 1999 to implement a more sustainable plan for their fisheries. If MFish applied a mesh-size increase of half to three quarters of an inch for all flounder nets then there would be little chance that the mobile fishing fleet would be able to deplete the harbour, as they currently do. There would always be legal-sized fish available for local use.

Simple solutions exist to resolve many sustainability issues. Incentives and more active MFish management would achieve so much and provide all sectors with the encouragement to restore fisheries to healthy levels.

Hui Discussion

Target hook catch results

At the last hui Paul gave away between 200 and 300 Target Hooks for people to try. Hugh Rihari confirmed he was a recipient of some of those hooks. On his return home he had given nine other people an appendaged hook each and asked them to analyse their catch and advise him of the results.

Hugh was pleased to report that no fish had been gut-hooked with the appendaged hook and also that the baits were lasting long enough to catch two, and sometimes three, fish. Some of those testing the hooks had caught between 80 and 90 fish each so it was an encouraging result.

Environmentally friendly fishing

It was both surprising and disappointing that MFish had not picked up on these conservation measures and promoted them as environmentally friendly ways to fish and ultimately rebuild depleted stocks. MFish had been part of the experiments and had access to the results; their reluctance to encourage wider use of such simple, commonsense measures was a reflection of their self-confessed *laissez faire*, or hands-off fisheries management approach.

Ministry personnel have previously advised that the current quota management system provides incentives for the commercial sector to harvest fish in the most economically viable way; therefore they are reluctant to impose any input controls on the sector. The only way of getting input controls implemented would be through a co-operative fisheries plan, which is not likely in the important inshore fisheries. Unfortunately the fisheries and non-commercial fishermen are suffering the consequences of this inaction.

Using bigger hooks such as 10/0 hooks without appendages would deter the capture of smaller fish also. However in small-fish fisheries such as the west coast harbours and inner Hauraki Gulf, it makes sense to use appendaged hooks. Using larger hooks would decrease catch dramatically in these areas.

The appendaged hooks can be fished both actively and passively such as on a longline.

Research

Other options to reduce the capture of juvenile fish include using thicker gauge wire hooks. Tests with unappendaged 16r Tainawa hooks and plain circle hooks showed a definite bias towards catching more small fish on the thinner wire hooks. Adding an appendage to thicker hooks also changes catch rates dramatically.

Paul confirmed that MFish funded the major trial on commercial hooks. Paul's Fishing Kites and MFish co-funded the trial of recreational hooks.

Paul added there is still a lot of research that could be done to find a hook that doesn't need an appendage while reducing juvenile capture. No one at the hui was aware of any such research project under consideration.

Land-all-fish policy

One way to measure total mortality was to implement a land-all-fish policy, so that commercial fishers had to bring in all fish that were killed during the fishing process. This strategy may work in some fisheries; however, it would be detrimental to some fisheries such as snapper as there is a huge demand from some overseas markets for undersize fish, which are more valuable. This approach may encourage the targeting of small snapper.

A land-all-fish policy may be more appropriate if fisheries were managed by numbers, not weight. If commercial fishers had a specific limit on how many fish they could land then more effort is likely to be put into targeting larger fish to maximise their returns.

Marine Reserves and Research

Dan Breen, DoC advisory scientist, Auckland Conservancy.

Dan is a scientist who provides advice to the Department of Conservation and in particular the Auckland Conservancy office. He was at the hui to provide an update on the monitoring of marine reserves within the Auckland Conservancy and also the future planning for marine protection in the Hauraki Gulf.

There are currently five marine reserves within the Auckland Conservancy:

- Goat Island, Cape Rodney, Leigh – Okakari Point
- Kermadec Islands
- Long Bay – Kokomohua
- Motu Manawa – Pollen Island
- Te Matuku – Waiheke Island

Dan could not update the hui on the status of the Aotea (Great Barrier) marine reserve process. The Minister of Conservation had approved DoC's application for the reserve and the Minister of Transport had given his concurrence (agreement). Concurrence has been sought from the Minister of Fisheries and as far as Dan was aware this had not been granted, as of the time of the hui.

The application for a marine reserve at Tawharanui Marine Park had been re-notified and the application for a reserve covering the Mimiwhangata Marine Park was expected to become part of the Northland Conservancy's Marine Protected Area process.

Once a marine reserve is established monitoring and research is aimed at assessing what biodiversity exists within the reserve and any changes due to its protected status. Assessing the effects of fishing and other activities outside the reserve also provides valuable information.

Research at Goat Island had shown increased numbers of crayfish within the reserve and that those crayfish were larger than fish found outside the reserve area, both at Leigh and the monitoring station at Kawau Island. Similar effects were found with the snapper populations.

DoC are keen to work more with the Auckland Regional Council in monitoring the effects of sedimentation, particularly on the inshore reserves such as Te Matuku (Waiheke) and Motu Manawa (Pollen Island). DoC accept the effects of sedimentation are not well understood or monitored. Dan

was not aware that Transit NZ had completed some research into the sedimentation around Pollen Island and would make enquiries to access that information.

DoC is also working with NIWA to investigate improved monitoring systems and to leverage off some of the fisheries research work already underway around the Hauraki Gulf and northeastern coastline.

NIWA has completed its tagging survey of 10,000 snapper. Initially they had no plans to tag inside any of the marine reserves. They agreed to extend the survey to both marine reserves and the control sites outside the reserves. 400 snapper were tagged in both Tawharanui Marine Park and Leigh marine reserve.

After four months, amateurs fishing in the Hauraki Gulf have returned 240 tags. There have been 17 tag returns of those initially tagged in Leigh marine reserve. The survey will continue for the next couple of years and amateur fishers are encouraged to record the details of any tagged fish.

For the past two years DoC have been conducting sampling survey both within and outside the proposed marine reserve at Aotea (Great Barrier). And while it may seem presumptuous for DoC to be doing this research before the marine reserve is formalised, they believe the baseline information gathered from this work will be a valuable addition to their database.

Marine Protected Areas Standards

Recently both DoC and MFish released the Marine Protected Areas (MPA) Protection Standards document for consultation. This was envisaged as being a more systematic approach to marine protection and establishing marine reserves. Regional forums including local people would be established to assist in this process.

Areas currently protected would be measured, including customary management areas plus sites that limit or restrict fishing such as cable protection zones and the Hauraki Gulf trawl-exclusion zone.

Social, economic and cultural values would be an important component of the MPA planning process. Dan would appreciate some advice on how best to gather this type of information.

Hui Discussion

An important issue for Maori was the ongoing confiscation of traditional fishing areas for marine reserves. The establishment of a reserve both denied access and tangata whenua rangatiratanga (control), including management rights over areas of cultural value, forever.

Dan could not advise whether applications for traditional area management tools such as rahui, taiapure and mataitai took precedence over marine reserves. He agreed that it would be helpful to have a policy that clearly states whose interests come first, tangata whenua's cultural interests or DoC's interest in marine reserves.

The Marine Reserves Act 1971 section 3 (1) states as its purpose:

“It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.”

This is a very high test. It is not a biodiversity test; it is a scientific study test of treasures which are of national interest.

An important indicator of a marine reserve is whether there is a change in biodiversity; notwithstanding that reserves are not biodiversity tools. Banning fishing in a previously fished area inevitably leads to a greater abundance of the targeted species. Research into any increases in biodiversity of non-targeted species would be helpful.

Dan agreed with this assessment and advised that historical surveys of this nature had been conducted at Leigh, with observed changes to both fish and biodiversity.

If regional MPA forums are established then there ought to be a consistent approach to gathering information from both a cultural and social perspective. There seems to be a wealth of information, within fisheries management at least, of the value of commercial fishing, but very little, if any, information on the social and cultural values of non-commercial interests. This needs to be a pre-requisite; otherwise the process will depend on the ability of local advocates for each sector presenting those views.

An example of conflict caused through lack of consideration of commercial harvest levels and displacement of fishing effort is found around Gisborne, since the establishment of Te Tapuwae o Rongokako marine reserve (2450 hectares) in 1999. Due to a number of factors, including fuel price increases, commercial fishing effort has moved closer to the population base around Gisborne.

This increased effort and the impact of controversial fisheries management measures has denied locals the opportunity to gather legal-size crayfish, a traditional food source for many.

Any measures to increase coastal marine protection ought to be implemented in conjunction with reductions in harvest levels, to reflect the reduced area access or displacement effects.

This consideration is particularly important for coastal communities, as people living in remote areas often depend on kaimoana for sustenance and do not have ready access to supermarkets to buy food.

Cheltenham Beach Rahui

John Retimana and Georgina Greville

John Retimana explained that Ngati Whatua, Ngati Wai, Ngati Paoa, Te Kawerau A Maki and the North Shore community formed the Cheltenham Beach Caretakers in 1991. Together they established a rahui at Cheltenham Beach, on the eastern coast of North Shore opposite Rangitoto. Both John and Georgina are long-time residents of Devonport.

By 1990 local residents were very concerned about the depletion of shellfish due to the incessant, and often excessive, harvest from Cheltenham Beach. Georgina Greville has been the kaitiaki of the Caretakers for many years and she was pleased to be at the hui to give an update on the temporary closure initiative.

Through the combined effort of locals and iwi, a rahui was placed on Cheltenham Beach in 1993. Simultaneously the beach was closed under section 86A¹⁰ of the Fisheries Act 1983. The s86A closure reinforced the rahui with statutory provisions for breaches of the shellfish ban.

¹⁰ Section 86A no longer exists in the 1983 or 1996 Fisheries Act.

Despite strong support from local government officials, there was initially reluctant support from DoC and MFish for this community initiative. However, the group was fortunate to have the assistance and scientific advice from Mary Gardner, another long-term North Shore resident. With her guidance, regular grid studies of the beach were conducted to determine the nature and extent of shellfish distribution, along with other species. Initially beach surveys were conducted every six months, then annually.

Unfortunately there has been little regeneration of shellfish on the beach. Recruitment of pipi has been sporadic with one significant spat-fall. For tuangi (cockles) there has been one moderate settlement with a few baby shellfish every year, but nothing near the hundreds of thousands required for replenishment.

A similar survey has been conducted at less frequent intervals at Gardiners Gap, between Rangitoto and Motutapu Islands, not far from Cheltenham Beach. Although Gardiners Gap did not have the harvesting pressure nor pollution or land runoff issues, similar observations of recruitment failure had been made during those surveys.

Without doubt the highlight over the years had been the hundreds of people who had participated in the beach surveys. Many of the people at this hui had assisted in one or more of these three-hour surveys. North Shore Forest & Bird branch volunteers had been the mainstay of the effort. It was common for local families and new immigrants to also participate and enjoy the barbeque afterwards.

The Cheltenham Beach Caretakers model is a simple approach that could be replicated almost anywhere. While providing regular, local knowledge it also brings the community closer together.

Hui Discussion

Coral Grant, the current scientist, has been commissioned by the Auckland Regional Council to assist this project and monitor many others around country. Shellfish depletion and recruitment failure are common, yet there is no clear answer as to what the specific cause is amongst the multitude of factors to consider.

Over-harvesting of the adult shellfish population, sedimentation, algal blooms, beach clearing and water temperature increases could all be contributing to depletion issues.

Research at other areas had shown that settlement of juveniles is more successful if there are adult shellfish present in tidal areas. Enhancement of shellfish stocks could work at Cheltenham, but would only be considered if sufficient resources were available to support and monitor the outcome.

Aotea Marine Reserve Process

Peter Blackwell, long-term Barrier landowner

Peter Blackwell's family had farmed on Aotea (Great Barrier Island) for over 100 years. He has been a regular attendee at Hokianga Accord hui was very pleased to be able to report on the recent developments regarding the marine reserve application for Aotea.

Background

In 2003 the Department of Conservation (DoC) proposed a very large marine reserve for the northeast coast of Aotea, out to the 12 nautical mile limit. There were a number of public meetings held on the island with very strong opposition expressed to the proposal. Since then DoC has proceeded through the application stage and the Minister of Conservation has approved the reserve. The final stage of the process is underway now. The Minister of Fisheries, Jim Anderton, has been asked by his Conservation colleague to provide his concurrence (agreement) to allow the marine reserve to be formalised.

As referred to earlier in the hui, it is important for locals to have a management role in their communal resources to ensure enduring and acceptable outcomes. The difficulty for local communities is accessing adequate information to support their initiatives.

In the case of the Aotea process, the public has been bombarded with false or biased information. One example is the 2003 glossy proposal document produced by DoC at a cost of over \$100,000. This document contains misleading statements and a number of images that were not taken from the north east coast of Aotea. For example, the crayfish picture featured on the back cover was captured in Fiordland.

If DoC had not produced such misleading information and had instead included the local community in the initial consultation, the outcome of the process may have been more positive. As it stands, the majority of the Aotea community is vehemently opposed to this DoC initiative and instead wants to support more local management of their marine environment.

Peter then produced a map depicting the offshore islands in the outer Hauraki Gulf from Tutukaka in the north to Cape Colville in the south. DoC has control of a number of these islands and restrict landing (by permit only) to the:

- Poor Knights Islands
- Hen and Chicks
- Mokohinau Islands
- Little Barrier Island
- Cuvier Island

The marine reserve proposed at Aotea will be a no-take zone in perpetuity.

How many islands do we need to exclude the people of New Zealand from?

Jim Anderton visited Aotea on September 27th and had two meetings with the locals. One was held at the Claris Sports Club the other was a hui at Motairehe marae. The objective was to hear the local's view of the impacts of the proposed marine reserve.

Kevin Burke, editor of the local paper, could not attend the hui at Motairehe so asked Peter to take some notes for publication in the October edition of the Barrier Bulletin. The following notes are reproduced courtesy of the Barrier Bulletin -

The Minister of Fisheries, Jim Anderton, opened the meeting by saying:

“I will consider what you tell me today before I make my decision. I acknowledge Maori customary rights, and customary rights will be protected.

I acknowledge Maori recreational rights.

You have asked me to consider your future generations and I will do that. I know the cultural value of catching a fish.

We want to comply with the rules of the Act, and I note that marine reserves must not be contrary to the public interest.

I agree this is a very large proposal. We are here to talk about the issues of implementing a marine reserve, and we need to consider how to implement a balanced approach”.

He then handed the meeting over to the local Hapu, who opened in a very touching manner with the guitar and singing “Please don’t Take my Sunshine Away”.

Some important comments were as follows:

The existence of the Hapu is under threat, and further erosion of fishing rights IS unwelcome.

Imposing a no-take zone is unacceptable, but we want to discuss and create solutions.

We are not a submitter – We are Tangata Whenua!!

We want discussions with our Hapu regarding broader options and solutions.

You, Minister are being asked to decide on a “Scientific Basis”. The scientific evidence in support has not been seen!

Crown land has now become DoC land, and that’s wrong!!

We don’t need DoC to tell the local people how to manage this island.

Regarding the process of this Marine Reserve, Wayne Peters said it was a matter of “We write, you read – process by DoC”. Your decision Minister will state how the Crown regards that.

If we want to preserve fish, we should look at the commercial take.

Mr Anderton replies, “I know the fish have been over fished by commercial”.

The meeting was well conducted in the protocol of the Marae with many very well presented speakers, including Scott Mabey, and we all had the pleasure of listening to the great ‘Uncle Harry’.

A vote was taken for or against the marine reserve proposal, and the result was 100% against.

DoC staff did not participate in the vote taken at the marae.

For four years DoC have bulldozed the people with their reserve proposal while there is very clear opposition to it. Tangata whenua and locals of Aotea are hoping Jim Anderton sticks to his opening comments and protects the rights of the local people and the wider public’s interest in maintaining access to the northeast coast of Aotea. Peter believes the Minister of Fisheries will find it very difficult to give his concurrence to the marine reserve as a result of both meetings held at the end of September. His decision is awaited with interest.

Achievements of Pou Hononga

Jonathan Dick, Extension Services Manager, Ministry of Fisheries

Jonathan Dick is the manager of the Ministry of Fisheries' Extension Services team, established to implement initiatives from the Deed of Settlement programme. Jonathan has been with MFish for more than two years. He apologised for not being available to attend a Hokianga Accord hui since the Whakamaharatanga hui in November 2005.

Jonathan supplied the hui with a document from MFish, *Update from the Pou Takawaenga – Extension Services Team* (Appendix Seven).

The four-page document outlines the background of the team, a summary of current staff and their roles. It also provides a progress report of various iwi fisheries forum's projects that the Pou Takawaenga team have been involved in.

Vote Fisheries Bid 2004

MFish has recognised it has not been good at engaging with tangata whenua. There have been a number of attempts to enhance the relationship since the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The Vote Fisheries Bid 2004 is MFish' latest attempt to address the shortcomings and improve the interaction between MFish and tangata whenua.

The Vote Fisheries Bid 2004 emerged not long after the Foreshore and Seabed debate in late 2003. The Bid culminates in around \$5m being made available this financial year to be spent on the Deed of Settlement Implementation Programme.

As discussed earlier in the hui, the information supplied by MFish in Appendix Four (of this report) sets out the background and key drivers for the Vote Fisheries Bid 2004.

The Pou Takawaenga's goal for this year was to increase staff numbers from 11 to 14, including the manager.

Originally the Pou Takawaenga's role was to engage with tangata whenua in the MFish Stock Strategy process. Since a major realignment of roles and personnel in 2006, MFish has decided they want to focus on Fisheries Plans as a way of managing fisheries in the future. More details on Fisheries Plans were available in the MFish handout supplied *Fisheries Plans*.

MFish Deed of Settlement organisation

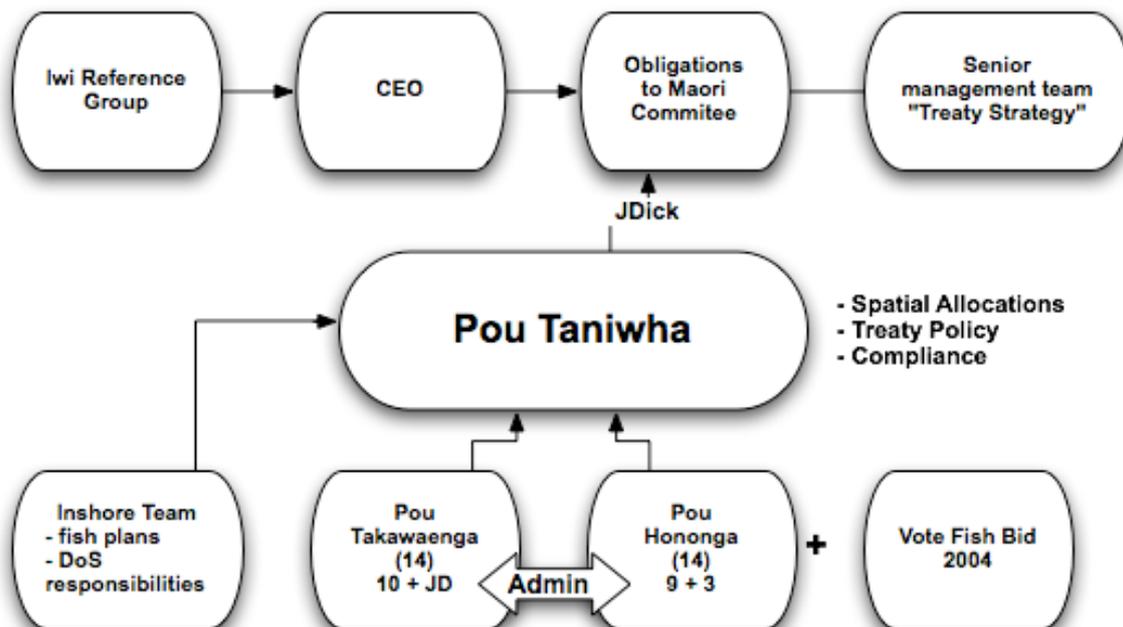
The Pou Takawaenga are now aligned with the five MFish Inshore Management Teams. Twenty-six Fisheries Plans are forecast.

The Inshore team, including the Pou Takawaenga, have substantial Deed of Settlement obligations to fulfil within the Fisheries Plans process. They are responsible for maintaining the relationship between Maori and MFish.

It was envisaged that the Pou Hononga (Relationship Manager) would work with local Maori to establish the iwi fisheries forums, to enable improved engagement with MFish. The Pou Hononga would then introduce a Pou Takawaenga, or extension service officer, to the iwi forum. Their job would be to assist the forums in providing feedback and submissions to MFish.

The Inshore team would consider the information supplied by the forums and use it to guide their advice papers to the Minister on sustainability decisions.

Figure 4: MFish Deed of Settlement organisational structure.



There are currently nine Pou Hononga plus three managers. They are recruiting more staff due to some recent departures, including Graeme Morrell of Ngapuhi.

The Pou Taniwha was established around two years ago to assist frontline managers with Deed of Settlement responsibilities to improve their coordination of services. Meetings are held every two months.

Managers from various teams feed information into the Pou Taniwha. Jonathan provides information on behalf of the Pou Takawaenga team. Others managers include those from the Inshore teams, Pou Hononga, Spatial Allocations, Treaty Policy and Compliance and Treaty Policy teams. Input from Spatial Allocations is particularly important because that team is responsible for marine reserve concurrence processes plus mataitai and taiapure applications.

Senior MFish management

Jonathan addresses the Obligations to Maori Committee on behalf of the Pou Taniwha team. The Obligations team is primarily the senior MFish management team including all national managers and the Chief Executive. The Obligations team meet quarterly. Carl Ross participates in the committee discussions alongside the Chair of Te Roopu Awatea, the Maori whanau support group. (This group's Terms of Reference is to ensure MFish is meeting its Deed of Settlement obligations.)

The Obligations to Maori Committee is about to ratify a Treaty Strategy, which was initiated in 2002 but not completed. The Obligations Committee was due to meet on November 22nd to complete the

process. Consultation with fishing interests is likely on the Treaty Strategy's goals and aspirations, once it is finalised.

The Vote Fisheries Bid 2004 recommended the Chief Executive form an advisory group to assist MFish with meeting Treaty obligations. Stan Crothers (Acting CE) is in the process of establishing an Iwi Reference Group now.

Fisheries operations

MFish has over \$5m in the Fisheries Operations budget to service Deed of Settlement obligations this financial year.

The Pou Takawaenga team has had reasonable success although there is always more to be done. In 2007 Pou Takawaenga were involved in 35 submissions to MFish on behalf of the forums/hapu they are working with. Those submissions included responses to the proposals for *Shared Fisheries*, dolphin management and sustainability measures.

Pou Takawaenga have a challenging role, being both MFish staff and assistants to groups responding to Ministry proposals.

There are three vacancies in the team, not including the need for a team manager. Once appointed, these people will work alongside the Inshore management teams in Auckland, Napier and Nelson.

Having the Pou Takawaenga spread around the country presents a financial challenge. Around 60 percent of their budget is wages; around 25 percent is spent on travel, with the remainder spent on communications, mostly printing and phone costs.

Hui Discussion

Hokianga Accord

Clarification was sought from Jonathan as to why the Hokianga Accord was not listed as one of the MFish iwi fisheries forums in the project list included in Appendix Seven. Also, if MFish were not acknowledging the Accord, why were Ngapuhi and Ngati Whatua not mentioned either?

Jonathan explained that a Pou Takawaenga was due to be allocated to the Hokianga Accord in early 2006. However, due to developments between MFish Head Office and the forum, Tracey Kingi was not assigned to the Accord.

A Pou Takawaenga has been doing some work in Tai Tokerau, most recently at Rawhiti in the southern Bay of Islands. George Riley (Pou Hononga, far north) and a Pou Takawaenga were due to attend a two-day hui with Taiamai ki te Marangai early the following week to discuss their aspirations for the northern Bay of Islands.

Specific questions brought up during this session were sent to MFish after the hui. Jonathan would raise the questions during the Obligations to Maori meeting on November 22nd, on behalf of the Hokianga Accord. The ten questions are included in this report as Appendix Eight.

Fisheries Plans

Questions were raised regarding the extensive fisheries management boundaries being suggested for Fisheries Plans. In some cases these were larger than one Fisheries Management Area. Concerns were

also expressed regarding MFish' proposal for the plans to cover multiple fisheries, the North Island west coast plan includes up to 15 fish stocks.

MFish were advised that people in Tai Tokerau wanted northern fisheries managed by Northlanders to ensure good outcomes for both the fisheries and the people.

New appointments

In terms of iwi nominating someone to fill the Pou Takawaenga vacancies, how culturally and spiritually safe are they going to be?

How much are they a part of the iwi that nominate them or are they just expected to be filling a brown space? If so, iwi would be reluctant to nominate anyone.

Iwi would like to offer someone to advise MFish, but that person has to be from the home base. It seems that MFish is suggesting the Pou Takawaenga would be offering advice to iwi. The days of 'dial a karakia, dial a powhiri and dial a kaumatua' are over.

There needs to be some serious consideration given to the Pou Takawaenga vacancies if they are to be filled with integrity and meaningful intent.

Jonathan agreed that the Pou Takawaenga have a challenging role, being both MFish employees and supporting iwi with their input into fisheries management processes. A recent example demonstrates this conflict; one of the Pou Takawaenga was involved in developing a submission that was not complimentary to MFish. There were some repercussions in Wellington arising from that submission.

Jonathan confirmed that the MFish Code of Conduct clearly sets out the rules of engagement and behaviour for staff. A risk assessment checklist and manual have now been developed to ensure the Pou Takawaenga act appropriately and within safe guidelines.

Mataitai Guideline

There is very little information available to explain what the Mataitai Reserves Policy is and what the implications are for tangata whenua.

Jonathan confirmed the Mataitai Reserves Policy is now being described as a Mataitai Guideline. It is an outcome of a meeting held in early 2006 between the Minister of Fisheries and SeaFIC. There is a policy council meeting at least once a year. MFish, SeaFIC and TOKM have had further meetings to discuss the Guideline. Both the Spatial Allocations and Treaty Policy teams have had input into the document.

Included in the draft document were guidelines as to how the Minister ought to weigh the various factors when making decisions in relation to mataitai applications.

Jonathan understands the Guideline was sent to the Minister around a month ago. This was purely for his information (to note), so he knows the document exists. It is unclear whether there will be any public consultation on the Mataitai Guideline prior to its release. Jonathan will inform the Accord of the status of the Guideline as soon as possible.

DOSIP funding

The financial breakdown in the MFish Statement of Intent document is very broad. The 2004 Vote Fisheries Bid specifies \$5.055 M for 2007 onwards. However, it is not extra funding from Cabinet

then from July 2008 it becomes part of the MFish baseline funding and can be used in a number of areas.

The concern for tangata whenua is that the Vote Fisheries Bid 2004 totals \$17.045M to be spent on the DoS Implementation Programme. Within the Fisheries Bid there was \$20,000 per annum set aside to resource each of the iwi forums. Maori in Tai Tokerau have seen little evidence of where this money has been spent or enjoyed any benefits from those funds to assist their engagement in fisheries management processes.

Establishing customary management tools

One of the criteria for establishing a mataitai is the need to identify areas of importance for customary fishing. If tangata whenua have established their rohe moana out to the 200nm limit what is stopping Maori from placing a mataitai over that whole rohe moana?

Jonathan agreed this is a common question. Within the last month tangata whenua around East Cape had submitted a mataitai application that covers around 620 sq km.

There is nothing to stop an applicant filling out the forms stating what area they want covered in their mataitai. The reality is that the application goes to the Spatial Allocations team in Wellington who weigh up a number of factors, the key being the 'prevent test'. This examines whether any spatial tool will unduly affect the TAC, and the TACC in particular, being taken within that area.

When an application arises the Pou Takawaenga try to focus on what the underlying issue is, why tangata kaitiaki believe intervention or a customary management tool is required to manage that area. By gathering both scientific and local information it maybe found that a mataitai is not the most appropriate solution.

Tangata whenua find the application process difficult for a range of reasons. A major frustration is that the advice from Wellington bureaucrats seems to take precedence over the knowledge of tangata kaitiaki when spatial allocation decisions are made. The people in Wellington have no appreciation of local management issues.

Jonathan confirmed the Pou Takawaenga face frustrations too. Once a mataitai application is submitted the team's role in that process ceases. The separation between the Pou Takawaenga and Spatial Allocations teams has been deliberate. It allows the Pou Takawaenga to concentrate on assisting tangata whenua and the Spatial Allocations team to deal with the information before them and provide objective advice to the Minister, to assist his decision-making role.

It was unfortunate that due to a lack of public awareness, and MFish effort to educate the public, customary management tools have become tools of contention rather than a productive, local management tool.

Section 12 obligations

While the common perception is that Maori enjoy privileges that other New Zealanders don't have the reality in fisheries management is quite different. The three mandated iwi in the north, including the largest, Ngapuhi, struggle to have "input and participation" into MFish processes as set out in section 12 of the Fisheries Act 1996.

At the recent Fisheries Plans meeting with MFish' Inshore team in Auckland, section 12 obligations were discussed in regards to providing for tangata whenua's non-commercial interest and "input and

participation” into the planning process. The concern was that Maori outside the officially recognised forums would not have sufficient opportunity or resources to participate in the 26 proposed plans.

MFish was asked if they would be providing for the “input and participation” of tangata whenua into the Fisheries Plans process, the answer was “no”.

The longer MFish ignore the iwi involved in the Hokianga Accord the harder it will be for MFish to address the concerns. Maori are determined to have “input and participation” whether MFish accept that or not. The statutory obligations stand irrespective of MFish’ current position.

Local fisheries management

Priority of decision-making for local resources rests in the hands of Wellington bureaucrats rather than at regional or local level. Yet it is locals that suffer the impact of localised depletion. Quota may belong to someone who lives at the other end of the country yet it is the locals who endure the consequences of any harvesting or management decisions.

Tangata whenua and coastal communities want to have a say in how local resources are managed.

MFish view Fisheries Plans as being the vehicle for addressing management issues for fisheries. However, local issues will still not be addressed, as the plans will be covering very large areas.

Race for space

A hui was due to be held soon in Tauranga to discuss the ‘race for space’ issue. It is a major concern for Maori that marine reserves seem to be given higher priority than other marine protection tools. It also seems the onus is on iwi leaders to sort the issue out rather than the government agencies responsible, both MFish and DoC.

A relevant example is the area from East Cape to the Wairoa River, north of Napier. A substantial marine reserve is in place around Gisborne. Tangata whenua of Whangara were keen to initially establish a mataitai out to the 12nm limit. Eventually they agreed to apply for a mataitai that extends 100m out from the marae, to sustain the marae. Other Maori in the region have aspirations of implementing customary management tools for their rohe, however, the need to allow commercial fishers to harvest their quota within Fisheries Management Area 3 may prevent or limit any further spatial allocation tools such as mataitai.

Marine protection process

The marine reserves process seems to be superior to the cumbersome process to implement customary area management tools. A marine reserve applicant controls the initial process. There is no need for the Minister, MFish or DoC to approve the application or establish a management committee; the applicant can do all this. Fine-tuning of the customary management application process could give the applicants more say in the initial development and eventual outcome.

Mataitai applicants could then be responsible for seeking input from MFish and local communities. When the application is put before the Minister a mandated management committee would already be in place.

This alternative process could circumvent much of the internal conflicts within MFish. The Pou Takawaenga could then be used to provide advice to local committees on how to manage the process. This would be a far more constructive process to address local fisheries management and marine protection issues.

Review of Minister's Eel Decision

Trish Rea, analyst, option4

Trish Rea has been to all previous hui and part of the option4 team since 2001. Trish is based in Auckland and regularly engages with MFish and DoC on fisheries management and marine protection issues. She co-ordinates the distribution of information, the development of submissions in response to management proposals and maintains the Hokianga Accord's records.

At the previous hui it was agreed the Hokianga Accord would submit a response to MFish' management proposals for northern eel (tuna). This was completed in July 2007 and recorded in the Whakamaharatanga August hui report¹¹. The Minister released his decision on September 24th. An analysis of the Minister's decision is available in Appendix Nine.

2007 Process:

- June – MFish management proposals for northern eel (tuna)
- July – Hokianga Accord submission¹² sent to MFish
- July – MFish receive 20 submissions
- September - Minister of Fisheries' decision released.

It was clear there was a serious need for major reductions in the commercial harvest of both longfin and shortfin eels. There were particular sustainability concerns for longfin eel (tuna). A number of draft submissions were circulated amongst the Hokianga Accord's Working Group before the finalised document was sent to MFish.

The Minister agreed with the submissions asking for hefty cuts to the Total Allowable Commercial Catch (TACC) in both longfin (LFE20) and shortfin (SFE20) stocks.

Table 5: Analysis of the Hokianga Accord's submission and the Minister's decisions for northern eel (tuna).

TACC Reductions		
	Hokianga Accord	Minister's decision
Longfin eel	50%	60%
Shortfin eel	30%	42%

Submissions

There was widespread support from non-commercial interests for more conservative management to enable a rebuild of eel (tuna) stocks. The lack of eel (tuna) was a major problem for many marae who could no longer manaaki (provide hospitality to) their manuhiri (guests).

MFish acknowledged that most eel (tuna) fishers were fishing for sustenance and that the majority of those people were Maori, fishing under the amateur (recreational) regulations.

Commercial fishers had mixed views on any reductions to the TACC. Some expressed concerns about current management and recognised the need for a rebuild of eel (tuna) numbers. Others did not agree with the proposed reductions.

¹¹ http://option4.co.nz/Fish_Forums/documents/har807.pdf

¹² http://option4.co.nz/Fisheries_Mgmt/eel.htm

The Hokianga Accord's submission highlighted the Minister's failure to adhere to the statutory provisions of the Fisheries Act 1996, in particular section 12. Sending out an Initial Position Paper (IPP) containing the proposals and advising a submission deadline date does not constitute providing for the "input and participation" of tangata whenua into a sustainability process. It was interesting however to note that MFish' advice to the Minister included an assurance that his section 12 obligations had been met. Refer to Appendix Nine for more details.

Vic Holloway of Te Hiku O Te Ika, the far north iwi fisheries forum, confirmed three MFish personnel had visited and discussed the eel management proposals with their forum during the consultation period.

The Hokianga Accord appreciated the Auckland Conservation Board's endorsement of the forum's eel (tuna) submission.

Review of MPA Submission

Trish Rea, analyst, option4

A response to the Marine Protected Areas (MPA) Draft Classification and Protection Standards document issued by MFish and DoC was discussed at the Whakamaharatanga hui in August. It was agreed the Hokianga Accord would submit its views on the proposals by the submission deadline of the end of September.

A joint submission from the Hokianga Accord, the NZ Big Game Fishing Council and option4 was sent to MFish and DoC on October 1st 2007. This was one of 158 submissions in reply to the proposals issued in June. MFish and DoC are now considering the feedback received and will be reporting to their respective Ministers once the submissions are analysed.

The submission and endorsements for the Accord's submission from Te Runanga-a-Iwi O Ngati Kahu and Te Rarawa are online at http://option4.co.nz/Marine_Protection/mpas.htm.

Key issues raised in the 35-page submission were:

- The proposals were a means to justify huge networks of marine reserves
- Fisheries are not currently being managed sustainably, according to legislative requirements
- No recognition of kaitiakitanga or explanation of the Minister of Fisheries' obligation to have *particular regard* to kaitiakitanga when considering sustainability measures
- The proposals represented a confiscation of both rights and access.

An Official Information Act (OIA) request has been submitted for copies of all submissions to the proposals. Those will be released once the analysis has been completed.

Northern West Coast Fisheries Plan

Trish Rea, analyst, option4

In early October 2007 MFish advised their intentions to establish a 17-member stakeholder group to develop a Fisheries Plan for the North Island's West Coast finfish fisheries. option4 were asked to participate in the group but did not want to confirm until further details had been provided and other groups, including the Hokianga Accord, had been consulted. A meeting with MFish was held on 15th October to clarify some aspects of the proposed plan.

Major concerns include:

- The feasibility of managing 15 fish stocks, some of which have management areas stretching from Taranaki to East Cape (beyond west coast boundaries).
- Over-allocated fisheries such as grey mullet and flounder
- Past planning failures
- No realistic estimate of amateur catch
- No provision for section 12 obligations.

MFish has suggested that tangata whenua will have a separate group in this process. Several members of that group will be offered the opportunity to participate in the 17-member planning group made up of commercial, amateur and environmental interests. The remainder could have input once the plan has been formulated. option4 did not believe that was adequate provision for Maori to have input and participation, as per section 12 of the Act.

Proposal for representation

It was important for non-commercial fishers, both customary and amateur, to be represented in this Fisheries Plan process. Trish presented the hui with a proposal for her company, Moana Consultants Ltd (MCL), to represent non-commercial interests in the planning process. The hui was asked to consider the proposal and confirm their support for having Moana Consultants represent their non-commercial fishing interests in this process.

Moana Consultants Ltd will:

- Represent non-commercial fishing interests at the meetings
- Attend 12 meetings during the 18-month process
- Report back to the groups, discuss key points and develop agreed proposals prior to subsequent meetings
- Provide regular updates to keep people informed
- Provide presentations to various management boards over the 18-month period.

Estimated costs of participation to:

- Attend 12 meetings over 18-month planning process
- MCL and one support/tautoko person to attend meetings
- Promote public awareness through regular updates

- Provide regular presentations to executive committees
- Cover expenses associated with participation
- Total estimated cost is \$25,987. Cost to be shared amongst represented groups.

It was envisaged that the support/tautoko person would be interchangeable depending on availability. Iwi chairmen or their fisheries spokespersons would be most welcome to attend and observe the planning process.

MFish will be initiating discussions on Fisheries Plans soon for both the North Island East Coast finfish fisheries and scallops. Resources will need to be made available if non-commercial interests are going to be represented in those forums. The Hokianga Accord will be informed when those discussions occur.

Initially meetings for the North Island west coast finfish fisheries plan were set down for late November/early December. It was now more likely to be early 2008 before the meetings were underway.

Hui Discussion

Representation issues

Trish was asked to confirm if MCL's costs would be covered within the estimate provided. While the sum provided was an estimate it was expected to cover costs over the 18-month period. Those costs will be invoiced on a monthly basis.

Questions were also raised regarding Trish's availability given her other commitments. An assurance was given that sufficient time would be made available to fulfil the obligation to attend and report back on any developments regarding this planning process.

Clarification was sought about who would be nominating the support/tautoko person that would accompany Trish to the planning meetings. It was suggested that, given the struggle the Hokianga Accord was having to be officially recognised, and if this was a Hokianga Accord initiative, then that person should be from Ngapuhi, Ngati Whatua or Ngati Wai. It was also a possibility that option4 or the NZ Big Game Fishing Council may want to attend the meetings.

It was important to have the functionality available to participate and ensure good process to provide guidance to whoever attended the planning meetings. Details such as who that tautoko person is would be determined as the process unfolded. It was not so much of having a 'voice' at the meetings it was firstly to know what is going on, it would then be up to all the groups to discuss their positions and have that advocated at the meetings. The support of mid north iwi and a tautoko person would add strength to the non-commercial interests of both iwi and amateur fishers.

Part of the Pou Takawaenga's function was to assist tangata whenua in fisheries management processes, so mid north iwi did have access to the services of that team, if it was required, during this planning process.

Statutory obligations

Despite all of the above, it was important for Maori to expect MFish to fulfil their statutory obligations as set out in s12 of the Act. Having a contractor, MCL, participating in the planning process on behalf of mid north iwi and other groups did not constitute fulfilment of MFish' and the

Minister's requirements. Nor did it address the concern that mid-north iwi were going to be left out of the process because of MFish' refusal to recognise the Accord as an iwi forum.

Potentially there could be one person each from Ngapuhi, Ngati Whatua and Ngati Wai also participating in the planning group, if s12 was applied and Maori wanted it to be so. This would add to the strength of the advocacy of Moana Consultants.

At the mid-October meeting with MFish the Pou Takawaenga, Manihera Forbes, advised he would be calling a meeting with iwi representatives to discuss how they wanted to participate in the planning process.

The Ngapuhi Board will be requesting a meeting with both the Ministers of Maori Affairs and Fisheries to discuss the impasse which leaves mid north iwi out of important fisheries discussions and the Hokianga Accord unrecognised, so the delayed start to the planning process suits Ngapuhi.

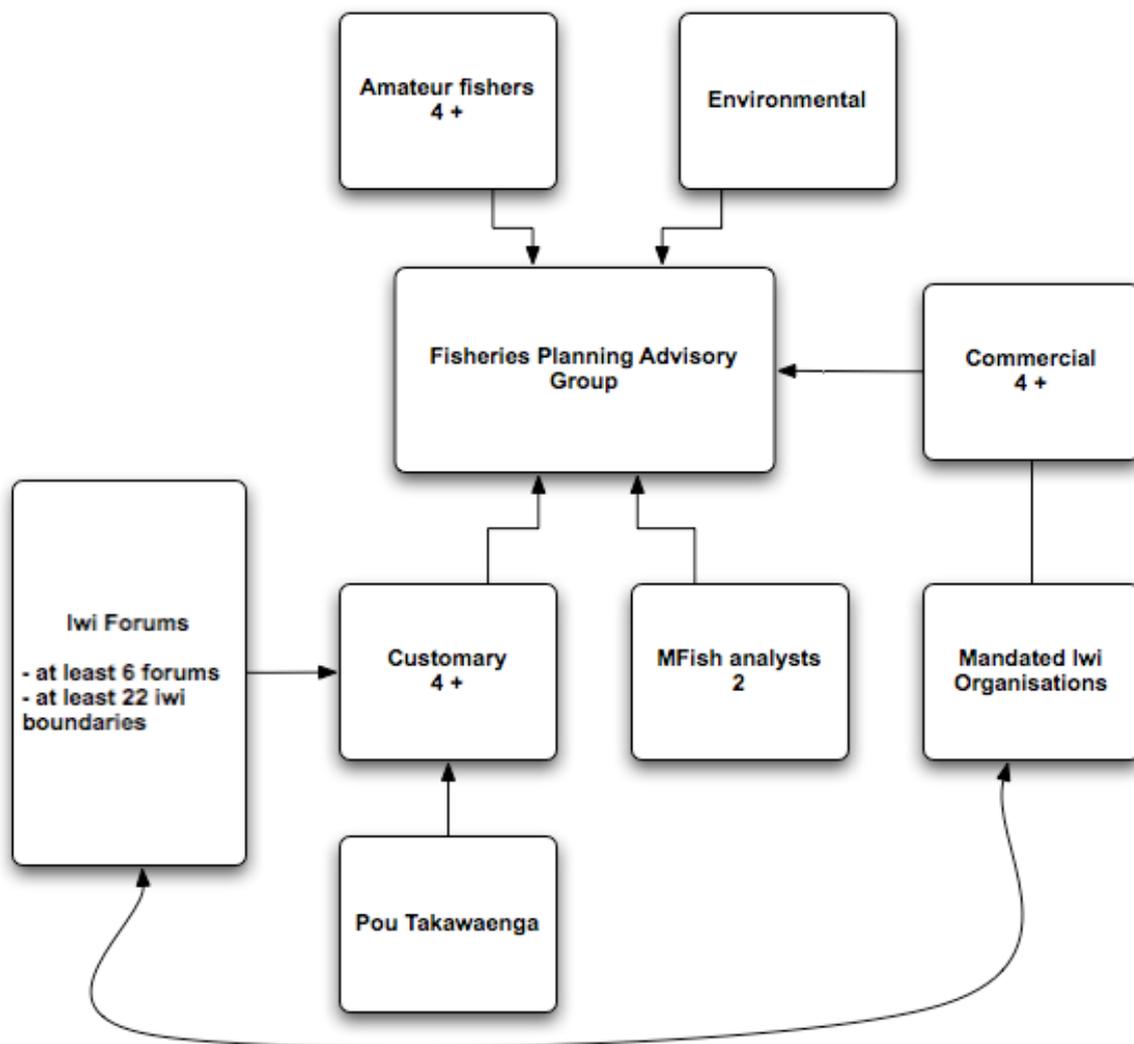
Thinking long-term it was important to have a succession plan so that if Moana Consultants Ltd was no longer available to participate and report back on fisheries management processes other people were available to step up and adequately participate. This made the tautoko role an integral part of any participation in the planning process.

Clarification of Maori input

Jonathan Dick provided his understanding of the process envisaged for the North Island west coast finfish Fisheries Plan. MFish are anticipating the development of 26 Fisheries Plans throughout the country. He calculates that the North Island west coast finfish Fisheries Plan will encompass the takiwa of around six iwi forums, including the Hokianga Accord and the potential Hauraki Gulf forum. This plan also crosses the boundaries of at least 22 iwi (iwi numbers to be confirmed).

MFish are endeavouring to work through the iwi forums to satisfy its section 12 obligations to Maori non-commercial interests. The planning process has Mandated Iwi Organisations (MIOs) providing input into the commercial aspects of the plans.

Figure 5: Depiction of the North Island west coast finfish Fisheries Plan process and numbers of representatives involved.



Challenges for iwi

Undoubtedly it was a challenge for iwi to be fully engaged given the MFish model only accounts for the participation of four (possibly five) representatives in the planning group. Those representatives will however be supported by Pou Takawaenga.

Difficulty arises when trying to select suitable representatives who both understand how fisheries management processes occur and the interaction between stock complexes. In this west coast example there are 15 fish stocks to consider.

Ngai Tahu have decided they will resource a number of their tangata kaitiaki to meet before the Fisheries Plan meetings, to put their submissions/perspective together. MFish has agreed to cover the travel costs associated with getting the tangata kaitiaki to the planning meetings. The Pou Hononga and Pou Takawaenga are available to assist the representatives as required.

Te Tau Ihu (Nelson-Marlborough) have openly refused to participate in the Challenger Finfish Fisheries Plan currently underway. They had calculated around 30 working days to participate in the planning process and at a higher cost than what had been presented to the Accord. The MFish Acting CE, Stan Crothers, was due to meet with Te Tau Ihu within the next two weeks to discuss their stance and seek a resolution.

Other expected plans of particular interest to the Accord, or within the forum's area, are the:

- Northland Scallop plan
- North Island east coast finfish plan
- North Island east coast shellfish plan
- North Island west coast shellfish plan
- National rock lobster plan
- National paua plan
- North Island freshwater eel (tuna) plan.

With this workload in mind it was critical the Accord advises MFish of their intentions as soon as possible.

Trish advised the hui that there may be times when she would need to ask someone else, aside from an iwi representative, to be the support/tautoko person, because of their particular expertise. The skills of John Holdsworth, Paul Barnes or a NZ Big Game Fishing Council representative maybe required, depending on discussions at the time.

The hui accepted that there would be times when it was more appropriate for a scientist or another advisor to be the tautoko person. This would be discussed as need arises.

Resolution

That the Hokianga Accord, being Ngapuhi, Ngati Whatua and Ngati Wai, mandate Moana Consultants Limited as our representative on the North Island west coast finfish fisheries planning group, and that one other person from either Ngapuhi, Ngati Whatua or Ngati Wai attend in an observer's capacity.

Moved: Ngapuhi

Seconded: Ngati Whatua

Passed: Unanimous.

Cultural Exchange

Due to the late hour it was agreed to defer the Tikanga – A Sharing of Information session. Hugh Nathan, Ngati Whatua, closed a fruitful day's discussions with a karakia (prayer).

Friday 10th November

After a karakia (prayer) by co-chairman, Judah Heihei, and superb breakfast for overnight stayers and early arrivals, the hui got underway with around 36 people in attendance. More arrived as the Accord received an update on the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa*, a report from the NZ Big Game Fishing Council and also a progress update on the Kaipara Scallop section 186A temporary closure.

Healthy debate was to come during the discussion on the MFish proposals to amend the Kaimoana Regulations. The highlight of every Hokianga Accord hui has been the concluding evaluation session. This provides a valuable insight into people's understanding and is an opportunity for all participants to express their aspirations for the future.

Guardians of the Sea Trust

Wane Wharerau and Steve Sangster

Wane Wharerau is one of five board members on the Guardians of the Sea Charitable Trust *Nga Kaitiaki mo Tangaroa*. Aside from being a keen diver and fisherman, he is also chairman of the Ngapuhi Ki Waitemata, the west Auckland arm of Te Runanga A Iwi O Ngapuhi. Steve Sangster is secretary of the Charitable Trust and is passionate about making a difference to achieve the Trust's vision of "*More fish in the water for the benefit of the public of New Zealand*".

Over the past several months Steve and the Trustees have been developing fundraising material. The primary collateral was a prospectus-type booklet setting out the vision, purpose and objectives. Cliff Whiting, a prominent artist from the Bay of Islands, had designed the imagery used in the Trust's printed material. The Seafriends Marine Conservation and Education Centre had also provided a number of images used in the fundraising booklet.

This collateral would be used in a campaign to initially target wealthy individuals with the aim of securing a capital fund of \$2 million by June 2009. Other Trusts will be targeted later. Interest accrued from the capital will be used to fund grants that meet the Trust's objectives (in brief) of:

- Achieve *more fish in the water* by excellence in sustainable management
- Promote co-operation between all stakeholders in shared fisheries
- To foster community understanding and the benefits of kaitiakitanga (guardianship) to society.

The Guardians promote excellence in fisheries and environmental management as well as public education initiatives, to achieve positive benefits for both Maori and non-Maori.

Hui Discussion

Several grant applications and approvals had been processed in the past year. One successful applicant had been Richard Burch, who had presented his innovative trawling technology earlier in the hui. Two grants had been approved to support the trawl net trials on the Nancy Glen II.

At a Trustee meeting held the day prior to the hui, the Board considered an application from Blue Water Marine Research and John Holdsworth. The grant was to support the voluntary kahawai initiative discussed earlier in the hui. (Refer page 27.)

The application was referred back to Blue Water for two reasons:

More details were required to explain the expenditure

So Blue Water could get some understanding and endorsement from a trusted source. The Hokianga Accord is an ideal environment for Blue Water to test their initiative and gain that endorsement.

It was positive for the three Trustees present at the hui to know the genesis of the Guardians was the Accord; it wouldn't exist without the forum. Plus the Accord was an ideal vehicle to test the feasibility, the tika (correct) practice.

Naida Glavish explained the inaccuracy in the text used in the current Maori version of the Trust's name, *Nga Kaitiaki o Tangaroa*. Because Tangaroa is an atua (god) of the sea, the Trust (or any human) could not claim to be the guardian of the sea, particularly when it was humans who had violated the sea and devastated its abundance. The correct spelling is *Nga Kaitiaki mo Tangaroa* - Guardians on behalf of Tangaroa.

NZ Big Game Fishing Council

Richard Baker, President, NZ Big Game Fishing Council

Richard has taken over the presidency of the NZ Big Game Fishing Council from Jeff Romeril. Between both Richard and Jeff they had represented the Council at all previous Hokianga Accord hui. Jeff was now based in India so Richard would be participating in future hui on a regular basis.

Nationally the Council has 32,000 members from 59 clubs. The nature of their membership has increased and changed in the past 15 years, from being mainly large-boat fishermen hunting game species such as marlin and tuna, to many smaller boat fishermen keen on gathering kaimoana, from gamefish to shellfish.

These members all contribute to the advocacy of protecting fishing rights through their Council affiliation fees. The NZBGFC acknowledge that amending fishing regulations is merely tinkering. The important issues requiring resolution are the rights issue, improved fisheries management and determining the outcomes the non-commercial sector want.

There had been many processes initiated to define and discuss the right of people to fish for both food and recreation. In the early 1990's there had been the Pearse and Wheeler reports. In 2000 there was the *Soundings* process and later the Ministerial Consultative Group (2001) and Reference Group in 2003.

The NZBGFC had been involved in all of those processes and had learnt a lot. It was this understanding that enabled the Council to engage in fisheries management in a more professional manner.

Throughout the Council there is clarity that the key to fisheries management lies with Maori and their fishing interests, both commercial and non-commercial. The Hokianga Accord is viewed as being the 'cutting edge' of that relationship.

The Council acknowledges and appreciates the commitment, work and funding that option4 and Scott Macindoe has, and continues, to provide for fisheries advocacy.

It is because of the voluntary efforts of the NZBGFC's membership, the option4 team and the support from the Hokianga Accord that we now have two foundation 'blocks', the strongest and most comprehensive to support non-commercial fishing interests in both:

- The People's Submission¹³; and
- The Kahawai Legal Challenge High Court judgment¹⁴.

It is acknowledged the High Court decision is being appealed by the fishing industry, however, the NZBGFC remains confident the principles of the case will stand.

The *People's Submission* is a 'bible' of collective knowledge, experience and solutions to future management of all New Zealander's right to fish. Having all the information in one document will no doubt make advocacy a simpler task in the future.

With the Hokianga Accord the NZBGFC has found a lot of common ground and is without reservation, effortlessly developing what they believe is an enduring strategic alliance.

Kahawai Legal Challenge

It is very pleasing to report the Council's membership had unanimously voted to levy all their members three dollars each to pay for the defence of the KLC decision. The vote was taken at the recent Annual General Meeting held in Whakatane and will raise \$96,000.

Richard received rousing support when he explained that this means the legal costs of going to the Wellington Appeal Court in February 2008 are now covered.

The NZBGFC appreciated the ongoing effort of option4 to raise funds for the KLC appeal.

Future of Hokianga Accord

One of the frustrations for both Maori and non-Maori seemed to be the inability to get new people along to the forum's hui. This was particularly so for the Council, given that this hui was being held in Auckland and a large percentage of the NZBGFC's members were based in the region.

Now that non-commercial fishers have such a strong foundation it was timely and important to get the message out to the wider public.

Korero (talk) also needs to continue to with industry representatives such as TOKM, to find some common ground.

The NZBGFC is clear, the key to the solution lies with Maori given their substantial interests across all stakeholder groups.

It is not surprising TOKM admitted the previous day that they wanted to become the 'dominant player' in fisheries, as they are a commercial entity. Even if dominance is achieved, the conundrum of balancing economic return with social and cultural wellbeing will still remain for Maori.

¹³ <http://option4.co.nz/sharedfisheries/peoplesubmission.htm>

¹⁴ <http://kahawai.co.nz/decision.htm>

Communications

The NZBGFC is revamping its communication system with its membership. The historical way of having regional meetings and bringing several members from each region to the AGM every year is not necessarily the best way of reaching all their members. The Council's website www.nzbgfc.org.nz has been upgraded and electronic newsletters are now a more efficient way of reaching a wider audience.

Grant Blair of fishing.net.nz was at the hui the previous day. He has been promoting the need to spread the message to a bigger audience for some time; he has around 20,000 members on his site. The NZBGFC will continue discussions to find ways to reach a wider audience.

Recreational fishing forums

Richard continues to push the Hokianga Accord's message through the Auckland/East Coast regional fisheries forum. He will be attending the national hui in Wellington later in the month. Two representatives from each recreational forum will be at the hui so he will promote the Accord in that forum too.

The Hokianga Accord appreciated the update from Richard and the support of the NZBGFC. The hui wholeheartedly agreed the message of what can be achieved through working together needs to go out to a wider audience.

Review of Kaimoana Regulations

Jonathan Dick, Extension Services Manager, Ministry of Fisheries

MFish has proposed an amendment to the Fisheries (Kaimoana Customary Fishing) Regulations 1998 to extend the application of the regulations to freshwater systems. If approved by the Minister of Fisheries and Cabinet, the proposal will take effect as of 1st April 2008.

To assist the Hokianga Accord in their decision on whether to submit on the proposals Jonathan and George Riley (Muriwhenua Pou Hononga) explained the background to the proposed amendment.

The inclusion of freshwater into the Regulations would enable tangata whenua to implement customary area management tools in local rivers of importance to iwi/hapu. It would also align the North Island (and Chatham Islands) regulations with those applicable in the South Island. One freshwater mataitai already exists in the South Island and an application for another is underway.

Terry Lynch and other MFish staff had been to at least three 'approved' iwi fisheries forums to discuss the amendment. Pou Takawaenga had been assisting interested iwi forums with compiling submissions in response to the proposals.

At present, if tangata whenua have established their rohe moana and have tangata kaitiaki in place then Regulation 27A permits have to be used to harvest freshwater species for customary purposes.

Hui Discussion

Successful implementation of the proposed amendment would enable an integrated approach to fisheries management, from the maunga (mountain) to the sea.

Inland people such as Ngati Hine would benefit from being able to manage the impacts on their customary fishing grounds.

Questions were raised regarding the mataitai application process for freshwater. Would it eventuate into the same tortuous process that other iwi/hapu had undergone for saltwater area management? Ngati Rehia's experience to implement the Marangai Taiamai Management Plan in the northern Bay of Islands has been underway since the late 1990's.

Jonathan understood that Ngai Tahu had used their resources to conduct very thorough pre-consultation with local interests before implementing the current freshwater mataitai. A range of people had been consulted including local fishers, DoC and councils. This preliminary work seemed to have simplified the formal application process.

Te Runanga o Arowhenua had applied for a mataitai bounded by the Opihi and Orari rivers and the South Canterbury coastline. This was to protect the eel population. The Timaru District Council, amongst others, is very supportive of the application. This support seems to be a reflection of the amount of pre-consultation work done by Te Runanga o Arowhenua and Ngai Tahu.

Currently if iwi/hapu wanted to relocate elvers (baby eels) a special permit has to be obtained. Under the amendment, if rohe moana has been established then the tangata kaitiaki can write that permit. The provisions would extend beyond food gathering for hui or tangi, to wider customary purposes.

Another benefit is the ability to write Fisheries Plans for fresh-waterways and register them the local and regional councils. This may offer more opportunity to participate in the management of waterways and surrounding land use. However, there is no legal provision for these councils or other government organisations to give effect to the plan.

An additional caution is that the Fisheries Act seems to be used to do something within the rohe of the Resource Management Act. The RMA says that councils must *take into account*...not must *give effect*, to any registered plan. However, iwi/hapu must have a plan to base its decisions on.

Concerns were raised regarding the lack of clarity of the role of other interested parties such as DoC, MFish and councils. There is a danger that iwi/hapu will be swamped by these bigger entities. Any application and subsequent mataitai would have to be a managed process.

Ngati Whatua has aspirations to protect the swamps and low-lying areas surrounding fresh-waterways, much of which is managed by DoC. This presents some additional challenges as opposed to dealing with individuals or local councils.

Another consideration is MFish' previously stated desire to have all fisheries in New Zealand waters included in the quota management system.

Improving the quality of freshwater will have a positive benefit for eel (tuna), other freshwater species and ultimately what goes into the sea. Having both Maori and non-Maori working together to establish and register Fisheries Plans would also produce benefits.

Other issues that may arise are unrealistic expectations of what the mataitai may achieve if an integrated approach is not taken with management of surrounding land and water use plus the complexity of dealing with MFish for eel (tuna) management and DoC for other freshwater species.

After further discussion it was agreed the amendment was worth supporting. Following the hui a submission was sent to MFish with the following recommendations:

- Amend the Fisheries (Kaimoana Customary Fishing) Regulations 1998 as proposed; and
- MFish address the concerns raised in the Accord's submission
- MFish address the concerns raised in the submission from Te Kupenga Whiturauroa a Maui.

Both option4 and the NZBGFC supported the Hokianga Accord's submission, attached as Appendix Ten.

Kaipara Harbour Scallop Closure

Hally Toia, Fisheries Manager, Ngati Whatua

Hally was both the fisheries and resource manager for Te Runanga o Ngati Whatua. He is based in Whangarei and has been to most Hokianga Accord hui. Hally was pleased to report on the Kaipara Scallop section 186A temporary closure process. Juliane Chetham, Manager of Environ Holdings, Te Uri o Hau, had sent her apologies for not being available to provide this update alongside Hally.

After a prolonged process, the Minister of Fisheries had agreed, in September, to extend the rahui over the harvesting of scallops in the Kaipara Harbour for another year. The original closure ran for two years and had expired in July.

Ngati Whatua, Te Uri o Hau, the Kaipara Harbour Sustainable Fisheries Management Study Group and locals had worked hard to achieve the extension and were pleased with the outcome. The groups appreciated the support received during the application process, including that of option4 and the Hokianga Accord.

Kim Walshe and John Holdsworth were thanked for their contribution to the process. Their research into scallop abundance in the Kaipara had assisted the Minister's decision.

Hally would report back to the Hokianga Accord on any further developments.

Evaluation Session

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 other than the presenters or main contributors.

A hui wouldn't be complete without the kaumatua and kuia. Appreciation was expressed for the guidance provided by Hugh Nathan, Hone Sadler, Dennis Hanson and several others who had participated throughout the hui.

Without exception hui participants appreciated the chairmanship from both Sonny and Judah, which had contributed to the smooth running of the hui. The manaaki, aroha and kai provided by Paul Batten (NZBGFC) and the ringa wera (kitchen hands) was memorable.

Hone Harawira's explanation of the process prior to the Deed of Settlement and dilemma faced by Maori in balancing the commercial and non-commercial aspects of the Settlement was a highlight.

All the korero surrounding fisheries reinforced the importance of the Court of Appeal decision, in relation to the Kahawai Legal Challenge, which will follow the hearing set down for late February 2008. It is hoped the Appeal Court will uphold the principle confirmed in the High Court, of sustainable use of fisheries for people's wellbeing. This principle underpins the fisheries legislation.

Arising from this is the collective responsibility on commercial and non-commercial fishers and administrators to put more fish in the water for future generations.

It seemed everyone had listened and learnt a lot. The manaakitanga (aroha/respect) shown by all had been a blessing on both the people and hui.

Innovations such as the trawl fishing trials and appendaged fish hook designs were inspirational. Conversely the behaviour of MFish towards the Hokianga Accord was unacceptable and reprehensible. They have shown no respect for the forum, the people involved or the taonga (treasures) the Accord is trying to protect for our mokopuna.

At one of the early hui Sidney Tau had taught the manuhiri a waiata, which is still popular. The words in Te Aroha still hold true today. If the Accord holds true to te tumanako (trust), whakapono (faith), aroha (love) then hopefully that integrity and honesty will be reflected back from those who are currently not giving the forum the respect it deserves.

A definite highlight was the opportunity to catch up with old friends, make new friends, share ideas and get excited about the sustainability issues that everyone obviously feels so passionate about.

Everyone appreciated the effort that both Jonathan Dick and George Riley had made to be at the hui. George is now the only Pou Hononga from the Bombay Hills to the far north. Given the relationship between MFish and the Accord, both had provided high quality information and a valuable perspective for tangata whenua to consider in the coming months.

Vic Holloway of Te Runanga-a-Iwi O Ngati Kahu and also Te Hiku O Te Ika Forum (far north) appreciated the opportunity to be at the hui and will be reporting back to both on his return to Kaitaia.

Vic is looking forward to the day when everyone from Ngati Whatua north to Ngati Kuri is working together in the interests of the people, fisheries and environment.

The issues being discussed are wider than just fisheries and it was important to get community understanding of what is occurring both in the environment and for the advocacy of people's broader interests.

The inclusion of the amateur fishing groups in the Hokianga Accord discussions was progress. Historically there had been differences of opinions and it was pleasing to see such commitment to the kaupapa.

Phil Bristow assured the hui that he would be returning to Ngati Hine to encourage their involvement in future hui. Involving younger people was important too, so that they could learn about the issues and also to ensure continuity for the future of the Accord.

Sooner or later MFish will have to realise that academics such as Wellington-based policy analysts do not have the necessary skills to manage local fisheries when compared to tangata kaitiaki born and bred beside the water. The collective knowledge of kaitiaki who had been together for ten years or more is far more valuable. It would be people like Jonathan Dick and George Riley who would eventually make a difference to the bureaucrats thinking.

The Accord would await MFish' answers to the list of ten questions¹⁵ put to Jonathan the previous day, with great interest. In saying that, it was important for the forum to focus on the positive aspects of what is being advocated and achieved.

The journey to Auckland had been a two-fold success for Richard Burch. One positive was the meeting with the Trustees of the Guardians Charitable Trust on the eve of the hui. Richard was also pleased to be participating in the forum's hui and planned to return within twelve months to advise of further progress with the trawl-net design. He felt recharged and was keen to report back to his forum, the Guardians of Hawke Bay, on what is happening further north.

Clearly the issue comes down to sustainability. This applies to commercial interests who make a living from the sea, amateurs fishing to put food on the table and more so for Maori who have a customary entitlement as their birthright to sustain traditional gatherings. Because Maori have a major interest in all three areas of fishing it was important to find a balance between these interests.

Everyone, including the administrators, had a responsibility to ensure sustainability for future generations.

As a hui first-timer it had been an absolute pleasure to spend time with people who were so passionate about saving the sea and the life within it. The hui had empowered many participants to think about what they do in their own lives.

The trawl-net innovations as explained by Richard and the simplicity of adding a piece of wire to make a 'hook of life' in the form of Target Hooks by Paul Barnes were amazing initiatives to achieve sustainability.

It was a privilege to sleep a night in the whare (house) of tipuna who were all leaders of their own waka. The Ministry of Fisheries ignores the waka of the Hokianga Accord at its own peril. This waka

¹⁵ Appendix Eight.

is made more powerful by the inclusion of all interests trying to achieve more fish in the water/ kia maha atu nga ika i roto i te wai.

Appreciation was extended to Scott Macindoe and Judy Gilbert for hosting Ngapuhi at their home the night before the hui. Also to Hone Sadler and the Waipapa marae for an excellent venue.

Thanks to tangata whenua, on behalf of the ringa wera, for allowing tauiwi the opportunity to manaaki the hui.

Hearty thanks to George and Mary Roberts, kaitiaki o Te Kawerau A Maki, for providing the customary permit to tauiwi, so kaimoana could be provided to the hui. Makaurau marae had issued a permit for 400 scallops, which had been gratefully received.

Respect from the hui goes to Harding Mutu and his whanau. Harding passed away recently. He was at the first hui at Whitiora and had regularly been a source of strength, support and joy. His greatest passion was being on the water. Harding will be missed by many.

It was a privilege for Moana Consultants Ltd and the support people to be given the endorsement of the Hokianga Accord in the role of the 'eyes and ears' of the forum in the North Island West Coast Fisheries Plan process.

Nothing is going to knock the Hokianga Accord off its rock as long as it maintain the values of "te tika, te pono me te tuwhera," being righteous, truthful and transparent.

It was important for the Accord to be influencing the management of the fisheries because only Tangaroa can look after the fish itself, his children. The forum should look to the management of the humans that impact on those fish. The forum has certainly made progress, evidence of that is in the submissions already compiled and the agreement surrounding participation in the Fisheries Plan process. The effort of Trish, Scott and others in compiling those submissions on behalf of the Accord is appreciated.

Sonny was acknowledged for the manaaki shown towards Crown representatives, both MFish and DoC. The respect given to those visiting and presenting to the Accord was exemplary.

The participation of Clive Monds (ECO), Mark Bellingham (Forest & Bird) and Michael Hagler (Greenpeace) in the previous day's discussions was appreciated. Clive had been an active participant in many hui despite his busy workload. The Accord needs to encourage meaningful discussions with all of these organisations as our environmental concerns are not that different from each other, neither are the goals. In some cases it is only an agreed process that remains elusive.

An updated version of the proactive kahawai management proposal was an exciting prospect for the next hui. The forum had achieved greater understanding of the issues as it has developed a number of submissions over the past two years and this kahawai initiative was another positive step.

Planning for the next hui ought to begin soon, including deciding on a venue, dates, agenda items and organising invitations to MFish officials so they had sufficient time to plan their attendance. Negotiations regarding who the MFish presenters would be can continue, if necessary, after the agenda has been finalised. March/April 2008 is likely to be the best time for the next hui.

Discussion

It was agreed that overnight hui are required and that bringing the Hokianga Accord hui to Auckland was a positive move. However, there was some debate whether the Thursday/Friday format was preferable to a Friday/Saturday hui.

After some discussion it was agreed that for hui outside Auckland the Thursday/Friday format is better as many marae were busy on the weekends. In Auckland the Friday/ Saturday format was preferable to encourage more after-hours participation by working people.

Closing

Before closing the hui Hone Sadler was acknowledged for organising Waipapa marae, a superb venue. It was through the combined effort of many people that the hui had reached such a successful conclusion.

Respect was given to the tipuna of Aotea who were represented in Waipapa whare. Hone then closed the tenth Hokianga Accord with a karakia (prayer).

Waiata

Te Aroha
The love

Homai e te atua
Give to us o Lord

Te Aroha
The love

Te taonga o te tangata
The treasure of a man is

Te tumanako, whakapono
The trust, the faith

Me te Aroha e
And the love

Te Aroha te Taonga nui rawa
Love is the greatest gift of all

Appendix One – MFish letter to the Accord



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24 OCT 2007

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16 October 2007

Raniera T (Sonny) Tau
Co-Chairman
Hokianga Accord
P O Box 263
KAIKOHE

Tēnā koe Sonny

The Ministry has received the agenda for the next meeting of the Hokianga Accord by way of our far-north Pou Hononga, George Riley. The agenda was e-mailed to George on 9 October 2007. The meeting is scheduled for 9 and 10 November 2007.

We note a number of managers, including our Chief Executive (Acting), have been allocated specific agenda items. However, none of us have been invited to attend and present. The Ministry does not consider simply sending out an agenda without prior discussion with those to be involved, an invitation to attend. This may have been an oversight ... if not, we consider the lack of a request to participate, as signalled in the agenda, discourteous.

We also note some agenda items have been incorrectly assigned. For example, questions related to Compliance assigned to me and achievements in respect to the Pou Hononga assigned to Jonathan Dick. It would appear the meeting organisers are not familiar as to who is responsible for what within the Ministry. This is a concern to us and is something that should be rectified for the benefit of all involved with the Accord.

Regardless of the above comments, Stan Crothers, Jonathan Peacey and I are unable to attend. Jonathan Dick is able to attend on the second day, but will only give an update of the work of the Pou Takawaenga—provided, of course, this is acceptable to the Accord. Given the unavailability of Carl Ross, the Ministry can prepare a written update and overview of the Deed of Settlement Implementation Programme. Please advise by Friday, 26 October 2007 if this is required.

Nāku noa, nā

A handwritten signature in black ink, appearing to be "CR", written over a horizontal line.

Carl Ross
Customary Relationship Manager

New Zealand Government

Appendix Two – Forum’s response to MFish

26th October 2007

Carl Ross
Customary Relationship Manager
Ministry of Fisheries
ASB House
PO Box 1020, Wellington
carl.ross@fish.govt.nz

Tena Koe Carl

Greetings from Te Whare o Ngapuhi, Tamaki Makaurau ki te Rerenga Wairua and the mid north iwi fisheries forum.....

Thank you for your letter dated 16 October advising of your unavailability, and that of Stan Crothers and Jonathan Peacey, to attend the tenth Hokianga Accord hui in Auckland on the 9th and 10th of November 2007. Are you the only three within MFish that can address those issues?

We will have no problem rearranging the hui agenda as there are many other important topics that can be addressed during the timeslots allocated to the Ministry of Fisheries (MFish), but out of courtesy and given the torrid time MFish is currently having getting agreement on the issues outlined in the agenda, we thought we would offer MFish the opportunity to address a few issues regarding your responsibilities to iwi which have been neglected in the mid-north.

The Hokianga Accord has always maintained an open invitation to all to attend hui, particularly MFish. We have both encouraged and given ample time for MFish staff to participate in previous hui and fulfil their statutory obligation, on behalf of the Fisheries Minister, to provide for the input and participation of tangata whenua into fisheries management processes.

The Accord did make a point of sending the Minister a personal hui invitation earlier in the month as an acknowledgement of his other Ministerial commitments. As you are also well aware I sent a personal invitation to most MFish staff allocated speaking topics on the agenda. One of the strengths of this mid north iwi Forum has been the manaaki we have offered to our manuhiri, especially MFish. If you and your colleagues choose to view this development as a discourtesy then that is entirely up to you all and is contrary to what MFish staff have been offered during your previous time with us.

As for your concern about the misallocation of topics to particular MFish staff, the agenda was merely a guideline to advise of the matters that will be raised during the hui and as you have experienced previously, the Accord agenda items and speakers are inter-changeable. I would suggest that if this misallocation is a major concern for MFish then the most helpful input you could give would be to advise who would be most appropriate individuals to speak to those topics. We look forward to having Jonathan Dick join us at the hui. The Pou-Hononga for the far north, George Riley, has earned the respect of all those contributing to the Hokianga Accord. We expect him to attend the hui.

Thank you, the Accord is very interested in receiving a written update and overview of the Deed of Settlement Implementation Programme in lieu of MFish’ non-attendance, as we plan to cover this

subject as a matter of priority. Would you please send through the completed document by Friday 2nd November so the Hokianga Accord Working Group have time to review it and discuss before the hui?

It must be noted that your response to the Hokianga Accord agenda items and process typifies the attitude of senior MFish officials towards the interest of tangata whenua having a non-commercial interest in fisheries management and marine protection. Minimal input, zero resourcing, bare minimum all round. My colleagues and I grow weary of the obstructive and divisive behaviour of MFish senior managers.

We are also aware of MFish working with selected people to try and circumvent Mandated iwi Organisations in the mid-north whom they are legally bound to work with. This will not be tolerated and we will continue to bring this to the attention of the Minister.

As recently as last week MFish staff assured us that they were willing to participate in the Accord, if invited, even though MFish did not view it as an iwi Forum. Clearly the staff in local offices view their statutory and public service role far more seriously than senior management in Wellington. You would do well to heed the advice of your local staff.

As we have covered many times, under section 12 (1)(b) of the Fisheries Act 1996, the Minister has a statutory obligation to provide for the input and participation of tangata whenua into fisheries management processes and have particular regard to kaitiakitanga. The door is open for you and your MFish colleagues to reconsider your attitude towards the mid north iwi fisheries forum known as the Hokianga Accord.

I look forward to your prompt reply to enable us to reshuffle our agenda in the event you change your mind.

Pito tori ee, pito tori ee. Whakatangata i runga, whakatangata i raro, pito tori ee, pito tori ee.

Mauri Ora

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

Appendix Three – Minister’s Reply to Hui Invitation

OFFICE OF HON **Jim Anderton**

Minister of Agriculture, Minister for Biosecurity, Minister of Fisheries, Minister of Forestry,
Associate Minister of Health, Associate Minister for Tertiary Education, Minister responsible for Public Trust

JA 1552

18 OCT 2007

Raniera T (Sonny) Tau
Co-Chairman
Hokianga Accord
P O Box 263
KAIKOHE

Tēnā koe Sonny

Thank you for the invitation to participate in a panel discussion at the next meeting of the Hokianga Accord. The invitation was conveyed to me in a letter from you dated 8 October 2007. The meeting is set down for 9 November 2007 in Auckland.

The theme of the discussion is *"future fisheries management in light of the judicial review of the previous Minister of Fisheries' decisions for kahawai and subsequent High Court decision*" Even though I am not available on this day, I need to advise it would be inappropriate for me, as Minister of Fisheries, to publicly comment on a case that is *sub judice*. Given the High Court decision has been appealed to the Court of Appeal, the *sub judice* rule bars any comment that is likely to influence the matter.

I seek your understanding on my position in respect to your invitation.

Nēku noa, nā


Jim Anderton
Minister of Fisheries

*P.S. I am happy to receive any invitation to address the Hokianga Accord group on another, mutually acceptable occasion.
Warm regards,
J Anderton*

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Appendix Four – MFish Update on Deed of Settlement Implementation Programme

5 November 2007

Background

The Deed of Settlement Implementation Programme, which was established as part of the Ministry's Treaty Strategy, is to:

- increase the capacity of Māori to participate in fisheries management processes implement the customary fishing regulations
- increase the capacity of the Ministry to meet its settlement obligations and comply with the principles of the Treaty of Waitangi.

There are a number of inter-related components to the Programme / Strategy that seek to meet the following outcomes:

- the establishment of regional fisheries forums
- the employment of Treaty Relationship Facilitators (Pou Hononga)
- the employment of Extension Officers (Pou Takawaenga)
- the employment of additional Fisheries Management Advisors
- compliance resources to support regional fisheries forums
- mediation services to support the implementation of the customary regulations
- public education and signage
- the establishment of a reference group to advise the Ministry's Executive Team on the Ministry's performance in fulfilling its Treaty obligations
- the development and delivery of a training package for tangata whenua (Tangata Kaitiaki / Tangata Tiaki)
- associated administrative support services.

Treaty Strategy

The Ministry continues to clarify its obligations to Māori that arise from the various Acts of Parliament governing its work and ultimately from the Treaty of Waitangi. The Treaty Strategy Framework, as opposed to the above Programme, aims to identify, at a more abstract level, the full range of Treaty obligations and outcomes, policies, standards, activity areas and outcomes monitoring. Consideration of recent contextual changes is also being taken into account, including the move to provide for sustainable utilisation through Fisheries Plans. This has highlighted the importance of supporting tangata whenua to take an integrated approach to their fisheries interests.

The aim of the Framework is to ensure the Ministry's Treaty obligations can be identified as a group, that work to deliver on them is coordinated, and that the outcomes associated with the obligations can

be monitored as a group. It is anticipated the Treaty Strategy Framework will be discussed with hapū / iwi early in 2008.

Resources

The Programme currently operates with 25 dedicated staff; ten Pou Hononga, ten Pou Takawaenga, four Managers and one Executive Officer. The Programme is currently recruiting five additional staff; two Pou Hononga and three Pou Takawaenga. Other significant resources under the Programme are located in the five Inshore Teams.

Forums

Forums provide a space for engagement between hapū / iwi and the Ministry. They are also a focal point for building the capability and capacity of tangata whenua representatives in order for them to better provide input into fisheries management processes managed by the Ministry. Since the Programme was initiated in September 2004, ten iwi regional forums have been established. Additionally, five sub-forums, or clusters, operate within the Ngāi Tahu Takiwā. With forums in place, the ability of tangata whenua to have input and participation into fisheries management has been enhanced.

Three forums now operate with formal MoUs (Memorandum of Understanding). Others are in the process of establishing MoUs. MoUs create a basis for an enduring constructive relationship to further the interests of all parties—hapū / iwi and the Ministry. One forum has a Contract of Service with the Ministry. Under the contract, the agreed entity provides administrative services thus enabling the forum and its working group to operate efficiently and effectively.

Tangata Tiaki / Tangata Kaitiaki

The appointment of Tangata Kaitiaki in the North Island has progressed, with eight new rohe moana established since July 2006. A number of these have been the result of dispute resolution facilitated by the Ministry under the Programme.

204 Tangata Kaitiaki have now had their appointments confirmed by the Minister of Fisheries. In the South Island, with replacements and extensions the number of Tangata Tiaki remains constant at 110.

Along with some historical Tangata Kaitiaki notifications, a number of notifications advertised in late 2006 and in 2007 remain in dispute. To this end, the Pou Hononga continue to bring hapū / iwi and objecting submitters together to enable them to resolve their disputes.

Area Management

Guidelines for processing applications for mātaihai reserves have been developed and noted by the Minister of Fisheries. This has resulted in the Minister recently approving an extension to the Raukokore Mātaihai Reserve. An advice-paper in respect to the Kaka Point / Puna Wai Tōriki mātaihai reserve application is due to be submitted to the Minister.

Training

The KAI I training package, which has been registered on the NZQA framework, has been delivered to 97 Tangata Kaitiaki in the North Island. Delivery of KAI I to the remaining Tangata Kaitiaki and the Tangata Tiaki in the South Island, is planned to be completed by the middle of December 2007.

Te Tari

Te Tari o Te Kahui Pou Hononga is a place where hapū / iwi can go to talk to someone about fisheries interests. “Te Tari can be the first point of contact for hapū / iwi engagement with the Ministry. Our job is to help both the Ministry and iwi to achieve their fisheries aspirations, and we want to do that by ensuring communication is open and easily accessible”.

Summary

There have been positive outcomes from the establishment of forums. Hapū and iwi have managed to bring together pan tribal groupings that span several geographical areas. This has led to good relationship building and the establishment of working groups that meet regularly to have informed discussions with the Ministry.

As a result of these positive internal and external relationships, hapū / iwi have progressed to notifying their Tangata Kaitiaki and rohe moana through the customary fishing regulations, thus enabling the provision of specialist services leading to the establishment of area management tools.

This has all contributed to the Ministry meeting its obligations to the Deed of Settlement.

Appendix Five – Accord Questions for Politicians

November 9th, 2007.

Political panel discussion:

“Future fisheries management in light of the judicial review of the previous Minister of Fisheries decisions for kahawai and subsequent High Court decision, and the Department of Conservation and Ministry of Fisheries Marine Protected Areas policy”.

1. What will your party do to take control of the Ministry of Fisheries to ensure they fulfil their role to manage fisheries sustainably?
2. What will your party do to ensure that the Ministry of Fisheries honours the legislation to manage fisheries to enable people to provide for their social, economic and cultural wellbeing?
3. Do you acknowledge that most of the kaimoana taken to put food on the table, by tangata whenua, is under the amateur regulations as opposed to the customary regulations?
4. If so, what will your party do to ensure that the crown honours its obligations to tangata whenua in section 12 of the Fisheries Act 1996 to ensure that before the Minister of Fisheries does anything he shall:
 - Provide for the input and participation of tangata whenua having:
 - A non-commercial interest in a fish stock
 - An interest in the effects of fishing on the aquatic environment
5. How will your party give effect to the s12 requirement to have particular regard to kaitiakitanga when managing fisheries?
6. Will your party support the Hokianga Accord approach to co-operative, inclusive, fisheries management?
7. What will you do to stop the racial segregation policies being implemented by MFish as they develop separate forums to discuss non-commercial fishing interests, with the intention of weakening instead of strengthening relations?
8. What will you do to ensure the Hokianga Accord is acknowledged by MFish and included in future fisheries management discussions?

Planning Right – Principle 3

The ability to devise plans to ensure future generations enjoy the same or better quality of rights while preventing fish conserved for recreational use being given to the commercial sector.

9. Do you support this principle endorsed by over 100,000 people in 2000?

10. If so, what will your party do to ensure this planning right is given effect?

Appendix Six - Proactive Fisheries Management

9 November 2007

Discussion Document for the Hokianga Accord

A practical fisheries management issue can be used as a vehicle to carry the message of “more fish in the water” to a wider audience.

This proposal is to promote voluntary management measures for amateur kahawai fishers. This will help promote the victory gained and appeal by commercial fishers of the Kahawai Legal Challenge decision.

The main message is the need to rebuild a healthy, productive kahawai resource, not just about taking fish from the fishing industry to put on amateur and customary hooks.

This is inline with our goal of *kia maha atu nga ika i roto i te wai* / more fish in the water.

The proposal

We suggest that a voluntary bag limit of 2 kahawai for each person that the fisher is providing fish for that day.

So if you are fishing for a large family or function you can still take up to the legal limit of 20 per day. We are asking that fishing people think about how many kahawai they need. There would be no fines, no checking, just people happy to help the cause or do the right thing.

This is the type of rule that MFish could never make because it is unenforceable. But when the kahawai stock recovers amateur and customary fishers can say, “Yes, we helped do that”

Let's also promote kahawai as a great fish to catch. They are available in many coastal areas. They often school on the surface and you can see where they are. They are good to eat fresh. We should tell people how to bleed them, ice them, and cook them. The kahawai are fattest in summer and autumn, skinniest in winter.....

This is a project that needs resources and good timing. It needs to be thought through carefully. It is linked to the planning right which is a principle of option4. This says we should have the ability to devise plans to ensure future generations enjoy the same or better quality of rights while preventing fish conserved for recreational use being given to the commercial sector. We may need to talk it through and get some assurances from the Minister before going ahead.

We could make this about respect for the kahawai and thinking about how each of us uses that resource. So it is about Kaitiakitanga.

Some questions that come to mind include:

- Is a voluntary bag limit (a lot less than 20 fish) a tool that Hokianga Accord could support?
- What are the principles that underlie this initiative that can be promoted widely?
- How many kahawai per day is enough to provide for wellbeing but still reduce catch enough to be seen as making a difference?
- What happens if the Ministry “think” that 2 fish a day each is all we need?

Some issues we need to consider:

- Will an initiative that reduces non-commercial kahawai catch lead to a reduction in the amateur allowance?
- Will a lower non-commercial allowance mean an increase in the commercial allocation, within sustainable limits?
- Will kahawai become more of a sport/recreation fish and less of a table fish?
- If there were a billion kahawai would they become a pest for fishermen targeting other types of fish?
- Would some or all of the above undermine what we have achieved to date with the Kahawai Legal Challenge?
- This is not a “Save the Whale” type campaign. This is about maximising the value and wellbeing generated by a renewable resource.

Appendix Seven – MFish Update on Pou Takawaenga

November 2007

Background

The goal of the Vote Fish Bid 2004 was to build a team of 14 Extension Services Officers by the 2007-2008 financial year. Since May 2005, 15 people have been recruited into the Extension Service. We currently have a team of 11 staff which includes two part time working Mothers. The core Team competencies we are trying to build are:

- A sound knowledge of Ministry processes
- The ability to facilitate outcomes on the Marae
- A good understanding of te reo me ona tikanga
- A problem definition approach to fisheries management based on planned outcomes

The 2006 Organisational Development Programme (ODP) realigned the Extension Service alongside the Inshore Team. The realignment has seen the rise of an Auckland base for the Pou Takawaenga which is complimentary to the existing Nelson base. The ODP reinforced the Ministry's intention to lead the development of fish plans.

The Pou Takawaenga

The Pou Takawaenga are now located in Ministry offices in Auckland, Napier, Nelson and Dunedin. The Team regularly use other Ministry premises to conduct meetings and to gain access to Ministry resources. A brief summary of the Team:

1. Bevan Hunter, Auckland based and dedicated to the Hiku o te Ika Forum. He has also assisted Te Uri o Hau, Hauraki Maori Trust Board and Ngati Wai.
2. Stacey Whitiara (part time) is Auckland based. She joined the Team on 29 October and is yet to be dedicated to an Iwi Forum.
3. Manihera Forbes, Auckland based and dedicated to Nga Hapu o Te Uru Forum.
4. Pia Bennet is dedicated to the Mai I Nga Kuri a Whareki Tihirau Forum. Her position is Auckland based but she is spending the majority of her time operating from the Tauranga office.
5. Stella August is Napier based and dedicated to the Te Kupenga Forum.
6. Tracey Kingi is Nelson based and is dedicated to Te Tau Ihu Forum, the Fresh Water Forum, Te Arawa, Ngati Kuta and Patukeha. She has started to develop a work plan for the East Coast district.
7. Carl Baker is Nelson based. Until November 2007, he was solely responsible for the entire Ngai Tahu district which includes five Fora. He has handed responsibility of the two southern Ngai Tahu Fora to the Dunedin based Pou Takawaenga.
8. Simon McDonald is Nelson based and dedicated to Te Tai Hauāuru Forum.
9. Rochelle Selby Neal (part time) is Nelson based. She is currently assisting the Henakinui a Kapiti Forum, Wellington.

10. Hoani Simon is Dunedin based and dedicated to the Araiteuru and Murihiku Fora of Ngai Tahu.

This leaves a balance of three vacancies in the Team. Recruitment for the vacancies is underway. I am also looking to appoint a Team Leader for the Pou Takawaenga to assist with the coordination of the Extension Service.

I have attached a detailed project list for the Pou Takawaenga who work within the Northern Inshore district. This list illustrates the breadth of work undertaken by the Pou Takawaenga.

Summary

I have been the Extension Service Manager since May 2005. This has been my first central Government role and I have learnt much about Government process. It is my belief the professional approach of the Pou Takawaenga has contributed to an improvement in the interactions between the Ministry and Tangata Whenua. However much remains to be achieved. I am proud to be associated with the Pou Takawaenga and I am looking forward to enhancing the Ministry's opportunities to meet its Deed of Settlement obligations.

Jonathan Dick
Extension Services Manager
Ministry of Fisheries

Mahia te Mahi	Progress
Te Hiku o Te Ika Forum Introduction of extension service Interview panel Dedicate PTW to Forum Develop Forum plan Ngati Kahu customary research Te Rarawa rohe moana management plan Te Aupouri rohe moana management plan Te Aupouri Taiapure Ngati Wai rohe moana plan Eel submissions Te Rarawa – research report Te Rarawa customary fisheries operational plan Fresh water submission	Completed In progress Completed On going Being assessed In progress In progress In progress Not started Completed Completed Completed Drafted
Ngati Kuta Patu Keha Rohe moana management plan Statistical research for area 3 Ngati Kuta rohe moana management plan Research – two customary projects Traditional and customary research for Ipipiri. Mātaitai application Long term planning for marine studies Research for Manawahuna and artificial reef – sinking of Waitaha-Canterbury	Complete Complete Complete In progress In progress Drafted In progress Long term projects in place for artificial reef
Mid North Area Te Uri O Hau oyster regulations Te Uri o Hau 186A consideration Te Uri o hau research oysters Kai One Training for Taiamai ki te Marangai	Regulation in progress No progress Prepared research bid To be completed
Gulf Harbour Fora 186(a) closure Whangateau Pipi 186(a) closure Kaipara 186(a) Ngarimu - Wilsons Bay closure – Taiapure Provisions Scoping Report for management plan multiple iwi in one rohe 186(a) closure Umupuia Duders Beach	In discussion In place No progress Not required No progress
Te Uru Forum Forum strategic plan Patiki threat management plan (Aotea, Kawhia, Taharoa) Maui threat management plan Facilitate MOU Pipi reseeding project – Waiohina Ngati Te Ata management plan 186(a) closure Hudson Bay Pipi Te Puaha Management plan Aotea rohe moana management plan Aotea mātaitai management plan	Draft underway Culling May June Verbal submission MOU signed 16th June Withdrawn No progress No progress No progress In progress Drafted

Aotea aquaculture management plan Kawhia management plan Taharoa management plan Grass carp research submission Marokopa mātaitai management plan	In progress No progress Not started To be presented Not started
Mai I Nga Kuri Forum Service forum operational plan including, funding submission, Forum organisation, communication plan, Forum organisation management structure research, customary tools strategy for Forum Deep sea rohe moana gazetting Forum wide rohe moana management plan Update Strategic & Operational Plans Iwi fisheries management plan Te Whanau a Maruhaeremuri management plan Raukokore Mātaitai research Whanau a Maruhaeremuri Fish Plan Ngaitai 186a Proposal Ngaitai Compliance Strategy Ngaitai mātaitai proposal Ngaitai Kaitiaki Manual Ngaitai Rohemoana Mgmt Plan Maketu Taiapure Committee submission to proposed amendments to Kaimoana Regulation's Tauranga Moana Harbour Management Plan and customary research Customary tools strategy for Tauranga Tauranga Mātaitai Committee policy manual and management plan Tauranga 186a extension Kaitiaki Database Whale Stranding Protocol Tauwhao ki Rangiwaea Mātaitai Tauwhao ki Rangiwaea 186 Method Restriction Pirirakau 186a closure for kukuroroa Pirirakau 186 Method Restriction Pirirakau Hapu Management Plan Tuwhiwhia Mātaitai Proposal Waitaha Iwi Management Plan Ngati Awa Management Plan and Mātaitai Strategy	Ongoing In progress Initial investigations Complete Template sourced In progress NIWA led project In progress In progress In progress In progress In progress In progress In progress Drafted Underway In progress In progress In progress In progress Pre-consultation stage In progress In progress In progress In draft In draft Advice given In progress
Te Arawa Lakes Koura strategy and plan Draft Management Plan Research plan Framework for Lakes Trust Submission writing	Draft complete Draft complete Research underway by NIWA Draft strategy completed Submission filed for TACC for tuna

Appendix Eight – Accord Questions to MFish

November 9th, 2007.

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

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

Maori are recreational fishers too.

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

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

MFish are applying an inconsistent approach when allocating resources.

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

Appendix Nine – Summary of Eel (tuna) Management Decisions

October 17th, 2007

Introduction

In June 2007 the Ministry of Fisheries (MFish) issued an Initial Position Paper (IPP) containing new proposals for the future management of North Island tuna (eels) including the northern shortfin (SFE20) and longfin (LFE20) eel (tuna) fisheries within the Auckland/Northland regions. MFish proposed proportional and non-proportional reductions to the total allowable catches (TACs).

Proportional reductions would mean reducing the TAC by cutting the total allowable commercial catch (TACC) and allowances for non-commercial fishing interests and other fishing related mortality in equal proportion. Non-proportional reductions meant only the TACC would be reduced; this was MFish' preferred option and so advised their Minister that this approach was "*consistent with statutory obligations, particularly for Maori non-commercial interests*": para 20 FAP

On July 27th the Hokianga Accord, supported by option4 and the New Zealand Big Game Fishing Council, submitted their views along with 19 other submitters¹⁶. The Hokianga Accord is the mid north iwi fisheries forum encompassing the interests of tangata whenua throughout Te Tai Tokerau.

MFish provided the Minister of Fisheries a summary of submissions within the Final Advice Paper (FAP). Te Ohu Kai Moana's submission was late and not analysed in the Final Advice Paper (FAP). The Minister's decision for all North Island tuna (eel) stocks was based on the FAP and released on September 24th.

Final Advice Paper (FAP)

MFish mention the need to improve the social, cultural and economic wellbeing of fishery interests throughout the FAP. This seems to be a reflection of the High Court's ruling regarding the judicial review of the Minister's 2004 and 2005 decisions for kahawai (the Kahawai Legal Challenge).

Provisions of the Hauraki Gulf Marine Park Act (HGMPA) are also analysed, in paras 94 to 103 of the FAP. MFish agreed that the northern fisheries needed to be improved in order to meet the requirements of the HGMPA's provisions - to sustain people's wellbeing and interest in the fisheries: para 103.

Minister's decisions

The Accord advocated for a 30 percent reduction in TACC for shortfin eel and a 50 percent reduction in TACC for longfin eel. The Minister accepted the need to reduce the TAC and TACC for both SFE20 and LFE20 and reduced the TACCs by 42 percent and 60 percent respectively.

The Minister has agreed to MFish' proposals to implement a number of measures to address additional concerns raised in various submissions. Developing fisheries plans and amending the

¹⁶ http://www.option4.co.nz/Fisheries_Mgmt/documents/Hokianga_Accord_Eel_submission_707.pdf

Fisheries (Kaimoana Customary Fishing) Regulations 1998 are amongst the options. The Kaimoana Regulations are currently under review with submissions due by November 23rd.

Submissions

There was general consensus amongst customary, recreational and environmental interests that the tuna (eel) fisheries need to be rebuilt and a more conservative management strategy was required. Views from commercial fishers were mixed; some supported the current management strategy while SeaFIC preferred a review of the current management approach.

Consultation

MFish acknowledged that this review process was under section 14(3) of the Fisheries Act 1996 (the Act) and therefore section 12 provisions for consultation and providing for tangata whenua's input and participation applied: para 39 FAP

MFish advised the Minister that consultation was undertaken with interested people or representatives (as per section 12 (1)(a)): para 40 FAP

Of most interest to the Hokianga Accord is MFish' advice to the Minister that the input and participation of tangata whenua has been provided for (as per section 12 (1)(b)) through this review process: para 40 FAP

“MFish staff attended a number of hui during the time period available for consultation and input and participation at which the proposals were canvassed and discussed. This included presentations or discussions with four customary Forums where hapu and iwi representatives from a broad geographical area of the North Island attended – Te Hiku o te Ika (Far North), Te Waka a Maui (North Island customary freshwater interests), Nga Hapu o te Uru (Waikato/King Country), and Te Kupenga Whituraoa a Maui (Mahia to Turakirae Head, Wellington)”: para 41 FAP

It is insufficient for MFish to formulate the proposals, circulate the IPP, limit their conversations to the forums they support and expect tangata whenua in the remainder of the country to be aware and respond within six weeks. Tuna (eel) are a taonga (treasure) to Maori and their management is of interest to all. MFish cannot selectively apply the law.

Conclusion

The Minister of Fisheries' decision has exceeded the Hokianga Accord's expectations for TACC reductions in SFE20 and LFE20. While the Accord's submission may have been conservative this review process was an opportunity to raise a number of local concerns, reiterate wider fisheries management issues and highlight the High Court's judgment upholding the Minister's statutory obligations. Many of these issues have been directly referred to in the FAP.

In agreeing to a non-proportional reduction in the TACs for both shortfin and longfin tuna (eels) the Minister seems to have taken MFish' advice in applying the provisions of section 21 of the Fisheries Act 1996 – to 'allow for' non-commercial fishing interests. MFish particularly mention providing for Maori interests in these fisheries.

Another highlight is the frequent reference to the requirement to provide for people's wellbeing, another aspect raised in the High Court's ruling of the Kahawai Legal Challenge.

The value of the proposals to improve sustainability and utilisation through the implementation of fisheries plans and amending the Kaimoana Regulations will need to be carefully considered by non-commercial fishing interests. The Accord ought to give some consideration to reviewing the Kaimoana Regulations IPP and making a submission before the November 23rd deadline.

The Minister (through MFish) has failed to provide for the input and participation of tangata whenua in the Hokianga Accord, including the Ngapuhi - the largest iwi in the country. This is unacceptable. This is contrary to the statutory provisions within the Fisheries Act 1996, specifically section 12, and will need to be addressed.

Appendix Ten – Kaimoana Regulations Submission

23 November 2007

Introduction

1. The Ministry of Fisheries (MFish) has proposed an amendment to the Fisheries (Kaimoana Customary Fishing) Regulations 1998 to extend the application of the regulations to freshwater systems. If approved by the Minister of Fisheries and Cabinet, the proposal will take effect as of 1st April 2008.
2. The Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Kaimoana Regulations) are designed to allow tangata whenua to exercise customary management of fisheries in their area. However, the Kaimoana Regulations exclude fisheries taken from freshwater systems in the North Island and Chatham Islands. The proposed amendment seeks to align the North Island regulations with those that apply in the South Island - the Fisheries (South Island Customary Fishing) Regulations 1999.
3. Customary fishing in the North and Chatham Islands is currently regulated by two sets of regulations:
 - The Fisheries (Kaimoana Customary Fishing) Regulations 1998; and
 - Regulations 27 and 27A of the Fisheries (Amateur Fishing) Regulations 1986.
4. MFish considers that regulations 27 and 27A do not adequately recognise and provide for customary food gathering to the extent required by sections 10(b) and (c) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (the Settlement Act), because they were interim measures to allow for some aspects of customary non-commercial fishing rights until regulations consistent with section 10 of the Settlement Act were made and in use by tangata whenua.
5. A letter dated 29th August 2007 was sent to stakeholders asking for input, providing background information and outlining the proposed amendment.
6. The deadline for submissions is 23rd November 2007.
7. The proposed MFish amendment was discussed at length at the tenth Hokianga Accord hui held at Waipapa marae, Auckland University, on the 9th and 10th November 2007. A draft submission was widely distributed for feedback before this document was finalised.
8. This document comprises the submission from the Hokianga Accord, the mid north regional iwi fisheries forum, which represents around 200,000 non-commercial fishers. Both option4 and the New Zealand Big Game Fishing Council support the Forum. The Accord advocates for “*more fish in the water/ kia maha atu nga ika i roto i te wai*” to enable all New Zealanders to provide for their social, economic and cultural wellbeing.
9. The Hokianga Accord endorses the submission from Te Kupenga Whiturauroa a Maui, the regional Kaitiaki fisheries forum, including their concerns and recommendations.

Recommendations:

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

Submission

10. The Hokianga Accord supports the proposed amendment to the Fisheries (Kaimoana Customary Fishing) Regulations 1998 to provide for tangata whenua's non-commercial fishing interest in freshwater fisheries including both shortfin and longfin tuna (eel).
11. The Accord notes that section 10(c) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 imparts an active obligation on the Minister of Fisheries to recommend regulations to recognise and provide for customary food gathering by Maori providing it is not for sale or trade, and also to recognise the special relationship between tangata whenua and those places which are of customary food gathering importance.
12. The Accord also notes that the obligation to make customary regulations only applies to species subject to the Fisheries Act 1996 and does not include some freshwater species governed by other legislation such as the Conservation Act 1987.
13. Following the amendment to the Fisheries (Kaimoana Customary Fishing) Regulations 1998 tangata whenua will be able to:
 - Notify Tangata Kaitiaki who, once their appointments have been confirmed by the Minister, will be able to issue permits to take fisheries for customary purposes;
 - Apply for mataitai reserves; and
 - Have the ability to propose by-laws in mataitai reserves to manage non-commercial fishingin both the marine and freshwater environments.

Consultation

14. The Hokianga Accord appreciates the opportunity to have input into this process and notes that MFish has provided for an extended submission period of three months.
15. We also appreciate the effort made by both Jonathan Dick (MFish Extension Services Manager) and George Riley (MFish Pou Hononga, Te Hiku O Te Ika) to attend the recent Hokianga Accord hui and explain the intricacies of the proposed amendment.
16. The Accord understands that the MFish policy team has attended various 'MFish-approved' iwi forums to discuss this proposed amendment. In addition the MFish Pou Takawaenga, Extension Services Team, has been assisting iwi forums to draft submissions in response to the proposed amendment.
17. In contrast, the Hokianga Accord has had to draft and submit without having enjoyed the assistance of the Pou Takawaenga team in drafting this submission or benefit from discussions with the policy team.

18. MFish' behaviour towards the Hokianga Accord is unacceptable. As a Crown agency MFish does not have the right to be selective about who they apply resources to when dealing with Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 appropriated funds. Those funds are to better provide for Maori's involvement in fisheries management. When Cabinet approved the \$17.045 million in the Vote Fisheries Bid 2004, it was given on the basis that MFish would apply those funds to fulfill agreements and provide a broad base for engagement of Maori in fisheries management processes. The longer MFish continues to ignore their (and the Minister's) responsibilities to mid north iwi, the greater the grievance will be when a settlement is finally reached.
19. It must be noted that mid north iwi feel very frustrated about how the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 is being applied.

Proposed Amendment

20. The Hokianga Accord supports the amendment to enable a fully integrated mountains-to-sea approach as we recognise that land use affects water quality in both freshwater systems and the marine environment.

Current Legislation

21. The Fisheries Act 1996 (the Act) specifically provides for:
- 'Input and participation' of tangata whenua into fisheries management processes – sustainability measures, in particular contained in Part 3 of the Act; and
 - The statutory obligation of the Minister of Fisheries (the Minister) to *have particular regard to kaitiakitanga* when making decisions on sustainability measures.
22. Sustainability measures are those fisheries management decisions relating to the setting or varying of catch limits including total commercial catch, areas that can be fished, the size of fish, methods and seasons of fishing. The Minister, on the advice of MFish, makes these decisions.
23. In July the Hokianga Accord made a submission to MFish on the proposals for the management of North Island tuna (eels)¹⁷. The Hokianga Accord appreciates the Minister's decision to manage tuna cautiously in reducing the TACC for both LFE20 (longfin) and SFE20 (shortfin) eel by 60 percent and 42 percent respectively.
24. In the marine environment most of the options available to give effect to achieving kaitiakitanga have been eroded in effectiveness by the priority given to competing legislation that affects the same water space, such as marine reserves, and the lack of resources available to tangata whenua to implement customary management tools.
25. Given the importance of having healthy freshwater systems to both inland and coastal regions, MFish will need to invest more resources into ensuring the statutory obligation to *have particular regard to kaitiakitanga* is given full effect.

¹⁷ http://www.option4.co.nz/Fisheries_Mgmt/documents/Hokianga_Accord_Eel_submission_707.pdf

26. MFish define kaitiakitanga as,

The exercise of guardianship; and, in relation to any fisheries resources, includes the ethic of stewardship based on the nature of the resources, as exercised by the appropriate tangata whenua in accordance with tikanga Maori.¹⁸

27. The Reverend Maori Marsden explains kaitiakitanga as,

“The word used by Maori to define conservation customs and traditions, including its purpose and means, through rahui”.

Rahui was designed to prohibit the exploitation, depletion or degeneration of a resource and the pollution of the environment¹⁹.

This definition is from a paper, *Kaitiakitanga: A definitive introduction to the holistic world view of the Maori*, that Rev. Maori Marsden wrote and produced in 1992. The paper discusses kaitiakitanga in the context of resolving, “*The rights of tangata whenua and their role in determining how environmental and conservation policies may be applied to achieve positive results*”. The paper was to help decision makers to determine how kaitiakitanga may be expressed and applied in management decisions for the benefit of everyone.

Concerns

28. The Accord has reservations about the current customary management tools implementation process. Rahui, taiapure and mataitai are the only mechanisms available to tangata whenua to manage areas on scale of interest to hapu and local communities. Some of the most prominent concerns are:

- The lack of MFish support for kaitiaki implementing customary management tools. For example, the experience of Ngati Rehia kaitiaki in trying to implement the Marangai Taiamai management plan in the northern Bay of Islands is unsatisfactory. Despite their effort over the past decade, this situation remains unresolved. Hence these kaitiaki have been denied the opportunity to meet their social and cultural needs.
- This process could be misconstrued as tangata whenua conceding authority of our freshwater environment to the Crown in exchange for guardianship of a portion of the waterways. This is clearly not so.

29. Without addressing quota issues for tuna (eel) there is a risk that commercial fishing effort from one mataitai will be displaced to surrounding waterways of other iwi/hapu, thus depleting their resource. Each process will need to be carefully managed to ensure this does not occur.

30. The lack of clarity of management roles is an impediment to management initiatives now. We understand the Department of Conservation (DoC) has management responsibilities for other species within the freshwater systems.

31. The interaction and role of DoC once a mataitai is applied is unclear. This is particularly important for waterways that are surrounded by DoC controlled land. There will need to be

¹⁸ Fisheries Act 1996, Section 2 (1).

¹⁹ Kaitiakitanga: A Definitive Introduction to the Holistic World View of the Maori, Rev. Maori Marsden, November 1992, page 19.

adequate engagement with DoC so management of land or pest eradication programmes does not interfere with tangata whenua's aspirations to manage their customary areas according to tikanga Maori. We all understand that what happens upriver is likely to have an impact downstream.

32. If a management plan is developed for an area of significance to tangata whenua there is no obligation on other agencies, government or local territorial authorities (regional or local) to give effect to that management plan. MFish' role in establishing and maintaining customary area management plans needs to be clarified.
33. It is inevitable that negotiations regarding freshwater systems will be complex due to the multitude of agencies with an interest in the same environment. MFish' role in assisting tangata whenua to form and maintain links with DoC, territorial authorities, power companies, other extractive users and farmers groups also needs to be clarified.
34. Water rights issues will also need to be clarified to ensure adequate water flow to customary management areas is maintained.

Benefits

35. Increased awareness of the environment surrounding freshwater systems is a positive step to encouraging more sustainable use of that adjacent land.
36. Developing management plans for fresh waterways presents an opportunity for local communities, both tangata whenua and non-Maori, to work constructively together.
37. Registering those management plans with government and other agencies reinforces the need to consider what is being fed into freshwater systems.
38. Currently a special permit is required to relocate elvers. Under the amended regulations Tangata Kaitiaki can issue customary permits to relocate, repopulate or replant surrounding freshwater areas.
39. Regulations 27 and 27A specify kaimoana taken using a customary permit is to be consumed at a special function. The proposed amendment provides for wider use, as mentioned in paragraph 38 above.
40. Mataitai reserves recognise and provide for customary food gathering by Maori and the special relationship between tangata whenua and places of importance for customary food gathering. The ability of a local management committee to make bylaws that apply equally to all individuals is welcomed; as is the ability to prohibit commercial fishing, unless a special application is made to allow it to occur within the mataitai.

Conclusion

The Hokianga Accord appreciates the opportunity to make comment on the proposed amendment to the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and wants to be kept informed of further progress.

Appendix Eleven – Hui Agenda

Hokianga Accord Hui 9th and 10th November 2007

DAY ONE

- 10.00am **Whakatau (Welcome)**
- 10.30am ***Kapu Ti***
- 10.45am Whakawhanaungatanga (introductions), apologies and messages from people unable to attend. Introduction to Agenda
- 1130am Deed of Settlement Implementation Plan. Where the \$12 million appropriated for Maori has been spent, what has been achieved and forecast of future spending – Ministry of Fisheries - Stan Crothers, Jonathan Peacey, Carl Ross unavailable, written update sent.
- 11.45am TOKM perspective on Deed of Settlement Implementation Plan – Peter Douglas, CEO Te Ohu Kaimoana.
- 12.00pm Questions and answer session to above
- 12.30pm ***Lunch***
- 1.15pm Political panel discussion: “Future fisheries management in light of the judicial review of the previous Minister of Fisheries decisions for kahawai and subsequent High Court decision, and the Department of Conservation and Ministry of Fisheries Marine Protected Areas policy”. Invited political party fisheries spokespeople.
- 2.00pm Questions and answer session to above.
- 2.15pm Update on Nancy Glen II trawl technology developments – Richard Burch, trawler skipper, Napier.
- 2.45pm Questions and answer session to above.
- 3.00pm ***Kapu Ti – Team photo***
- 3.30pm Te Ika A Maui, national eel Forum update – Te Raa Nehua.
- 3.45pm Proactive fisheries management – voluntary management constraints for kahawai – John Holdsworth.
- 4.00pm Questions and answer session to above
- 4.30pm Update on Cheltenham Beach Caretakers rahui and temporary closure initiative by Ngati Whatua, Ngati Paoa, Te Kawerau A Maki and North Shore community – Georgina Greville and John Retimana.
- 4.45pm Questions and answer session to above
- 5.00pm Update on the status of current marine reserve processes relevant to the North Island east coast including **Aotea** (Great Barrier), **Mimiwhangata** and **Tawharanui**. Update on research being conducted in **Te Matuku** (Waiheke), **Long Bay** and **Leigh** – Dan Breen, Auckland Conservancy Advisory Scientist, Department of Conservation.

- 5.15pm Questions and answer session to above
- 5.30pm Update on fishing hook developments to reduce juvenile mortality – Paul Barnes, inventor and researcher.
- 5.45pm Questions and answer session to above
- 6.00pm ***Dinner***
- 7.00pm Update on the achievement of MFish Pou Hononga – Jonathan Dick, Ministry of Fisheries.
- 7.30pm Questions and answer session to above
- 7.45pm Fisheries Plans – North Island West Coast finfish Fisheries Plan – an update on process to date with a proposal for representation of non-commercial fishing interests – Trish Rea, analyst.
- 8.00pm Questions and answer session to above
- 8.30pm Update on the joint submission by the Hokianga Accord, the New Zealand Big Game Fishing Council and option4 on the Marine Protected Areas draft Classification and Standards document. Review of the Minister of Fisheries decisions for eel management relative to the Hokianga Accord's July 2007 submission. Trish Rea, analyst.
- 8.45pm ***Kapu Ti***
- 9.15pm Tikanga – A Sharing of information – Hone Sadler, Naida Glavish, Tepania Kingi
- What seasons/rahui Maori apply to different species
 - Why they apply
 - What marae are renown for which species
 - The Ngati Whatua story behind the eating of trevally
 - Eels
 - Rotten corn/koura/toheroa
 - Shark liver
 - What the tradition is for throwing the first caught fish back into the sea
 - Why Maori eat the fish head first
 - Maori preservation techniques – drying, smoking.
- 9.45 pm ***Karakia-moe (sleep time)***

DAY TWO

- 6.00am ***Karakia***
- 7.00am ***Parakuihi (Breakfast)***
- 8.00am Update on Guardians of the Sea Charitable Trust Nga Kaitiaki mo Tangaroa – Wane Wharerau and Steve Sangster.
- 8.15am Questions and answers
- 8.30am Update on New Zealand Big Game Fishing Council – Richard Baker, President NZBGFC.
- 8.45am Questions and answers
- 9.00am Discussion on MFish proposals for amending the Kaimoana Regulations. Decide if Hokianga Accord is going to submit by 23 November in response to the proposals. Jonathan Dick and George Riley, MFish.
- 9.15am Questions and answers
- 9.30am Kaipara Scallop section 186A temporary closure process and update – Hally Toia (Ngati Whatua) and Juliane Chetham (Te Uri o Hau).
- 9.45am ***Kapu Ti***
- 10.00am Evaluation of Hui
- 12.00pm ***LUNCH – Hakawatea (farewell)***

Appendix Twelve – List of Hokianga Accord Hui and Updates

November 2007

This list sets out the dates of the ten major Hokianga Accord hui. Many other hui, including those of the forum's Working Group, have been held since April 2005.

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.

Updates

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

Update	Date	Title
	2007	
Update #1	Sept	More fish in the water for tomorrow's mokopuna http://option4.co.nz/Updates_and_Alerts/haupdate1.htm
Update #2	Oct	Marine protection. On whose terms? http://option4.co.nz/Updates_and_Alerts/haupdate2.htm
Update #3	Nov	NZ Fishing News supports the Accord http://option4.co.nz/Updates_and_Alerts/haupdate3.htm
Update #4	Dec	Where has \$17 million gone? http://option4.co.nz/Updates_and_Alerts/haupdate4.htm
	2008	
Update #5	Jan	More fish in the water http://option4.co.nz/Updates_and_Alerts/haupdate5.htm

Appendix Thirteen – Correspondence with MFish

A record of written correspondence between the Hokianga Accord and MFish.

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

- 19/7/06 MFish letter explaining they do not consider the Hokianga Accord to be a regional iwi Forum and will not fund its operations. Received by the Forum Chairman on July 21st, after the completion of the hui.
http://option4.co.nz/Fish_Forums/documents/halmf706.pdf
- 31/8/06 Ngapuhi respond to MFish stating categorically that the Hokianga Accord is the mid north Iwi Forum which includes Ngapuhi, Ngati Whatua and Ngati Wai, as well as the interests of Te Roroa and Te Uri O Hau.
http://option4.co.nz/Fish_Forums/halha806.htm
- 28/9/06 MFish advise they will not pay for the November 2006 Accord hui. In their opinion it is not a meeting of a regional iwi fisheries forum and therefore cannot fund it. They will send staff to discuss items on the agenda.
http://www.option4.co.nz/Fish_Forums/documents/MF_letter_to_HA_280906.pdf
- 6/10/06 MFish invite Ngapuhi to another hui to continue discussions about the development of a mid northern iwi Forum.
http://www.option4.co.nz/Fish_Forums/images/MF_letter_to_Ngapuhi_061006.gif
- 11/10/06 Ngapuhi advise MFish they will not be attending the Whangarei meeting as it was superfluous due to previous correspondence explaining Ngapuhi's position and understanding of the Hokianga Accord.
http://www.option4.co.nz/Fish_Forums/documents/Ngapuhi_to_MF_111006.pdf
- 5/12/06 Ngapuhi write to MFish pointing out their lack of funding for Hokianga Accord hui, their failure to pay marae hui fees and their continued refusal to recognise the Hokianga Accord as the mid-north Iwi Forum.
http://www.option4.co.nz/Fish_Forums/documents/halha1206.pdf
- 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.
- 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.
- 26/10/07 The Hokianga Accord's response to MFish' non-attendance at Waipapa advising the obstructive and divisive behaviour of MFish senior managers is wearisome.

Appendix Fourteen – Glossary

November 2007

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
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F

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

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

I

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

J

JSI	Joint Stakeholder Initiative – <i>Shared Fisheries</i> process
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JSWG Joint Stakeholder Working Group – Shared Fisheries

K

Kai	Food
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 i 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
Kotahitanga	Solidarity, united, togetherness

M

MFish, Ministry	Ministry of Fisheries
Mahi	Work, job
Mana	The spiritual power and authority that can be applied to people, their words and acts.
Manaaki	To bestow a blessing. The presence of visitors is equivalent to the bestowal of a blessing upon the hosts. On the part of the hosts, they bestowed a blessing upon the guests by giving them the best of their provisions in the <i>Hakari</i> (banquet) and hospitality provided. This was a reciprocal relationship, which could be extended by the exchange of gifts. (Kaitiakitanga paper, Maori Marsden, 1992, p20.)
Manaakitanga	Behaviour that acknowledges the mana of others as having equal or greater importance than ones own, through the expression of aroha, hospitality, generosity and mutual respect. (Prof. Whatarangi Winiata)

Manuhiri	Visitors, guests
Maoritanga	Maori culture
Marae	Ancestral meeting ground
Mātaitai	Reserve
Mauri	Life force
Mihi	Greeting
MIO	Mandated Iwi Organisation, sometimes referred to as a Mandated Iwi Authority
MFish	Ministry of Fisheries
MLS	MFish minimum legal size of fish, shellfish
Moana	Sea, ocean
Moko/mokopuna	Grandchild, grandchildren, descendants
Motu	Island, country
MOU	Memorandum of Understanding, Kaupapa Whakahaere
MPA	Marine Protected Area Policy, joint project by the Ministry of Fisheries and Department of Conservation

N

NIWA	National Institute of Water and Atmospheric Research
Non-commercial fisher	Maori customary or 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
Powhiri	Welcome ceremony

Q

QAA	Quota Appeals Authority
QMA	Quota 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 Ltd
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
SNA1	Snapper 1, east coast North Island snapper management area from North Cape to Cape Runaway
SNA8	Snapper 8, west coast North Island snapper management area from Wellington to North Cape

T

TAC, TACC	Total Allowable Catch, Total Allowable Commercial Catch
Taiapure	Customary management area of the sea
Take	Agenda
Takiwa	Geographic region
Tamariki, taitamariki	Children, youth
Tangata	One person also used as many people on occasion
Tangata whenua	People of the land - in NZ means Maori
Taonga	Treasure, prized possession
Tauiwi	Non-Maori

Tautoko	Support
Te mura o te ahi	The heat of the battle
Te Reo	The Maori language
Te Tai Tokerau	Geographic area from Rodney district to Cape Reinga
“Te tika, te pono me te tuwhera”	Being righteous, truthful and transparent
Te Tiriti O Waitangi	The Maori version of the Treaty of Waitangi 1840
“The Act”	Fisheries Act 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 Kaimoana, 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
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

Whareniui

Meeting house

Whenua

Land