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Tena koe Eidre

**Providing for Customary Harvest for Hui and Tangi:
Review of Regulation 27**

Introduction

Thank you for your letter of 14 December 2004, inviting Te Ohu Kai Moana Trustee Ltd (Te Ohu) to comment on the proposed changes to regulation 27. Te Ohu Kai Moana (Treaty of Waitangi Fisheries Commission) made a submission in June 2002 on a previous review of Regulation 27 (see Annex 1). The main tenor of that submission was that Te Ohu considered it more important to move to implement the customary regulations than to review Regulation 27, which is only a temporary measure.

After having reviewed the specific proposals for this review we continue to believe that priority must be given to implementation of the customary regulations. If the Crown is genuine about meeting its obligations under the Deed of Settlement and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, then the objective of providing for customary use and management practices under the customary regulations (which include the *Fisheries Kaimoana (Customary Fishing) Regulations 1998* and the *Fisheries (South Island Customary Fishing) Regulations 1998*) should remain a priority for the Crown. We consider that comprehensive implementation of the customary regulations will overcome many of the problems associated with regulation 27.

Regulation 27 was designed to provide a “stop gap” measure to be used until the customary regulations are implemented and it is desirable that it works as effectively as possible in the interim. We acknowledge that abuse of regulation 27 is carried out by a minority of groups or individuals. We do not condone that abuse but would note that there are a far greater number of groups and individuals who have, or are attempting to implement the comprehensive customary regulations and are using Regulation 27 legitimately where the customary regulations have not yet been implemented.

We do not consider that the legislative proposals put forward by MFish will do much to deal with the problems identified. Nevertheless, if these proposals are progressed, we consider that MFish should further consult iwi and Te Ohu on the detail. We support the non-legislative proposals made by MFish, and suggest that a number of additional measures be included. Further detail is set out below.

Summary of MFish Proposals

The letter of 14 December 2004 appears to identify two areas of concern:

- MFish (enforcement) is unable to take successful prosecutions in relation to the abuse of the Regulation 27 authorisation system;
- MFish (fisheries management) is unable to obtain and incorporate catch information from the Regulation 27 authorisation system into sustainability processes.

As a result, MFish is proposing the following legislative changes:

- develop a definition of 'runanga' for regulation 27 and restate the definition of 'cultural purposes';
- require authorising agents to:
 - state the amount (number or greenweight) that can be taken of each species and the method(s) that can be used to undertake harvesting activity.
 - keep copies of permits issued and provide quarterly summary reports of those permits to MFish .

In addition MFish will implement the following non-legislative proposals:

- establish a centralised database (contact names, addresses etc of the authorising authorities and authorising agents).
- establish consistent guidelines that apply to customary harvest taking place on commercial vessels and storing harvested fish for customary purposes on commercial premises.
- conduct an internal review of prosecution penalties for Court purposes.

Legislative Proposals

1. Definition of 'runanga'

Regulation 27¹ currently specifies that an authorising agent (the person who issues the authorisation) must be appointed by either:

- a Marae committee – see Maori Purposes Act 1936;
- a Trust Board – see Maori Trust Board Act 1955;
- a Maori committee – see Maori Community Development Act 1962; or
- a Runanga (no defining legislation exists for this term).

Each of these entities is specified in regulation 27² as an "authorising authority". As noted above, all of these entities, with the exception of runanga are defined in legislation and have various processes set for their establishment. To clarify what is meant by runanga, MFish propose to include a definition within the Fisheries legislation.

Te Ohu does not consider that the addition of a definition for 'runanga' will resolve the problems with the abuse of regulation 27. This is because, as with the other three entities, existing runanga were not designed with customary fishing purposes in mind. In addition, we question whether the processes able to be followed to establish these entities are robust enough or suitable for the purpose of authorising customary fishing. For example, we understand that in order to establish a "Maori

¹ See the Fisheries (Amateur Fishing) Regulations 1986.

² See the Chief Executives Gazette notice 733, dated 4th of March 2003.

committee”, all that any applicant is required to do is complete a form outlining the name of the committee and the people who are members. If that is the case we don't consider the procedures for establishing a Maori committee are robust enough to prevent abuse of Regulation 27. Note also that enquiries we have made through Te Puni Kokiri have failed to identify any register of Maori committees.

Under the customary regulations - in contrast to the situation outlined above - both the tangata whenua³ and the Kaitiaki⁴ must follow a robust establishment process specifically designed for customary fishing purposes within a defined rohe moana or marine area. Tangata whenua must go through a formal submission process to establish their status as the correct body⁵ to be the equivalent of the authorising authority and to notify Kaitiaki within a defined rohe moana. In the case of the four entities recognised for the purpose of Regulation 27, there is no defined rohe moana. That means that any authorising agent could issue an authority anywhere in New Zealand waters. Also under regulation 27 there is no consistent or robust process for authorising authorities to notify the Ministry of their appointed authorising agent and the area in which that agent is authorised to issue authorisations.

Therefore, consistent with the processes in the customary regulations⁶ we recommend that a new notification form be produced for this purpose. It would include at least the following components. A statement about:-

- The nature of the entity (i.e. name and information about where they are registered as a Maori committee, Marae Committee, Trust Board or Runanga);
- who has been appointed as the authorising agent(s) and how those appointments were arrived at (i.e. at a meeting held on x date the committee resolved to appoint x as the authorising agent for a period of x years) and
- the area within which each of the authorising agents may issue the authorisations for hui and tangi.(eg Hawke's Bay)

The Chief Executive's gazette notice F242 of 4th March 2003 requires that the authorising authority represents the tangata whenua of the particular area to which the authorisation form relates. Therefore the question arises, of the four entities, who are the tangata whenua of the area? MFish have no robust process for verifying who is the tangata whenua of any given area, except through the process developed under the customary regulations. In our 2002 submission we pointed out that attempts at building more verifiable structure into regulation 27 would simply result in an ever increasing approximation to the customary regulations themselves. We recommend that as part of the form noted above that the group must identify the area over which it claims to represent tangata whenua.

If the proposal to define 'runanga' proceeds we consider it is important to further consult Iwi and Te Ohu on the detail of that definition and support the definition with the recommended procedure outlined above.

2. Restate the definition of 'cultural purposes'

In the last review of regulation 27 the Chief Executive's Gazette notice stated that an authorisation may only be issued if:

³ The equivalent of the authorising authority in terms of functions

⁴ The equivalent of the authorising agent

⁵ The body or group who hold manawhenua manamoana within the area

⁶ See Form 1 in the schedule to the regulations

- the taking of fish, aquatic life of seaweed is for the purposes of hui or tangi
- the taking of fish, aquatic life or seaweed is not commercial in any way or for pecuniary gain or trade.

Regulation 27 only provides a “use” component enabling harvest to take place. Unlike the customary regulations, it does not have the additional management component that leads to the full expression of customary rights, and which is necessary to fully discharge the Crown’s promise to Maori.

Te Ohu considers that the attention directed at Regulation 27 because of the minority of people who are abusing regulation 27 is:

- adding additional requirements on the majority who are operating legitimately; and
- that this review is deploying resources that could be better used to help the Crown fulfill its promise to Maori under the Fisheries Act 1996⁷, which is:

“to make regulations recognising and providing for customary food gathering by Maori and the special relationship between tangata whenua and places of importance for customary food gathering (including tauranga ika and Mahinga Mataitai), to the extent that such food gathering is neither commercial in any way nor for pecuniary gain or trade”

That matter aside, MFish have not specified the proposed wording for restating ‘cultural purposes’. Therefore if this proposal is retained, iwi and Te Ohu would need to participate in any debate about wording changes as these have the potential to further limit the application of customary rights within Regulation 27.

3. Requirements on Authorising Agents

As pointed out above a number of administrative tasks, in addition to those already required by the authorising agent, are proposed to resolve problems with regulation 27. We agree that all sectors need to be responsible and accountable for managing their interests in New Zealand’s fisheries. We also agree that the intent of the review needs to be consistent with the longer-term customary management and harvesting approach in the customary regulations⁸.

Specific provision is made in the customary regulations for MFish to provide the information and assistance necessary for kaitiaki to carry out their duties under the regulations⁹. Consistent with the intent of this review and the customary regulations we therefore recommend that MFish consider including the following supporting services under Regulation 27 to ensure authorising agents are able to fulfil their functions and responsibilities. Such support will have the effect of improving the information and communications systems to support the proper administration of regulation 27 and this will improve overall fisheries management.

The services we recommend include:

- storage facilities - for permits and catch landing returns (see below);
- administrative support for authorising agents to prepare quarterly reports at the fish stock level;

⁷ Section 186(1) of the Fisheries Act 1996.

⁸ MFish covering letter for the Regulation 27 review dated 14 December 2004.

⁹ See regulation 33 of the Fisheries (Kaimoana Customary) Fishing Regulations 1998.

- communication support - (i.e. resources such as stamps, envelopes, a help-desk type service to assist with filling in the forms or resolving any uncertainty) to increase cohesion and quality of information;
- compliance training - of authorising agents to ensure they are properly informed about how to undertake their duties and are aware of any guidelines and policies that might be relevant.

Given the dissipation of authorising agents throughout the country, particularly in rural New Zealand, we recommend that the relevant recognised Iwi organisation¹⁰ be approached to deliver these services. This would also assist those Iwi to develop a more comprehensive approach to fisheries management (allowing them to consider both their commercial and non-commercial interests) which in turn would help in the development of Iwi policy and participation in fisheries management.

Another specific proposal in the paper requires that the authorising agents must specify the amount (number or greenweight) that may be harvested. We foresee a practical difficulty with requiring authorising agents to specify only number or greenweight. The size of shellfish differs between species and the size of the same species differs between sites. If this proposal is progressed there is a need for MFish to provide authorising agents with good information to estimate greenweight or number relative to the amount that is requiring for the hui or tangi. This should include the amount needed for all typically taken species e.g. 100 snapper that are 250mm length represent a greenweight of 40kg etc Therefore we recommend that MFish support this legislative change with guidelines for authorising agents along these lines and that MFish provide the necessary training to enable Kaitiaki to make good use of such guidelines.

There is a need to get better information for stock assessment that is based on what is taken rather than just what was authorised. In addition to the proposed requirement to have authorising agents keep records and provide quarterly reports to the Minister, we recommend that, as per the customary regulations, catch landing reporting¹¹ should be added to the reporting requirements of harvesters. This would mean that the harvesters would have to report back to the authorising agent the actual amount taken for the hui or tangi. If a fisher fails to report back to the authorising agent then the authorising agent will have the authority to decline any further requests from that fisher.

Actual catch information would greatly help to improve fisheries management estimates for stock assessment purposes and would allow the authorising agent to keep a check on availability and size of the local fisheries stocks. Rather than authorising agents providing quarterly reports on authorisations issued we recommend that the quarterly reporting addresses actual catch landed. Again this is consistent with the quarterly reporting under the customary regulations¹². As outlined earlier in this submission sufficient support for quarterly reporting will be required to assist the authorising agent to fulfil his or her duties.

Non-Legislative Proposals

Te Ohu agrees with the following non-legislative proposals put forward by MFish:

- establish a centralised database (contact names, addresses etc of the authorising authorities and authorising agents;

¹⁰ Recognised by Te Ohu in the Maori Fisheries Act – for the purposes of fisheries allocation.

¹¹ See regulation 38 of the Fisheries(Kaimoana Customary) Fishing Regulations 1998

¹² See the quarterly reporting form in the schedule to the customary regulations

- establish consistent guidelines that apply to customary harvest taking place on commercial vessels and storing harvested fish for customary purposes on commercial premises;
- conduct an internal review of prosecution penalties for Court purposes

We also make the following additional recommendations.

- that the database of authorising authorities and authorising agents be made available to recognised Iwi organisations within relevant QMA or FMAs so that they may communicate with each other if they wish;
- that a registration process (including template or forms as outlined earlier in this submission) is developed for authorising authorities to notify MFish of their appointed authorising agent and the area in which each authorising agent will be permitted to issue authorisations.
- that appropriate reporting forms (for both fishers and quarterly reports for authorising agents are developed) and the necessary training on any guidelines and procedures is delivered.
- that Iwi and Te Ohu are invited to comment on any guidelines designed to improve consistent management of customary harvest:
 - taking place in conjunction with a commercial fishing vessel;
 - stored on commercial premises; or
 - stored on non-commercial premises (i.e. Pataka – store house)
- that MFish implement a training programme and deliver training to all affected parties before enforcement of any new procedures take effect (i.e. within 3 months of any changes) including with:
 - key staff inside the Ministry and
 - recognised iwi organisation (if they wish to participate) and
 - all authorising agents using regulation 27

Conclusions

While we have made some recommendations to help improve abuse of regulation 27 as a temporary measure consistent with the customary regulations, we consider that the customary regulations will address most of the problems in a more robust and comprehensive manner in the long-term.

Therefore our final point is to urge the Minister and Ministry to place a priority on the implementation of the customary regulations and develop a work programme to deliver outcomes in this area.

Please contact Tania McPherson if you have any questions about the content of this submission. Te Ohu would like to meet with the Ministry to discuss how the recommendations in this submission can be progressed. Please contact Tania to notify us of a suitable time to discuss these matters.

Thank you once again for the opportunity to provide comment on the proposed changes to regulation 27.

Naku noa, na

Craig Lawson
General Manager Policy

Annex 1.

Friday, 21 June 2002

File: C270-10/TM

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Tena koe

**“PROVIDING” for CUSTOMARY HARVEST AND MANAGEMENT:
Review of Regulation 27**

Thank you for your letter of 15 March 2002, inviting Te Ohu Kai Moana to comment by way of submission on the proposed new conditions on the taking of fish for Hui and Tangi under regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986.

Te Ohu Kai Moana supports all measures put in place, or that can be put in place to protect the integrity of the Deed of Settlement and the Treaty of Waitangi Fisheries Claims Settlement Act 1992. This Settlement is comprised of both customary commercial and non-commercial rights – including provision for customary harvest and management.

SUMMARY OF KEY POINTS

1. Te Ohu Kai Moana supports the objective of providing for customary harvest and management as set out in Section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
2. Reviewing Regulation 27 of the (Amateur Fishing) Regulation 1986, in the way contemplated, will not help to meet the Settlement obligations.
3. There is a need to focus on “providing for” customary harvest and management not restricting and constraining it further.
4. The time to consider appropriate compliance and enforcement support is after a suitable provision for customary harvest is in place.
5. Te Ohu Kai Moana supports the need for and requests an urgent review of the customary regulations and the associated implementation strategy.

BACKGROUND:

1. Mfish Problem definition

In a consultation letter dated 15 March 2002 Mfish have advised that the following matters have arisen which have prompted the need for a review of the regulation 27 permit provision for customary harvest:

- 1.1 *“The Ministry of Fisheries is concerned about fishers who claim to be exercising a customary right without the prior authorisation of tangata whenua”*
- 1.2 *“The Ministry of Fisheries is unable to effectively control the activities of the blackmarketeers and poachers who are utilising Regulation 27 as a defence against their activities”*
- 1.3 *“The expressed intent of illegal fishers to expand their fishing activity has the potential to undermine the current fisheries management system, the integrity of the customary rights framework, and the 1992 Fisheries Deed of Settlement”*

2. Summary of Proposed Changes

- 2.1 An expansion of the definition of Marae Committee from those committees that “establish a Marae” to include those committees that “operate a Marae”.
- 2.2 A requirement that customary fishers must carry the permit with them at all times whether fishing or transporting customary catch.
- 2.3 A requirement that a permit may only be issued for fishing in an area where the permit issuer has manawhenua and a further requirement that the “authorised agent” (i.e. the fisher) is notified (or reported) to Mfish.
- 2.4 A mandatory requirement that the permit must be on a numbered form provided by Mfish.
- 2.5 A 24-hour time limit on the life of the permit.
- 2.6 A requirement that all harvesters are named on the permit.
- 2.7 A requirement to specify the numbers of individual fish or shellfish on the permit that may be harvested rather than weights or variable bag/bucket sizes.
- 2.8 A requirement to specify the landing area on the permit.
- 2.9 A requirement to specify the date and address of the Hui or tangi on the permit.
- 2.10 The ability for the permit issuers to specify any additional conditions on the taking of fish which is reasonable and in the interest of ensuring sustainability of the resource. For example, Size of fish, fishing method or gear restrictions.

3. **Te Ohu Kai Moana supports the objective of providing for customary harvest and management as set out in Section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.**
- 3.1 Regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986 was only ever intended to be a **temporary provision** until the “customary regulations” were developed and implemented.
- 3.2 Regulation 27 is **restrictive** because it only provides for harvest where the purpose of the harvest is for Hui and tangi. It does not provide for other cultural or tikanga based non-commercial purposes, although the possibility exists¹³. Nor does it provide any management opportunities.
- 3.3 Regulation 27 was inserted into the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 at Section 37 (see appendix 1) to acknowledge that Maori hold an additional set of customary fishing rights that are set apart from those of all other New Zealanders (i.e. Amateur Fishers). This customary provision also bridges the gap between providing for harvest, within a restricted purpose and on a temporary basis, and providing more fully for **use and management practices**.
- 3.4 Regulation 27 has a long and potted legislative history, oscillating between Fisheries and Maori Affairs legislation¹⁴. This history included several attempts at **providing management opportunities**. For example, Section 16 of the **Maori Councils Act 1900** stated:
- “It shall be lawful for the Council of any Maori district ... to make... bylaws respecting all or any of the following...*
- (10) For the **control and the regulation of the management** of all oyster-beds, pipi-grounds, mussel-beds, and the fishing-grounds used by the Maoris or from which they procure food...”* (emphasis added).
- 3.5 Another management example can be found in Section 33 of the **Maori Social and Economic Advancement Act 1945** which stated:
- “(1) The Governor-General may... reserve any pipi-ground, mussel-bed, other shell-fish area, or fishing-ground or any edible seaweed area for the exclusive use of Maoris or of any tribe or section of a tribe of Maoris.*
- (2) The governor-General may... vest in any Tribal Executive or Tribal Committee the control of any pipi-ground, mussel-bed, fishing-ground, or other area as aforesaid so reserved for the exclusive use of Maoris.*
- (3) The Tribal Executive or Tribal Committee... may take such steps as...necessary of desirable for the protection of the shellfish or other fish and to prevent their extermination, and for the protection of the edible seaweed.*
- (4) Any Tribal Executive may make such by-laws as it thinks fit for the control, regulation, and management of pipi-grounds, mussel-beds, fishing-grounds...”*
- 3.6 Fisheries harvest and management is no longer provided for in Maori Affairs legislation but is now contained within the Fisheries legislation. The current reference for Maori Committees and Marae Committees in regulation 27 is a remnant of the Tribal Committees and Maori Councils developed within the

¹³ Although, Regulation 27 can allow “other approved purposes” to be included in this provision, at this time, harvest may only occur for Hui and Tangi. Therefore this provision does not provide for other tikanga based purposes such as reseeding or transplanting.

¹⁴ Te Puni Kokiri, (1993), *Nga Kai O Te Moana Kaupapa Tiakina Customary Fisheries Philosophy and Practices Legislation and Change*, Te Puni Kokiri, Wellington pp27-31.

Maori Affairs legislation. It is also for this reason that, at times in the past, the department of Maori Affairs issued permits for customary (non-commercial) harvest.

4 Reviewing Regulation 27 of the (Amateur Fishing) Regulations 1986, in the way contemplated, will not help to meet the Settlement obligations.

- 4.1 While Section 37 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 included reference to “regulation 27” it also contained in **Section 10** an explicit instruction that the Minister shall develop policies to help **recognise use and management practices**.

*“Effect of Settlement on Non-Commercial Maori Fishing Rights And Interests
It is here by declared that claims by Maori in respect of non-commercial fishing for species or classes of fish, aquatic life, or seaweed that are subject to the Fisheries Act 1983 –*

(a) Shall, in accordance with the principles of the Treaty of Waitangi, continue to give rise to Treaty obligations on the Crown; and in pursuance thereto

*(b) **The Minister**, acting in accordance with the principles of the Treaty of Waitangi, **shall** –*

(i) Consult with tangata whenua about; and

*(ii) Develop policies to **help recognise** –*

use and management practices of Maori in the exercise of non-commercial fishing rights; and

(c) The Minister shall recommend to the Governor-General in Council the making of regulations pursuant to section 89 of the Fisheries Act 1983 to recognise and provide for customary food gathering by Maori and the special relationship between tangata whenua and those places which are of customary food gathering importance (including tauranga ika and Mahinga Mataitai), to the extent that such food gathering is neither commercial in any way nor for pecuniary gain or trade” (emphasis added).

- 4.2 The development of two sets of Customary Regulations¹⁵ which were intended to help recognise use and management practices was completed in 1998 and implementation has been underway since that time.
- 4.3 Implementation to date of the Customary Regulations has been painfully slow and it has led to a backlog of disputes that are not being resolved. This situation is unsatisfactory. While a restricted form of harvest is possible under regulation 27 the commitment contained in section 10 of the Settlement Act is to RECOGNISE AND PROVIDE for use and MANAGEMENT PRACTICES.

5 There is a need to focus on “providing for” customary harvest and management not restricting and constraining it further.

- 5.1 Given that both the Crown and Maori have limited resources available to deal with policy developments of this nature, more careful consideration should have been given at the outset of this review to the priority of this compliance matter in relation to matters of more central concern. Te Ohu Kai Moana believe that the priority is to achieve (with the most efficient use of resources) a more robust and durable long-term outcome. This current narrowly focused

¹⁵ Fisheries (South Island Customary Fishing) Regulations 1998 and the Fisheries (Kaimoana Customary Fishing) Regulations 1998.

review represents an opportunity cost (or loss) to the broader issue of providing for the expression of customary rights.

5.2 Time is of the essence. While we are still waiting for the Crown to establish and implement legislation that will provide for both customary harvest and management, there are a number of other developments that are creating a “race for space”. These other area based initiatives are very likely to over take the ability for Kaitiaki to become established and displace management areas that would otherwise be set aside for customary use and management.

5.3 Recent examples of this “race for space” include:

- a) the desire of recreational fisheries to establish “inshore zones” of one description or another,
- b) the Marine Reserves Bill as presently written will enable the speedy establishment of Marine Reserves around the country; and
- c) Aquaculture Management Areas envisaged by the Aquaculture reform.

5.4 In addition, the guiding policies and strategies, that were promised to provide a more principled and rational approach to competing users of the marine environment are not developing fast enough. These include:

- a) The Oceans Policy; and
- b) The Marine Protected Areas Strategy

6 The time to consider appropriate compliance and enforcement support is after a suitable provision for customary harvest is in place.

6.1 The historical records of legislation¹⁶ relating to regulation 27 type provisions indicate that there is little to be gained in attempting to resolve the problem of “providing” for customary harvest by an ever increasing number and type of restrictions.

6.2 While the proposed restriction may serve to assist the compliance business of the Ministry of Fisheries to enforce the regulation 27 provision more successfully in court, it is after all a temporary or default customary provision intended to “provide” for customary harvest until the new more comprehensive customary regulations are in place.

6.3 Attempting to improve compliance and enforceability of the regulation 27 provision before finding a robust provision for customary harvest and management is likely to lead to a duplication of the current customary regulations. This can be seen in the inclusion of a reference to manawhenua criteria. How will Mfish determine who has manawhenua?

6.4 If the manawhenua manamoana criteria is to be built into regulation 27 then you might as well implement the customary regulations rather than its inferior temporary cousin.

¹⁶ Te Puni Kokiri, (1993), *Nga Kai O Te Moana Kaupapa Tiakina Customary Fisheries Philosophy and Practices Legislation and Change*, Te Puni Kokiri, Wellington pp27-31.

- 6.5 Establishing more stringent restrictions to meet a compliance or enforcement need is likely to lead to the restrictions themselves defining the purpose. Any legislative change to the current permitting system will have a flow-on effect at the implementation level that distorts the Treaty Settlement obligations away from the agreed objectives.
- 6.6 Te Ohu Kai Moana supports the need for an effective and efficient compliance service to support the customary provisions when they have been properly enabled. When that happens (and if necessary) more stringent rules, responsibilities and sanctions can be justifiably put in place.
- 7 Te Ohu Kai Moana supports the need for and requests an urgent review of the Customary Regulations and the associated implementation strategy.**
- 7.1 The lack of progress with implementing the Customary Regulations must be due to one of three main causes, either:
- a) The regulations themselves are faulty and will never achieve the required Treaty obligation objective of “providing” for customary harvest and management rights; or
 - b) The implementation strategy is faulty and needs to be amended, altered or completely revamped to ensure its effectiveness; or
 - c) A combination of a. and b. above.
- 7.2 Te Ohu Kai Moana recommend that an initial desk top exercise should be undertaken by the Ministry of Fisheries summarising progress that has been made to date and identifying any barriers to further progress. Strategies can then be considered to overcome these barriers.

Once again, thank you for the opportunity to comment on the review of regulation 27. We would be happy to meet with the Ministry of Fisheries to discuss any aspect of our submission, and in particular to plot a way forward from here.

Naku noa, na.

Craig Lawson
General Manager Policy