


TE WAI MAORI TRUSTEE LTD | STRATEGIC PLAN

1 Oct 2006 – 30 Sept 2011

A photograph of a rocky stream with water flowing over the stones. The water is clear and shallow, creating small white rapids as it flows over the smooth, grey rocks. The background is a soft, out-of-focus green, suggesting a forest or natural setting. The overall tone is natural and serene.

*“From the land flows
the water that feeds
our people”*



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Chair's Foreword



E nga iwi, e nga reo, e nga karangatanga maha o nga hau e wha, nga mihi ki a koutou.

It is my pleasure to introduce the inaugural strategic plan for Te Wai Maori Trustee Limited. Developed through consultative hui during July and August 2006 with iwi and Maori that have freshwater interests, this plan represents the direction we intend to take over the next 5 years.

Wai Maori is a relatively new entrant into the overall Maori fisheries settlement and is charged with advancing Maori interests in freshwater fisheries. The challenges to protect, enhance and advance these interests will be significant. As the role of Wai Maori grows and with it our funding base, we foresee the need to provide co-ordination, leadership and advice on such issues as environmental degradation of waterways, blockages to fish migration such as hydro dams and culverts, habitat destruction, the impact of non-indigenous fish species to the habitat and the development of species that have a customary and commercial value for iwi and Maori.

We are required to meet our functions described in the Maori Fisheries Act 2004, and are therefore under no illusion that this work can be done in isolation. We will require partnerships with iwi, Maori and a range of like minded organisations to enhance this fishery for iwi Maori. At the same time there will be opportunities to contribute to the wider development of freshwater and freshwater fisheries for New Zealand. Our focus in those projects will always be to ensure the great importance this fishery has for iwi Maori and protect it for future generations.

Tena koutou, tena koutou, tena koutou katoa

Morrie Love

Chair

Introduction

This strategic plan sets out the direction for Te Wai Maori Trustee Limited to give effect to our vision. Before writing this strategic plan the directors of Te Wai Maori Trustee Limited carried out two key tasks. The first was to commission an environmental scan of freshwater fisheries in New Zealand in order to give an overview of the state of the fishery and to guide directors on how we might proceed with our statutory responsibilities. Second, we invited iwi freshwater fisheries representatives to a series of nine hui between 19 July and 8 August 2006. Those hui provided the opportunity for iwi/Maori¹ to give their views on what aspects of freshwater fisheries should take strategic priority. Their responses have helped to shape this strategic plan and these are expanded upon later in the document.

¹ For ease of use the term “iwi / Maori” is used in this strategic plan to signify “Maori, mandated iwi organisations, and other Maori organisations”.



Te Wai Maori Trust

Te Wai Maori Trust and its sole corporate trustee Te Wai Maori Trustee Limited (Wai Maori) were established pursuant to the Maori Fisheries Act 2004.² The key legislative requirements for Wai Maori are set out below.

Purpose of Te Wai Maori Trust

Section 94 of the Maori Fisheries Act states that:

*“The **purpose of Te Wai Maori Trust** is to hold and manage the trust funds on trust for and on behalf of the beneficiaries under the Deed of Settlement, in order to advance Maori interests in freshwater fisheries, but not in a manner that could adversely affect the charitable status (if any) of the Trust.” (emphasis added).*

Functions of Te Wai Maori Trustee Limited

Section 95 of the Maori Fisheries Act sets out the functions of Te Wai Maori Trustee Limited:

“In achieving the purpose of Te Wai Maori Trust, Te Wai Maori Trustee Limited must—

- (a) manage the trust funds; and*
- (b) distribute the annual trust income for activities that include—*
 - (i) undertaking or funding research, development, and education related to Maori interests in freshwater fishing; and*
 - (ii) promoting the protection and enhancement of freshwater fisheries habitat in lakes, rivers, and other water bodies, particularly those that have traditionally supported iwi and whose shores have been the location of their marae; and*
 - (iii) promoting the establishment of freshwater fisheries; and*
 - (iv) using its resources to bring direct or indirect benefit to Maori in respect of their freshwater fishing interests.”*

Freshwater fisheries are defined in the Maori Fisheries Act³ as:

“any fishery in freshwater in New Zealand, excluding any sports fishery or unwanted aquatic life or activities conducted under the Freshwater Fish Farming Regulations 1983.”

² Refer ss 92 and 93 of the Maori Fisheries Act respectively.

³ Refer section 91 of the Maori Fisheries Act.

Funding

The Maori Fisheries Act⁴ provides for the following funds to be paid to Wai Maori by Te Ohu Kai Moana Trustee Limited:

Wai Maori will receive up to \$2 million to:

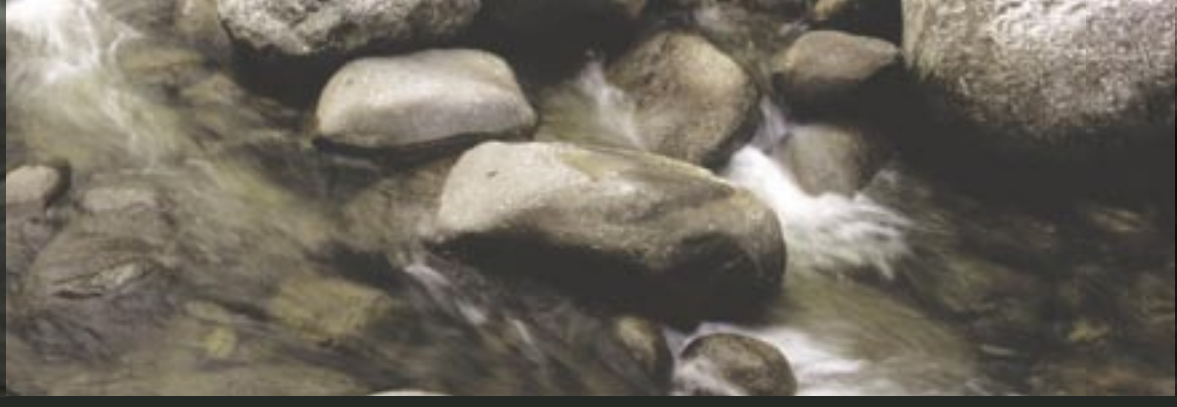
- i. undertake the responsibilities of the Maori Fisheries Act 2004*
- ii. cover the operational costs of Wai Maori including directors fees accommodation, travel and staff costs*
- iii. develop an annual plan that is approved by Te Ohu Kai Moana Trustee Limited*
- iv. Provide annual reports to Te Ohu Kai Moana Trustee Limited*

By October 2009 there will be a \$10 million capitalisation of Wai Maori⁵ with a further \$10 million being distributed to Wai Maori over the following 10 years.⁶ Ongoing funding will be limited to the income generated by the \$20 million received.

⁴ Refer section 137 (1) (e) (iii) of the Maori Fisheries Act.

⁵ Refer section (1) (b) of the Maori Fisheries Act.

⁶ Refer section 103 (3) of the Maori Fisheries Act.



Distributions

Section 98 of the Maori Fisheries Act states that:

“1. The directors of Te Wai Maori Trustee Limited may make distributions to Maori, mandated iwi organisations, and other Maori organisations for the purpose of Te Wai Maori Trust, subject to any conditions provided for by the trust deed.

- 2. Before making a distribution, the directors must take into account the extent to which-*
 - i. a proposal will assist in coordinating and consolidating the activities of the recipients with the activities of agencies involved in freshwater fisheries and habitat management; and*
 - ii. a proposal provides a model that is able to be applied by the groups referred to above (Maori, mandated iwi organisations, and other Maori organisations); and*
 - iii. the activities proposed to be undertaken with the distributions are being undertaken by other mandated Iwi organisations or agencies; and*
 - iv. the functions of Te Wai Maori Trustee Limited are being undertaken by other agencies.”*

Wai Maori Statement

Vision

Iwi and hapu have long realised that their present role in freshwater fisheries either customary, non-commercial customary or commercial is not consistent with their traditional values and tikanga.

Our vision, therefore, is simple:

that iwi / Maori control their Freshwater Fisheries

The task of Wai Maori, in collaboration with iwi / Maori is to enable iwi and hapu to reassert their mana over their freshwater fisheries and to exercise effective kaitiakitanga over one of their most precious taonga.

It may not be easy but we have identified several areas where we believe we can make significant inroads in freshwater fisheries for the direct and indirect benefit of Maori.

Environmental Scan

Directors commissioned Enfocus Limited to carry out an environmental scan or overview of freshwater fisheries in New Zealand as an important first step in refining the activities of Wai Maori to advance Maori interests in freshwater fisheries.

Summary

- *There are at least 40 species of freshwater fish, and about half of those are endangered.*
- *Most species are small in size, are highly localised and have small populations.*
- *Because of these characteristics few species have recognised commercial or recreational value.*
- *Freshwater fisheries are managed by a number of Acts and Regulations administered by several central and local government agencies with considerable overlap of roles.*
- *Several institutes, notably the National Institute of Water and Atmospheric Research (NIWA) and Cawthron, compete for research funding.*
- *The Foundation for Research Science and Technology (FRST) is a significant funder of freshwater fisheries:*
 - *2004/05 - \$812k allocated to eels and whitebait.*
 - *2005/06 – focus on Taupo and Rotorua lakes.*
- *The Department of Conservation (DoC), the Ministry of Fisheries (MFish) and Regional Councils also undertake or commission monitoring and research. Some Regional Councils sometimes fund particular research projects.*
- *A number of iwi have been involved in partnerships with science providers (usually NIWA) in carrying out freshwater fisheries research.*
- *Six fisheries have been identified as having potential for further commercial and/or customary development; tuna, whitebait, piharau, mullet, koura and patiki.*
- *There is potential for Wai Maori to devote funds to these species but in many cases it may not add significant value in either commercial or customary terms.*
- *Eels have the most potential but development is hindered by a number of regulatory and biological constraints.*

Overview of freshwater fisheries in New Zealand

The full report considered the current state and use of certain indigenous freshwater species and habitats as well as describing the commercial and environmental management issues associated with those species and the rivers, lakes and streams that support them.

The exact number of freshwater fish species is not certain but at least forty have been identified, in the following nine families:

Galaxid / kokopu (23 species), bully (7), flounder (2), eel (2), mullet (2), southern smelt (2) lamprey (1) and papanoko (1). There are also two native koura species, and the freshwater mussel (kakahī).

Most of these species are highly localised and have small natural populations, and most are very small in size (between 60 - 150mm). These species tend to be well camouflaged and secretive and therefore very little is known about their life cycles. Furthermore, at least nineteen species are endangered and one is already extinct. Because of these characteristics few species have recognised commercial or recreational value.

The Freshwater Management Regime

A number of Crown and local government agencies have a role in freshwater fisheries which are managed by a number of Acts and Regulations. Both DoC and MFish have overlapping roles in managing freshwater fisheries and regional councils take part in management of the quantity and quality of freshwater fish habitat. A number of Acts and Regulations impact on freshwater fisheries.

Fisheries Act 1996

Promotes the use of (marine and freshwater) fisheries resources while ensuring sustainability. Four freshwater species fall within the quota management system: flatfish (flounder), grey mullet, yellow-eyed mullet and eels. Lamprey, freshwater mussels and koura (South Island) are listed in Schedule 4C of the Fisheries Act which only makes the stocks accessible to those fishers who are currently authorised to target those species.

Freshwater Farming Regulations 1983

Freshwater fish farm licences and operation requirements are administered by MFish. These regulations are due to be revoked as a result of the broader aquaculture reform and there will then be no limit on species which may be farmed.

Conservation Act 1987

States that one function of DoC is: *'to preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats.'*

Freshwater Fisheries Regulations 1983

These regulations are administered by DoC and focus on sports and acclimatised fisheries, although some parts relate to native freshwater fish.



Whitebait Regulations

These regulations are also administered by DoC, but restrictions do not apply where whitebait is taken for the purposes of a hui or tangi and authorities have been notified before they are taken.

Customary Fishing Regulations

Regulation 27 of the Fisheries (Amateur Fishing) Regulations 1986 is available for iwi, hapu or whanau before using either the Kaimoana Customary Fishing Regulations 1998 or the Fisheries (South Island Customary Fishing) Regulations 1998. They are of particular importance to Maori as they create a system where iwi, hapu or whanau appoint kaitiaki to manage customary fishing in an area.

The Resource Management Act 1991

The purpose of this Act is to promote the sustainable management of natural and physical resources including freshwater animals and their habitats. Local government must consider effects on freshwater fish and their habitat when considering resource consent applications.

Research Funders and Providers

A number of organisations participate in provision of funds and research services related to freshwater fisheries that are described below.

Foundation for Research Science and Technology

FRST has been a significant funder of freshwater fisheries research and over the last five years has averaged \$770,000 for eels and \$366,000 for whitebait.

Central and local government

Both DoC and MFish undertake or commission monitoring and research and Regional Councils sometimes fund projects.

National Institute of Water and Atmospheric Research

Maintains the New Zealand Freshwater Fish database and carries out freshwater research projects often with iwi.

Cawthron Institute

The Cawthron Institute is a private not-for-profit research centre based in Nelson specialising, among others, in aquaculture of shellfish and seaweeds.

A number of iwi have been involved in partnerships with science providers (usually NIWA) in carrying out freshwater fisheries research.

Individual Fisheries and Issues

This section reviews the six fisheries which are thought to have actual or potential commercial and/or customary value.

Tuna (Eels)

Two species exist in New Zealand: the short fin (*Anguilla australis*) and long fin (*Anguilla dieffenbachia*). There is a small niche market eel harvesting industry but no farming of eels. Eels now fall within the quota management system and about 750 tonnes per year are harvested with a value of about \$3 million. Aotearoa Fisheries Limited has control of two of the four major eel processing plants in New Zealand.

Enhancement of eel fisheries by trapping and transfer is seen as a key to the long term survival of the industry. It is facilitated by the Eel Enhancement Company with about forty quota owning shareholders.

Eels can also be farmed by capturing glass eels and on-growing them to marketable size but it has yet to be proved profitable in New Zealand, with high costs, slow growth rates, disease and uncertain supply of glass eels. There is no legal ability to take glass eels and regime change is essential if this is to occur. It is generally agreed that eel aquaculture will need to be carried out on a large scale by entrepreneurs prepared to take a high level of risk.

Attempts have been made at full life cycle farming but it is exceptionally difficult. The Japanese have been researching this area for years with limited success. Mahurangi Institute (Warkworth) is working intensively at this process.

Eel are a taonga species and eel fishing remains an important cultural activity and was a significant issue when eels were introduced to the quota management system. The current customary allowance in the North Island eel fisheries is 74 tonnes for shortfin and 46 tonnes for longfin.

Tuna are of course viewed by Maori as a taonga species but fishing for family subsistence is limited to six eels per person per day. This is clearly not sufficient for Maori customary use.

As noted above a considerable amount of research is conducted annually on eels on a wide range of issues.

Whitebait

There are five species of 'whitebait' of which the most common is the inanga. The fishery is managed by DoC and there is no restriction on whether the fish are used for personal consumption, customary use or are sold. Consequently there is no reliable data on the fishery, although DoC recognises a decline in the population of four of the species.

There is one commercial whitebait breeding venture at Raglan, although at this stage NIWA doubts that it could be commercially viable because of high labour costs.



Piharau / kanakana (Lamprey)

Lamprey is not a quota management system species and there is no known commercial fishing carried out. They are however, a taonga species and were an important historical food source for Maori. It is classified as 'threatened'.

Kanae (Grey Mullet) and Aua (Yellow-eyed mullet)

Both species spawn at sea but are common in estuaries and upstream for several kilometres, especially grey mullet which reach up to 500mm in length and are popular as smoked fish with an oily flesh. They are farmed all over the world but in New Zealand are taken by wild catch in the upper North Island and a small amount is exported. The annual total allowable catch of grey mullet is under-caught and the sustainability of the fishery needs to be established.

Patiki (Flounder)

Of the three species only the black flounder (patikimohoao) is a truly freshwater species. Flounder are in the quota management system grouped with eight species as 'flatfish' and 3,000 – 4,000 tonnes are caught annually. About 800 tonnes worth \$6 million are exported. There are questions about the sustainability of the fishery which have yet to be resolved.

Flatfish is one of the five major recreational fish species and is of customary significance to Maori.

Koura (Freshwater Crayfish)

There are two species of koura. It is non-migratory and lives in a range of freshwater habitats. No solid evidence of their abundance is available but the trend appears to be towards decline.

Koura are not in the quota management system and there is no known commercial fishing, but Regulation 71 of the Freshwater Fish Regulations 1983 prohibits their sale.

Koura are farmed overseas and there are four or five farms in New Zealand. Output is small with up to 2 tonnes per year estimated for one farm.

The level of recreational fishing is unknown but they are an important traditional Maori food source especially in the Central North Island.



Strategic Goals and Objectives

2006 – 2011

Strategic Goals

Wai Maori directors consulted with iwi / Maori at nine hui between 19 July and 8 August 2006. Those hui provided an opportunity for iwi / Maori to give their views on what issues in freshwater fisheries should take strategic priority. In refining these priorities Wai Maori posed three inter-related questions.

- i. What are the key Maori interests in freshwater fisheries?*
- ii. How should we prioritise a number of key interests (competing for funding) to achieve the best outcome for Maori?*
- iii. Does any function of Wai Maori (as set out in the MFA) have higher ranking than the others?*

- *Research and education.*
- *Protection and enhancement of freshwater fisheries habitats.*
- *Promote the establishment and development of freshwater fisheries.*
- *Use resources to bring direct or indirect benefit to Maori.*

We believe we have captured the main trends and issues raised by iwi / Maori in the strategic plan. Their valuable responses are reflected in the four functional areas that follow.

Habitat Protection and Native Species Enhancement

Habitat protection figured strongly in the consultation round. Habitat degradation is a major concern and iwi / Maori expressed a strong desire that iwi and hapu reassert their mana over their freshwater fisheries recognising that restoring habitats is the foundation upon which the fishery can develop. Threats to native species particularly tuna, koura and whitebait are a natural effect of habitat degradation. Many hui expressed concern at the state of the eel fishery in both customary and commercial contexts. The status of koura in the Central North Island lakes also has raised concerns.

Research and Education

It was widely recognised that access to available research is vital so that iwi / Maori avoid 're-inventing the wheel' in research projects. Inter-iwi collaboration was identified as a vital component of this process. On the other hand it was felt that given its relatively constrained budget Wai Maori had no need to focus on scholarships which can be accessed elsewhere.

Strategic Relationships

The often poor relationships of iwi / Maori with central government regulatory and compliance agencies featured in feedback at many hui. The view was frequently expressed that steps needed to be taken to improve this situation.

Governance and Management of Wai Maori

This area will focus on ensuring that directors are aware of their fiduciary duties as described in the trust deed and constitution. This functional area will also focus on the development and implementation of an internal system for the efficient operation of the trust and to ensure a smooth transition once capitalisation occurs.

Functional Area 1: Habitat Protection and Native Species Enhancement

Promote the protection and enhancement of freshwater fisheries habitat in lakes, rivers, and other water bodies, particularly those that have traditionally supported iwi and whose shores have been the location of their marae. This functional area also focuses on the development of strategies to advance Maori customary and commercial interests in key native species.

Strategic Objectives	By September 2008	By September 2011
1.1 Iwi freshwater management plans.	A working template for iwi to write their own rohe-specific freshwater management plans developed.	All iwi organisations have effective management plans at minimal cost.
1.2 Habitat sustainability.	A freshwater fisheries national strategy developed.	Strategy endorsed by iwi and operating effectively.
1.3 Advance iwi role in managing and controlling habitats.	Generic information of key habitat improvement strategies developed.	
1.4 Improve customary take.	Work actively to increase Maori customary take.	Tikanga is given greater effect.
1.5 Eel, koura and freshwater habitat research.	Report annually to iwi/Maori on the status of research funded.	Report annually to iwi/Maori on the status of research funded.

Functional Area 2: Research and Education

This functional area focuses on undertaking or funding research and education related to Maori interests in freshwater fishing.

Strategic Objectives	By September 2008	By September 2011
2.1 Wai Maori acts as a repository for existing research reports.	Research reports on habitat issues and freshwater species collated.	Iwi have ready access to all existing research data.
2.2 Ensure that intellectual property and customary practices held by iwi are protected.	Protocols to protect knowledge at the appropriate levels developed.	Iwi / Maori have confidence in the protocols.
2.3 Clarify statutes and regulations affecting Maori activity in freshwater fisheries.	Information on the legislation and compliance regimes available.	Information widely used by iwi and hapu.
2.4 Enhance relationships with major research organisations.	Formal and informal links with NIWA and Cawthron are strengthened.	Effective research and development relationships operating.
2.5 Freshwater fisheries and management training established.	Training programmes in conjunction with iwi piloted and reviewed.	Iwi successfully conducting own training programmes.

Functional Area 3: Strategic Relationships

This functional area focuses on the development of key communication strategies with iwi to enhance knowledge sharing. This area also focuses on the development of strategic relationships with agencies that have responsibility for freshwater fisheries and key funding organisations.

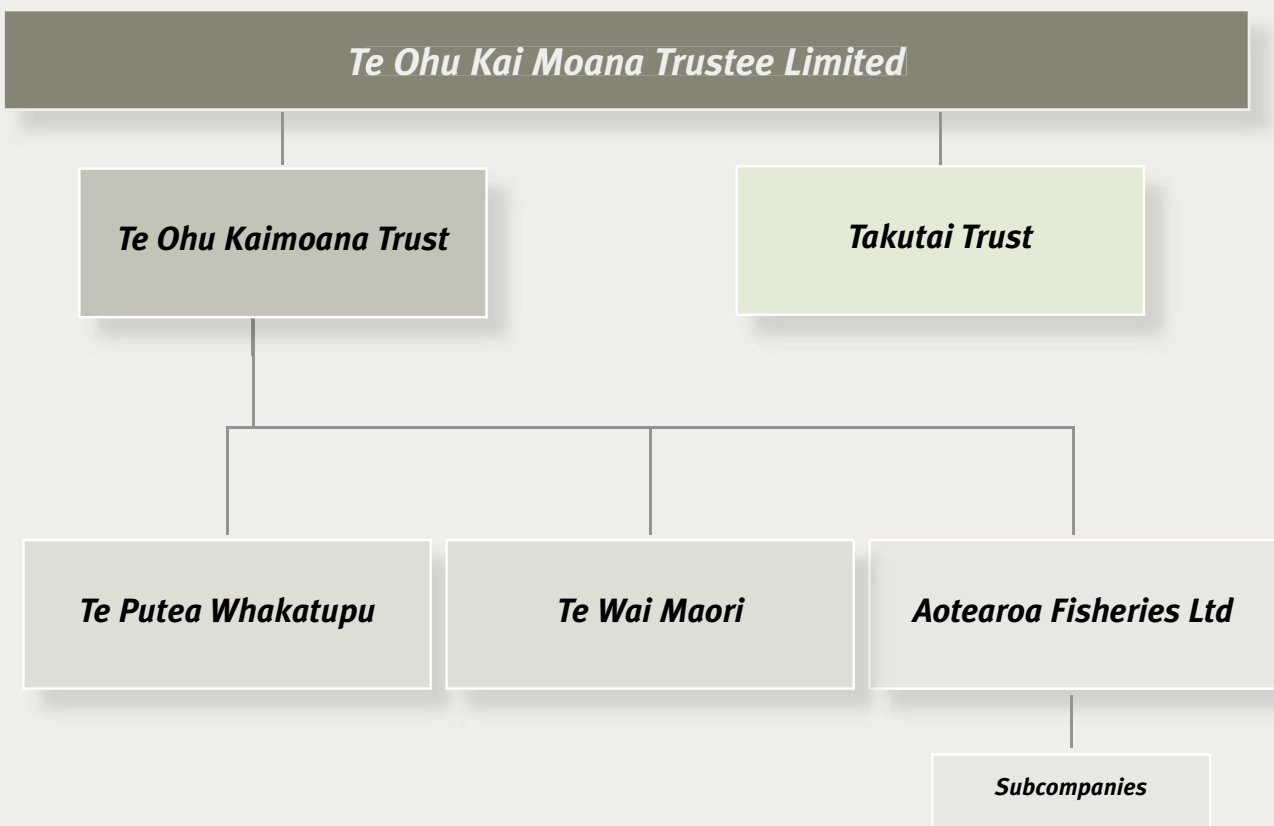
Strategic Objectives	By September 2008	By September 2011
3.1 Establish effective Wai Maori communications strategies to enhance inter-iwi knowledge sharing and collaboration.	Use a range of communications methods including annual regional hui with iwi representatives and user-friendly information on key freshwater fisheries issues for iwi and stakeholders.	Inter-iwi process is working effectively.
3.2 Develop positive working relationships between Wai Maori and key project-funding organisations.	Funding processes for freshwater projects refined.	Viable projects are implemented with minimal administrative costs.
3.3 Facilitate effective relationships between iwi and agencies so that iwi have a greater role in decision making on management of freshwater habitats.	Memorandum of Understanding (MoUs) process developed to manage freshwater habitats.	Signed MoUs between iwi and key agencies operating smoothly.
3.4 Create relationships with other stakeholders to manage freshwater fisheries.	Arrive at agreements with stakeholders.	Agreements operating effectively.

Functional Area 4: Governance and Management of Wai Maori

This functional area will focus on ensuring that directors are aware of their fiduciary duties as described in the trust deed and constitution. This functional area will also focus on the development and implementation of an internal system for the efficient operation of Wai Maori and to ensure a smooth transition once capitalisation occurs.

Strategic Objectives	By September 2008	By September 2011
4.1 Directors have a comprehensive understanding of their fiduciary duties.	Annual board assessment operating successfully.	Annual board assessment operating successfully.
4.2 Implement an internal system to meet the efficient running of Wai Maori.	Robust management information systems implemented.	Management information systems operating successfully.
4.3 Meet all statutory requirements including reporting and policy development.	Completion of annual reports and plans.	Completion of annual reports and plans.
	Design and implement distribution and leverage policies.	Distribution and leverage policies operating successfully.

Te Ohu Group and the Takutai Trust



Directors



Morrie Love

Te Atiawa

Morrie has a Bachelor of Engineering (Agricultural). He has been involved in Maori resource management for many years. He has managed the Maori Secretariat (Maruwhenua) in the Ministry for the Environment and served as a director of the Waitangi Tribunal. He is currently Managing Director of Raukura Consultants based in Wellington.



Prue Kapua

Te Arawa

Prue Kapua is a principal in her legal firm Tamatekapua Law based in Auckland and specialising in resource management, Treaty of Waitangi issues, race relations, human rights and medico legal litigation. She worked for the Deputy Prime Ministers office from 1988 -1989 and was the Chief Investigation Officer for the Race Relations Office from 1983 -1988. She has served as a member of the Environmental Risk Management Authority and is on the board for the Allan Wilson Centre for Molecular Ecology and Evolution.



Archie Taiaroa

Ngati Haua, Ngati Kurawhatia, Te Ati Haunui-a-Paparangi, Ngati Tuwharetoa, Ngati Apa, Ngati Maru

Archie is a former Commissioner of the Treaty of Waitangi Fisheries Commission and facilitated the Commission's Freshwater Fisheries Sub-Committee. During the 1992 Maori fisheries negotiations Archie was the Convenor of Maori Congress – a group charged with providing a forum for iwi to address issues on a national basis. Archie had an active role in the Commission leading its work in customary fisheries – including marine mammals. He is currently the Chair of the Whanganui River Maori Trust Board.



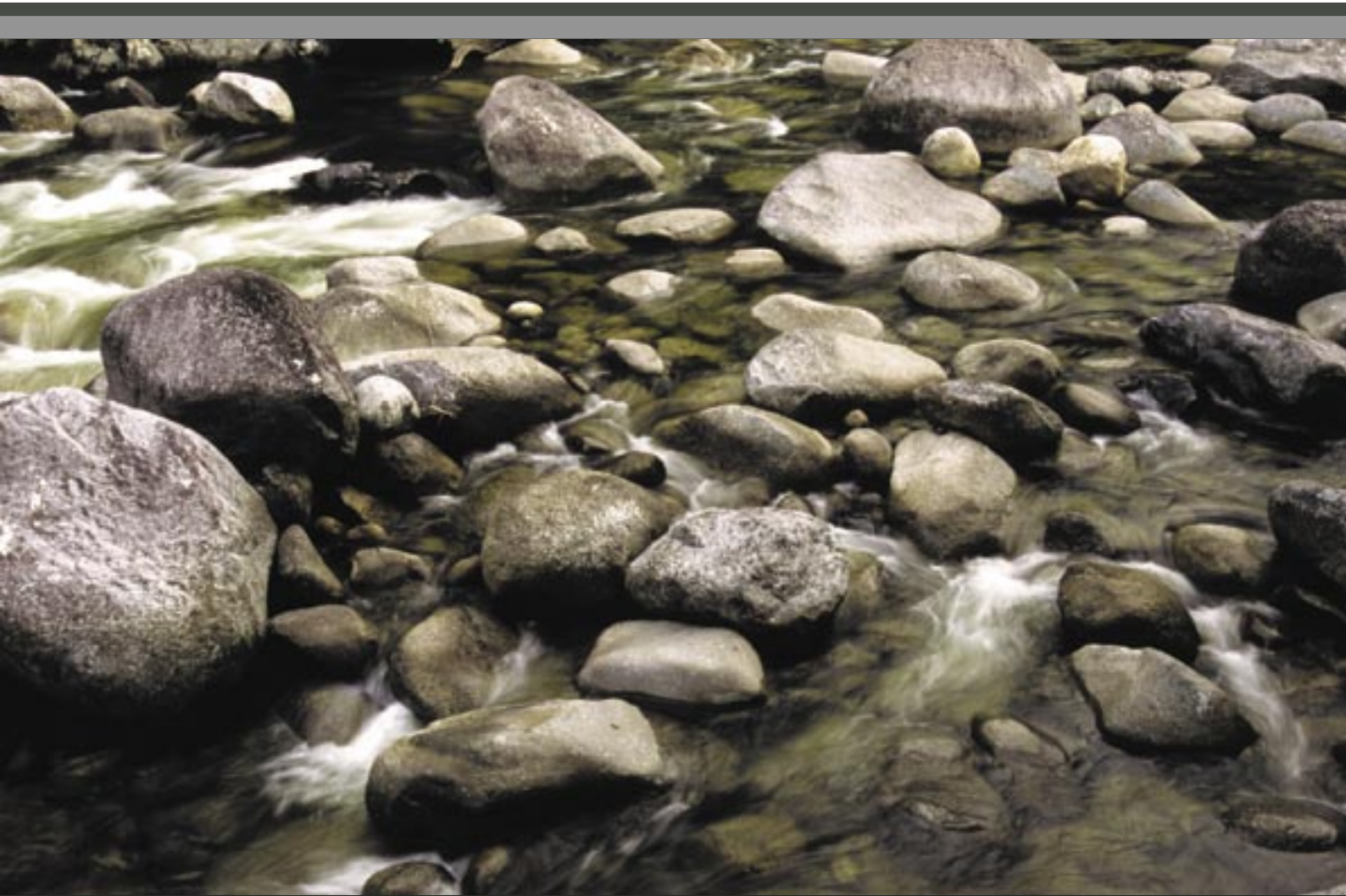
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