

APPENDICES

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20 January 2015

Tim Castle
Capital Chambers
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Tena Koe Tim

RE: Governance arrangements for Māori Fisheries Settlement entities: 2015 Review

Thank you for the opportunity to submit our thoughts following the discussion with you on the Review of Māori Fisheries Settlement entities and their governance arrangements. We welcome the opportunity to engage with you on the review. It has taken longer than anticipated to respond to you and we apologise that we did not get this response to you before the Christmas break. Te Wai Māori directors and staff considered it was important to take the time to fully consider your questions.

Appointment of Directors - process

You asked us about the process for appointing directors to Te Wai Māori. We note that this process is the responsibility of Te Ohu Kaimoana, and it may also be of value to ask Te Ohu Kaimoana for their opinion. Te Ohu's responsibility is handled by the Appointment and Remuneration Committee. In the case of the last appointment process, where two directors needed to be appointed, Peter Douglas and I (as Chair and an alternate director of Wai Māori) were involved in the process and sat with the Committee. The vacant positions were announced and nominations called for at the Māori Fishing Conference and Te Ohu Hui a Tau of 2013, in addition to nominations from the Te Ohu Board.

Directors have worked through the issues raised at our meeting on 4 December 2014 and after much thought and discussion conclude that the current mechanism for appointing directors is sound, including the role the Te Ohu Board has in overseeing the work. However, some improvements could be made, including wider communication of any vacancies to MIO/RIOs using the Te Ohu and Wai Māori websites and databases. We also take heart from the very successful process run by the Appointment and Remuneration Committee to appoint the AFL directors. The lessons from that process should be used in the future when appointing directors to Te Wai Māori.

Te Wai Māori recognise Te Arawa and Ngati Tuwharetoa Interests

Ngati Tuwharetoa and Te Arawa (Te Arawa Waka) have signalled to you that they have a particularly strong interest in Te Wai Māori and that they would like to have closer links with us. We recognise and acknowledge the role that Te Arawa and Tuwharetoa took in clarifying the status of iwi

TE WAI MAORI TRUST
Mai te whenua ka rere iho ko te wai he whāngai i te iwi

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freshwater fisheries rights under the Fisheries Settlement, which led to the establishment of Te Wai Māori. As a result of their efforts, along with those of other significant iwi leaders at the time, Te Wai Māori Trust and its associated funding was established to benefit all Māori in the same way the marine fisheries aspects of the settlement benefit all Māori through iwi. Te Wai Māori must hold and manage the trust funds on behalf of all the beneficiaries of the Deed of Settlement. We consider representing all beneficiaries interests are a critical component of what makes up the Trust, and sets it apart from other Non-Government or Māori organisations.

One idea you raised in discussion with us was that Te Arawa and Tuwharetoa might have an additional say over the appointment of directors. The strong interest, expertise and knowledge held by these iwi has always been reflected at the board level of Te Wai Māori since its establishment. Ultimately, potential directors are assessed on skills, capability and fit to achieve and support the Trust's purpose and vision. The current arrangements provide for such an assessment, and candidates from Te Arawa and Tuwharetoa always feature prominently. Attached as **Appendix 1** is the process of director appointments for Te Wai Māori Trust.

Creating stronger links with iwi

Including iwi and iwi perspectives in the work programme over the last 2-3 years has been very beneficial for Te Wai Māori. Examples include various collaborative projects, working groups and wananga on eels and lamprey as well as the Māori eel symposium. The Trust's reputation is growing and iwi are looking to the trust to provide more leadership on their local issues. Given the size and amount of funds available (approximately \$800k in interest per year), meeting the expectations of all iwi is a challenge.

The Wai Ora fund, which was re-established in 2012, has supported many iwi, hapu and whanau who have applied to the fund to fulfill their freshwater fisheries aspirations. Close to \$540,000 worth of projects, spread across 10 different applicant groups have been contracted in that time. Another \$200k will be contracted from this year's budget for new projects to continue to support advancing Māori interests in freshwater fisheries. The process for allocating this funding has been sent to you in a previous letter.

However, Te Wai Māori should not be seen as just a funder for Māori, including iwi and hapu. The Trust is also recognised for our ability to influence local and central government agencies, industry and NGOs. We meet regularly with the Ministry for Primary Industries (MPI), Department of Conservation (DOC), Ministry for the Environment (MfE) and the Environmental Protection Authority (EPA) to influence policy that may affect freshwater and freshwater species.

Te Wai Māori has added value by working more closely with iwi and hapu forums or collectives and improve our ability to identify issues facing Māori regionally and locally and to provide information. This is something we are currently doing and will continue to do in the future. Another avenue for creating stronger links with iwi generally is the Iwi Chairs' Forum (including the Iwi Leaders Groups). The forum and its subgroups, which involve 68 iwi, will be influential in the development of policy on freshwater and the advancement of Māori rights and interests.

Quorum

In the past, Te Wai Māori has had problems making decisions due to quorum requirements as highlighted in our previous letter and by the Te Ohu submission. Directors took the opportunity to discuss this issue and ways to improve the situation should it arise again. The current make-up of the Board (3 directors, 2 alternates) is working well and has addressed these past issues. The Board has

operated on a consensus basis over the last 3 years, and there has been no need to use a majority rule. The make-up of the people around the table is crucial if good working relationships are to be developed, and progress made. This supports the view we have expressed above, that directors should be assessed on skills, capability and fit to achieve Te Wai Māori's purpose and vision.

The current make-up of the Board has also created other benefits by providing a wider perspective on Te Wai Māori matters; sharing the load in terms of director's responsibilities for the work plan; and providing an opportunity to increase capability for governance roles across the Te Ohu Group. The Directors are happy with the current model (3 Directors, 2 alternates), however options you might want to consider include:

- A legislative requirement for directors to reach consensus on major issues, but if that is not possible, the final decision is made by the board of Te Ohu Kaimoana. A definition of a major issue will need to be developed.
- A legislative requirement for 5 directors, with a quorum of 3.

I hope the information provided answers some of your queries and assists in the review. We look forward to the final report.

Naku noa, na



Ken Mair
Chair
Te Wai Māori Trust

Appendix 1

Process of Te Wai Māori Director Appointments



