

HE ANGA MUA > A PATH AHEAD

This discussion document has been published by Te Ohu Kai Moana, as part of a round of consultation over options for allocating the Fisheries Settlement. *Further copies are available from Te Ohu Kai Moana – see back cover for contact details.*



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Chairman's Foreword



Tena Koutou,

This Discussion Document sets out the approach Te Ohu Kai Moana is taking towards resolving issues over the allocation of our Treaty Fisheries Claims Settlement. We are providing options for both the allocation of Pre-Settlement Assets (PRESA), and the distribution of benefits of the Post-Settlement Assets (POSA).

This is the first time Te Ohu Kai Moana has consulted over proposals for POSA. The 1998 Optimum Method of Allocation dealt only with PRESA. We believe that, given the time it is taking to allocate PRESA, it is sensible to look now at both sets of assets and provide options that facilitate decision-making for resolution of the whole asset base.

In the last three years, the allocation process has been held up by various actions in the courts. Some of these have been resolved. Most notably, the Privy Council has decided that PRESA allocation must be to Iwi and that measures must be in place to ensure that ultimately all Maori benefit from the Settlement. Other court action is yet to be settled. Until it is, Te Ohu Kai Moana believes that it is in the interests of all Maori to keep moving forward to seek a satisfactory resolution.

Te Ohu Kai Moana wants to act upon the requests from Iwi that allocation occurs as soon as possible. It is mindful of signals from the Government that resolution should be reached before the next election. Commissioners, in the meantime, are also working within their own constraints: their warrants – certificates of appointment – expire in August 2002.

The fishing industry offers a bright future for Maori. But there is work to do. For a sustainable future, Maori fishing activities must be able to be undertaken in a manner that integrates our interests across commercial and customary fishing.

Within the commercial sector, there needs to be substantive mechanisms that assist integration and co-operation between aquaculture and wild fisheries. Successful commercial fishing businesses need to have appropriate influence both nationally and internationally.

Given the scale of interest Maori collectively already have in the fisheries sector, there will be a need for further growth in high-return niche markets to ensure a sustainable business and to experience the full benefits of a global presence. Maori fishing interests must be able to operate successfully in the international marketplace, and this requires considerable skills and networks. It also requires an ability to develop collective arrangements that can co-operate from time to time, to provide sufficient collective capital to take advantage of commercial opportunities and offset any threats.

At a domestic level, there's the need for a competent, credible and unified voice that can identify and advance collective interests both inside and outside the fishing industry. That will allow us to protect our interests and take advantage of opportunities to grow. It will require not just the leadership of the fisheries seafood sector but also an appropriate critical mass of technical, analytical and management skills.

In addition, Te Ohu Kai Moana considers that the Maori Commercial Fisheries Settlement should be allocated and distributed in ways that provide opportunity for Iwi to better exercise rangatiratanga.

In our proposals, we aim to set out a platform that provides for all these outcomes.

This document presents ideas for both sets of assets and also provides some examples or possibilities from which to choose. In order for Te Ohu Kai Moana to take the next steps, it must first receive some indication from stakeholders of their preference.

In arriving at the contents of this Discussion Document, we have had to consider the Maori Fisheries Act 1989, the Deed of Settlement, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, three Waitangi Tribunal reports on fisheries, the findings of numerous court cases, appeals by groups representing various sectors of Maori, and the advice of kaumatua from one end of the country to the other. We must also work within the context of the Quota Management System, through which our Treaty rights with regard to commercial fisheries are now expressed.

We urge all involved to look at these options and possibilities and to put forward your ideas and concerns. There is no doubt that what is eventually proposed in the form of a required Optimum Method of Allocation will represent an amalgam of difficult compromises. While Commissioners have agreed on the contents of this document as a whole, not every Commissioner agrees with every detail. Compromises will be necessary at every level of Maori society.

But let's not forget that Maori need to achieve agreement over these assets. Years of conflict, litigation and huge costs cut unnecessarily into the fund and delay Maori from the business and activity of fishing. It is time to work together to achieve resolution of these very important issues and get on with allocation, whatever that may look like. It's time to go fishing.

Naku noa na,



Shane Jones

Chairman

Te Ohu Kai Moana



Consultation

The Treaty of Waitangi Fisheries Commission (Te Ohu Kai Moana) has produced this Discussion Document for consultation with Iwi organisations and other Maori. In it, we present our thoughts on broad proposals for allocating assets and distributing benefits from the Settlement.

New Commissioners were appointed to Te Ohu Kai Moana in 2000. We have looked at the work done by the previous Commissioners and considered what we think will work best for the future. This Discussion Document lets you know our thoughts on key issues about allocating and managing assets, distributing benefits, and who should benefit. We have set broad policy directions for these matters, but have made no firm decisions. In this Discussion Document we offer suggestions that we think respond to all the competing issues and we are seeking your feedback on them.

In the past, we have only consulted about the Pre-Settlement Assets (PRESA) and you have been asked to consider allocation proposals for PRESA without being clear about the implications of those proposals for the Post-Settlement Assets (POSA). We think part of the difficulty reaching agreement on allocation proposals can be traced to this separation of PRESA and POSA. While the statutory frameworks that apply to these two classes of assets are separate, we aim to progress them both together. That is why, for the first time, we provide information that attempts to give an integrated picture of both parts of the Settlement.



We hope the chances of resolving disputes over allocation are increased when the Settlement is able to be looked at as a whole. It can then be seen to provide balance between the Treaty rights of Iwi and fairness to all. We hope that discussion on the overall Settlement will help us to identify a broad level of support for a proposal and allow allocation and the distribution of benefits to proceed swiftly.

In Part D of this Discussion Document, we present four possible allocation models that combine PRESA and POSA. These are not the only possible models but we regard them as broadly reflective of the allocation debate spectrum. The options need to be scrutinised because the same allocation rules for assets can have vastly different implications if operating through different institutional arrangements. Similarly there will be vastly different results if assets are distributed with the same institutions but very different allocation rules apply. We hope these models will stimulate consideration of the appropriate elements and weightings of an optimum model.

This Discussion Document is the first step in this consultation round. We will be holding two sets of hui with Iwi organisations and other interested Maori. First, we will hold 11 information hui in December to tell you what is in this Discussion Document and allow you to ask questions about it.

Secondly, we will hold about 16 consultation hui in February and March to gather your submissions – both written and oral. These submissions will be analysed and further consultation will be held at some point in the future when we have made our decision on how to proceed.

Between now and February, please look at the key issues and the models, and tell us if you agree or disagree with our current thinking, and what your reasons are. Your feedback will help us to identify and develop one method of allocation that has broad support.

The final method of allocation may differ from the models in this Discussion Document. It could be one of the four models we present, or a combination of two or more parts of those models, or reflect other variations identified in the course of consultation with you. For PRESA, after hearing your views, we intend to develop an optimum model, then seek agreement, and subsequently make decisions that allow its allocation. We want to progress this as quickly as possible. Though we would prefer to do this jointly with proposals for POSA, we do not intend to allow difficulties with either to hamper progress by the other.

Ultimately, when many competing demands have to be addressed, solutions must involve a balance of interests and compromise by all. Any final method of allocation chosen must achieve a fair and enduring settlement and promote constructive working relationships for a productive future in fisheries for all Maori. Please let us know what you believe will work best for all involved.

Structure of this Discussion Document

This Discussion Document is in six parts (plus Appendices). Part A provides background information on the Settlement and work since 1992. Part B explains the legal framework for allocation and benefit distribution. Part C contains our thoughts on allocation criteria and key issues that need to be resolved. Part D describes four allocation models we have chosen to present as examples. Part E contains measures to ensure that the Settlement is ultimately for the benefit of all Maori. Part F provides detail on transition and implementation steps.

The Appendices consist of supporting detail.

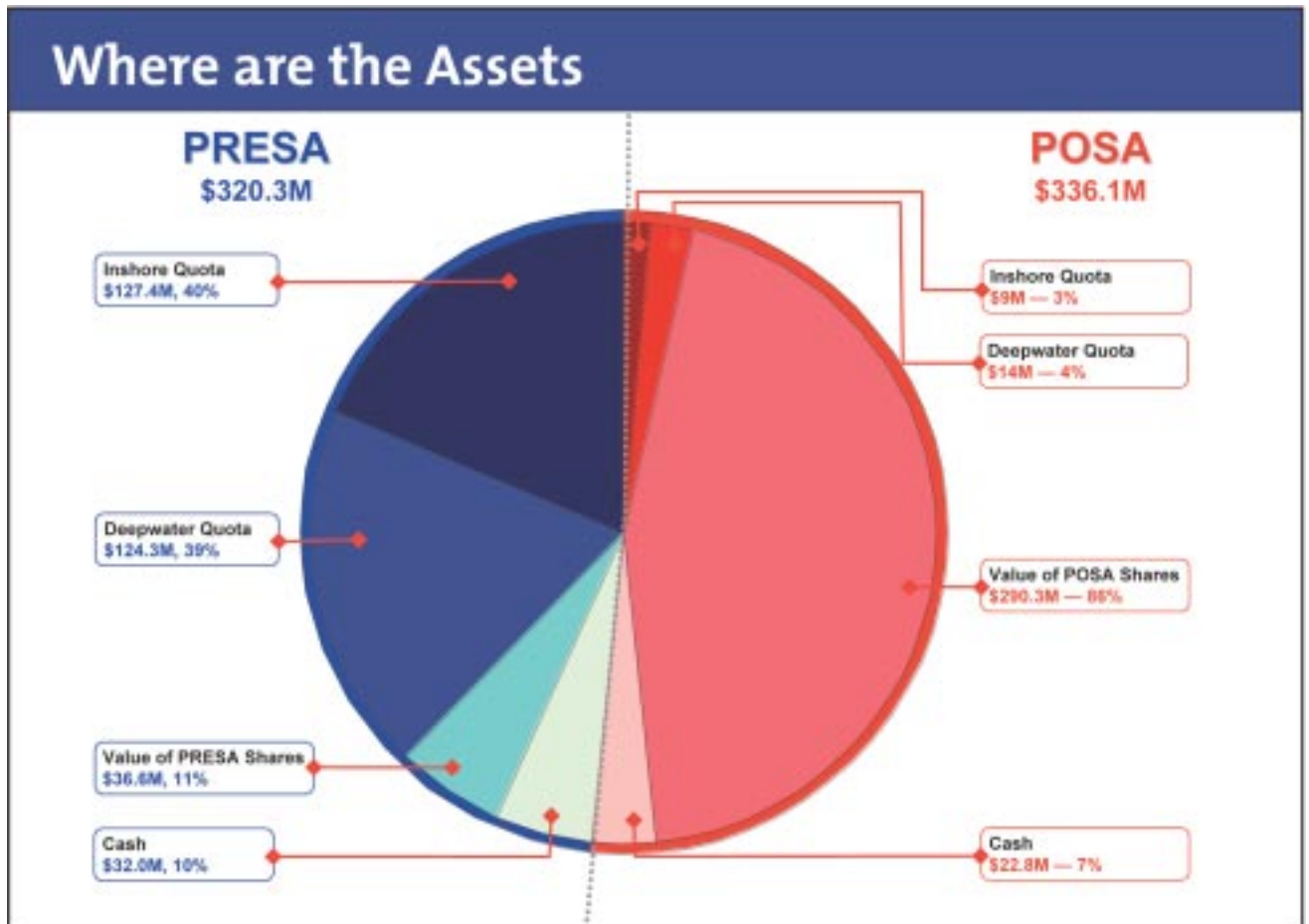
Part A: Background

The assets of the settlement

The Settlement is made up of two sets of assets – known as PRESA and POSA. Together, PRESA and POSA represent a substantial set of Maori economic assets.

PRESA are those assets secured in the 1989 interim settlement. They are those held by Te Ohu Kai Moana as at 6 January 1993, and consist of quota, shares in Moana Pacific Fisheries Limited, and cash.

POSA are those assets that result from the Deed of Settlement signed on 23 September 1992 which finally settled Maori commercial fisheries claims (called the 'Sealord deal'). They consist of quota, shares in a number of fisheries companies and cash. The POSA companies are shown in *Appendix 1*.



Note: The figures shown on this pie chart are estimates based on the assets held as at 1 October 2000.



One settlement: two parts

Maori customary fishing rights were secured and guaranteed by the Treaty of Waitangi in 1840. Maori have claimed for many years that the Crown has breached Treaty fishing rights through a series of actions that finally led to the introduction of the Quota Management System in 1986 (known as the QMS).¹

Claims to the Waitangi Tribunal and in the Courts prompted the Crown to negotiate with Maori on Treaty fishing rights. These negotiations led to a two-stage settlement of claims over Maori commercial fisheries.

The first stage was an interim arrangement given effect by the Maori Fisheries Act 1989 (the Maori Fisheries Act). This created a Maori Fisheries Commission to receive quota assets and to hold and manage them on behalf of Maori. The Maori Fisheries Commission was to promote Maori involvement in the business and activity of fishing.

Over four years, the interim settlement transferred to the Commission approximately 10% of quota for each species being managed under the QMS.² In some cases quota itself was not immediately available, so cash was transferred in lieu of quota.

Commercial fishing claims were finally settled with the signing of the Deed of Settlement (the Deed) in September 1992. This was given effect by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (the Settlement Act).

In the Settlement, the Crown:

- gave Maori funds to buy a 50% ownership stake in Sealord Products Ltd, a major quota holder and fisheries business;
- undertook to provide Maori with 20% of the quota of all new species brought within the QMS;
- placed Maori on statutory fisheries management bodies;
- restructured the Maori Fisheries Commission to make it more accountable to Maori;
- agreed to make regulations to allow self-management of Maori fishing for subsistence and cultural purposes (called customary fishing).

In return, Maori agreed:

- that the Settlement settled all Maori commercial fishing rights and interests;
- to accept regulations for customary fishing;
- to stop litigation (including any Tribunal claims) relating to Maori commercial fisheries;
- to support legislation to give effect to the Settlement; and
- to endorse the Quota Management System.

In 1992, the Maori Fisheries Commission was restructured into the Treaty of Waitangi Fisheries Commission, known as Te Ohu Kai Moana. In June 1993 a board of Commissioners was appointed to represent Maori. New Commissioners were appointed in August 2000. It remains the principal task to continue working towards allocation. For PRESA, we must act upon the resolutions passed at the 1992 Hui-a-Tau of the Maori Fisheries Commission. For POSA, we must develop a procedure to identify who should benefit from the Settlement, and a procedure for distributing benefits to them.



Work on allocation to date

Issues relevant to the allocation of PRESA have been the subject of extensive discussion and consultation by Te Ohu Kai Moana over the last 10 years. Since 1994 the process towards allocation has been delayed by a series of claims before the Waitangi Tribunal and in the Courts. These claims have yet to be finally resolved. However, the Courts have made several decisions that have clarified several important PRESA allocation issues.

By November 1998, Te Ohu Kai Moana had developed what it then considered to be the optimum method for PRESA allocation (the 1998 PRESA allocation model). Although Te Ohu Kai Moana considered that it had secured sufficient agreement for the 1998 PRESA allocation model, a High Court order in March 1999 prevented it from reporting to the Minister on the proposal due to the unresolved litigation. This Court order remains in place.

Since our appointment, current Commissioners have revisited and considered further the 1998 PRESA allocation model and its underlying principles. We have looked at:

- the extensive work and consultation that has taken place since 1992;
- all the discussion documents and reports on PRESA allocation produced by Te Ohu Kai Moana³;
- issues raised in challenges to decisions of Te Ohu Kai Moana on PRESA allocation;
- decisions of the Waitangi Tribunal, High Court, Court of Appeal and Privy Council relevant to PRESA allocation; and
- the views expressed by Iwi organisations and other interested Maori for and against PRESA allocation proposals.

We have been trying to progress PRESA allocation and resolve issues and conflicts over it. To facilitate this we have begun several initiatives, including:

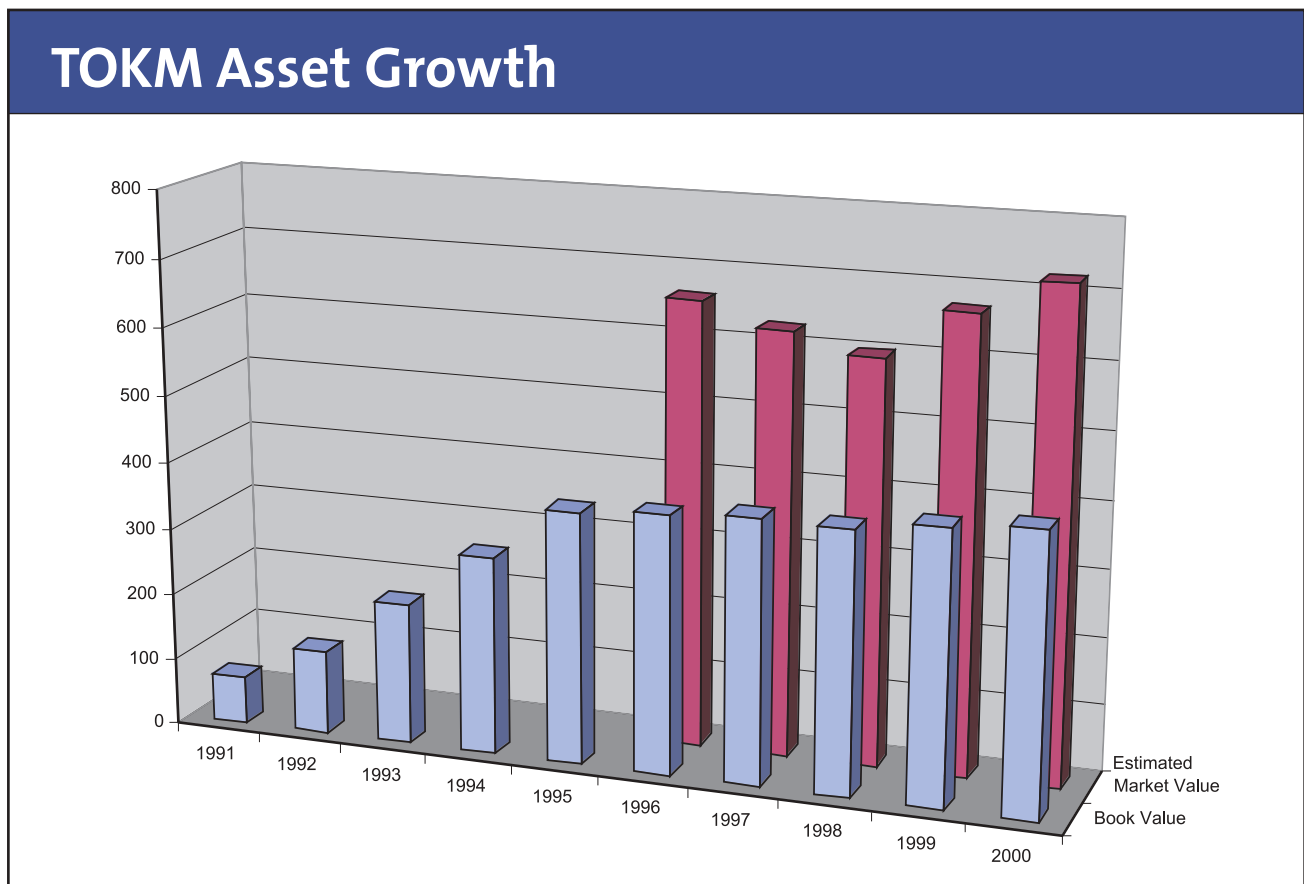
- dispute resolution hui with the groups involved in litigation with us over PRESA allocation;
- proposals for dealing with PRESA and POSA together;
- consultation with interested Maori and Iwi organisations to develop options for allocating PRESA and distributing the benefits of POSA.

Further consultation commences with this Discussion Document.



What has happened to the assets since 1990?

Te Ohu Kai Moana has managed PRESA (since 1990) and POSA (since 1992) on behalf of all Maori. The asset base of the Settlement has increased in value over time.



Since 1990, we have also granted assistance to Maori in the form of:

- making quota available and creating development opportunities for Iwi through annual lease rounds; and
- enhancing Maori skills and involvement in the business and activity of fishing through training development and scholarships.

The annual lease rounds have provided the opportunity for Iwi throughout New Zealand to earn between \$10 million and \$25 million dollars each year from the use of the quota. This money has been used by them for various purposes, including setting up fishing businesses, buying quota, advancing other Treaty claims, creating scholarships, building houses, supporting marae etc. Access to lease rounds has also provided Maori with experience in the business and activity of commercial fishing. This has afforded Maori more skills, an understanding of how to compete well with other fishing businesses, and tools to operate successfully.



In 1994 we set up a charitable Trust⁴ to encourage and support Maori in the business and activity of fishing. Since then, the Trust has awarded about \$6 million dollars to support more than 1600 Maori men and women. The Trust has supported them with funds in the form of scholarships, research grants, and fees for fisheries training and management courses.⁵

Competing in global markets is important to the development and progress of Maori in the business of fishing. Te Ohu Kai Moana has responded by seeking to develop Maori skills at an international level. Maori have been funded to attend international conferences. A global fisheries programme has been established as a joint venture between Nippon Suisan Kaisha Limited and Te Ohu Kai Moana. This 12 month programme is the first of several ventures that will ensure Maori are participating at the international level.

1 The QMS system creates and distributes property rights to individuals and companies in the form of quota to take specified numbers of fish within specified catch areas. Each species is investigated by the Ministry of Fisheries and catch levels considered to be sustainable are set each year. Annual Catch Entitlements (ACE) are then distributed on a pro rata basis to those holding quota property rights.

2 In some cases, the Maori Fisheries Commission received slightly less or slightly more than 10% of certain species from the Crown because the Crown was unable to secure an exact 10% package of quota.

3 Discussion Documents and Reports on PRESA allocation were issued by Te Ohu Kai Moana in July 1993, August 1994, July 1997, November 1998 and March 1999.

4 Te Ohu Kai Moana Charitable Trust.

5 The scholarship programme supports 3 types of study:

- Tertiary level courses in a range of disciplines, from marine sciences, biology and aquaculture to food technology and resource management. More than 580 students have received financial support for tertiary study.
- Management courses in Business management and Director programmes. More than 420 students have been helped to study management.
- Technical Courses in deep-sea fishing, seafood processing and statutory marine qualifications. More than 600 students have received financial support to pursue qualifications in fishing.





Part B: Legislative framework

The law that is relevant to PRESA allocation and POSA distribution of benefits is complex. Relevant legislation includes the Maori Fisheries Act and the Settlement Act. These Acts also require us to consider the 1992 Hui-a-Tau resolutions and the Deed of Settlement. In addition, there have been a number of Court cases that are relevant to PRESA allocation and POSA distribution of benefits. These Acts, documents and Court cases provide a guide for the processes we must follow and the things we must take into account when making decisions on PRESA and POSA.

Guidance on PRESA allocation

The Maori Fisheries Act and the 1992 Hui-a-Tau Resolutions

Section 6(e)(i) of the Maori Fisheries Act relates to PRESA allocation. It requires us to consider how best to give effect to the 1992 Hui-a-Tau resolutions. Among other things, these require that we:

- examine alternative methods to allocate PRESA;
- consult with Iwi;
- prepare discussion material to enable agreement to be reached on the optimum method of PRESA allocation; and
- allocate the assets of Aotearoa Fisheries Limited,¹ cash and other assets on the same basis as quota is allocated.

We must then report to the Minister of Fisheries in relation to PRESA allocation. The Minister can request that we reconsider all or any part of our proposals. Once we have completed this process, we then have the power to allocate PRESA in accordance with our proposals for allocation. The full text of the relevant provisions of the Maori Fisheries Act including the 1992 Hui-a-Tau resolutions are in *Appendix 2*.



Section 5 and 8 of the Maori Fisheries Act

Our specific allocation function must be consistent with the statutory functions of Te Ohu Kai Moana contained in section 5 of the Maori Fisheries Act. These are:

- to facilitate the entry of Maori into the business and activity of fishing;
- to facilitate the development by Maori of the business and activity of fishing;
- to grant assistance to any Maori or group of Maori for the purpose of enabling them to enter into, continue in, or develop the business and activity of fishing.

We will also take into account the matters in Section 8(a) of the Maori Fisheries Act when considering PRESA allocation. These matters are:

- Maori custom;
- economic considerations; and
- social considerations.

Court decisions

The PRESA allocation litigation has not yet been finally resolved. However the High Court, Court of Appeal, and Privy Council have made decisions on several important issues. These decisions guide us as follows:

- We must allocate PRESA solely to Iwi or bodies representing Iwi;
- For the purpose of PRESA allocation, Iwi means traditional Maori tribe;
- We have an obligation to ensure that the Settlement is ultimately for the benefit of all Maori;
- PRESA allocation must be consistent with this obligation, but this may not mean we must show any immediate and demonstrable benefit for each Maori individual;
- Iwi must have put in place structures which will ultimately enable delivery of benefits to all Maori before we can allocate PRESA to them.

PRESA allocation

Today there are still a number of unresolved issues in litigation. They reflect the views held by some Iwi and other groups of Maori and we are hopeful of resolving them through this consultation process. We believe it would be best for all Maori if issues about PRESA allocation and POSA distribution of benefits could be resolved without more costly Court action.

Some Iwi and other Maori groups do not support the full allocation of PRESA, preferring alternatives that retain PRESA and allocate benefits in the form of long term leasing of quota, or transfer of company shares, or payment of dividends. The present Maori Fisheries Act, supported by current case law, suggests that these alternatives may require amendment to the legislation if they are to be implemented.

Although we will need a new Maori Fisheries Act to be able to implement the distribution of POSA benefits, we have the legislative ability to generally implement PRESA allocation proposals now. However, we would like you to consider the Settlement as a whole. We propose to progress PRESA



allocation and POSA distribution of benefits together if there is enough support for doing so. If change to the law is needed for PRESA allocation, it might be possible to do this through the new Maori Fisheries Act that we need to distribute POSA benefits to you. We would not do this without a broad level of support from you.

It is in this context that we have included in this Discussion Document possible options for PRESA allocation that are an alternative to the direct allocation of PRESA to Iwi. We would value your views on all options for PRESA allocation discussed in Parts C and D.

Guidance on POSA distribution of benefits

Maori Fisheries Act

Section 6(e)(ii) of the Maori Fisheries Act sets out our obligations for POSA distribution of benefits. The full text of this section is in *Appendix 2*. It states that we must carry out full consultation with Maori and then develop proposals for a new Maori Fisheries Act. We do not have the power to distribute benefits from POSA without a new Maori Fisheries Act. Our proposals for the Act must be consistent with the Deed of Settlement.

The proposals must include the development of a procedure for identifying beneficiaries and their interests under the Deed of Settlement. This must be in accordance with the Treaty of Waitangi. The proposals must also include a procedure for allocating the benefits from the Deed of Settlement to those beneficiaries, also in accordance with the principles of the Treaty of Waitangi. We also need to include proposals about the appointment, composition, and powers of any body succeeding Te Ohu Kai Moana.

Deed of Settlement and Annexure A

Our proposals for POSA distribution of benefits must be consistent with the Deed of Settlement (the Deed). The Deed of Settlement also requires that proposals for distribution of POSA benefits address a set of questions set out in Annexure A to the Deed (Annexure A). The relevant Deed provisions² including Annexure A are in *Appendix 3*.

Section 6 of the Maori Fisheries Act does not mention Annexure A. However, we think that we should pay particular attention to the questions set out in Annexure A because the Act says that any scheme for POSA allocation must be “consistent with the Deed” and the Deed includes Annexure A.

Obligation to all Maori

We have the same obligation for POSA that we have for PRESA. The Settlement is ultimately for the benefit of all Maori and POSA distribution of benefits must be consistent with this.

Identifying POSA beneficiaries and their interests in accordance with the Treaty of Waitangi

In the strict terms of the Maori Fisheries Act, we do not have to identify the beneficiaries and their interests, but must provide for the development of a procedure for their identification. In effect, the body that succeeds Te Ohu Kai Moana under the new Act could implement the procedure we develop. The same could be said about the requirement to develop a procedure to distribute the benefits of the Deed of Settlement.

However, we propose to develop detailed provisions for POSA that both identify the beneficiaries and the basis for distribution of benefits to them. We think this is the most reasonable course of action for us to take if we are to achieve final resolution of the issues of PRESA allocation and POSA distribution.

Identification of beneficiaries and their interests must be in accordance with the Treaty of Waitangi. The reference to the Treaty in the Deed affirms that the Settlement was based on Treaty fishing rights. The Courts have recognised that the Settlement, while pan-Maori, is first and foremost a settlement of Treaty claims. This is confirmed in:

- the preamble to the Deed of Settlement;
- the long title to the Maori Fisheries Act; and
- the preamble to the Settlement Act.

This has also been recognised by the High Court and Court of Appeal.³

The Deed of Settlement says that, in considering POSA distribution we should address the identification of Iwi and their fishing interests and how individual, whanau or hapu interests can be accommodated within Iwi structures.⁴

The Deed was drafted in 1992. Since then, Te Ohu Kai Moana has considered the nature of Maori fishing rights and interests and who held them in some depth, in the context of developing proposals for PRESA allocation. These matters were also reported on by the Waitangi Tribunal and have been extensively considered by the Courts in the allocation litigation.⁵

Accordingly, we do not consider it necessary to carry out further detailed investigation of the exact nature and extent of Treaty rights in commercial fisheries, and the interests of each Iwi, hapu, whanau and Maori individual in commercial fisheries, in order that they might be addressed by us.

Distribution to Iwi

There is no express direction in the Maori Fisheries Act that POSA benefits should be distributed solely to Iwi. However there is a clear indication in Annexure A that Iwi are intended to be the principal beneficiaries, with other interests being accommodated through Iwi structures.

While the allocation litigation to date has focused on PRESA allocation, the Court of Appeal also addressed the POSA provisions in the course of its 1999 decision. The Court said:⁶

- “What is occurring is a tribal settlement – a settlement with Maori in their tribes”.



- “It is very clear that [the Deed of Settlement] was contemplating only a distribution to Iwi, but on the basis that Iwi must achieve a fair allocation among all Maori.”
- “The benefits which are ultimately to be available to all Maori are to be delivered through tribal mechanisms”. (See Appendix 4 for relevant extract from the Court’s decision.)

In these circumstances, hapu, whanau and individual Maori may be acknowledged as the ultimate beneficiaries in the wider sense, but the law has been interpreted to require them to receive their benefits through Iwi structures. This is consistent with the Settlement being ultimately for the benefit of all Maori.

For this reason, we must ensure that Iwi are representative of and accountable to their hapu, whanau and individual members, wherever they may live. We therefore require Iwi organisations to meet our standards of structure, accountability, mandate and representation before they can receive any PRESA allocation. These standards are set out in Part E and are of equal importance to POSA proposals.

Distribution of POSA benefits in accordance with the principles of the Treaty

The Maori Fisheries Act and the Deed of Settlement require us to develop a procedure for allocating POSA benefits in accordance with the principles of the Treaty.

POSA benefits held by Te Ohu Kai Moana are not the same assets or interests that were originally held by Maori under the Treaty. The law recognises that neither the Crown nor Te Ohu Kai Moana can restore to Maori the same rights and interests that they previously held.

The reality is that whatever combination of criteria we finally use to base our decisions on can only ever be an approximation of what were traditional or Treaty rights. A degree of compromise is required.

The issue for us to decide is how the principles of the Treaty are relevant to the allocation of POSA benefits. The principles generally relate to the relationship between the Crown and Maori. In this case, we consider that relevant principles of the Treaty include the recognition of tribal rangatiratanga and the right to self-regulation or self-management in relation to tribal rights, assets and interests.

We think that these principles of the Treaty require us to recognise Treaty fishing rights. A principal basis for the claims against the Crown which led to the Settlement was breach of Treaty fishing rights. Claimants said that Maori had either lost their rights or were stopped from developing them as they were entitled. The Waitangi Tribunal and Courts have recognised that Maori fishing rights were tribal rights held by Iwi and hapu. They have said that these rights were held and exercised as a consequence of whakapapa relationships and that whanau and individuals benefited from fishing rights within those whakapapa relationships.⁷

We consider that the principles of the Treaty also require us to take into account economic and social considerations. The Waitangi Tribunal has recognised that the essence of the Treaty is future-looking with regard to ever-changing circumstances. In this respect, to the extent that the Settlement provides for and recognises the rights and interests of all Maori, Te Ohu Kai Moana has an obligation to protect those rights and interests both now and into the future.

The Tribunal recognised that such protection may extend to maintaining the central business assets that generate revenue⁸ and therefore are ultimately for the benefit of all Maori under the Settlement. There are a number of options by which protection of the assets can be reflected in POSA allocation. These are addressed in detail in Part E.

Annexure A says that “any distribution system should aim to achieve a fair allocation of the benefits among Maori”. The Waitangi Tribunal in its Fisheries Settlement Report added:

A fair system of allocation is crucial to the settlement. It would be inconsistent with the Treaty guarantees in our view, if the apportionment of fishing benefits dealt unfairly between the various interests. (p 21)

We therefore consider that a distribution model that is unfair in some material manner is unlikely to accord with the principles of the Treaty. We believe that the concept of “fairness” must be objective and must reflect compromise and balance between all the relevant rights, interests and considerations. Our decision needs to provide a pragmatic solution as much as a legal one.

Our consultation obligations in relation to both POSA and PRESA are supported by the principles of the Treaty. They extend to obtaining a broad level of support from Iwi organisations and other interested Maori. Accordingly, our success in achieving a sustainable distribution proposal for POSA will need to be backed by significant levels of support expressed in our consultation with you.

Benefits to be distributed

References to PRESA allocation in the Maori Fisheries Act refer to the allocation of “assets”. For POSA, the Maori Fisheries Act and the Deed of Settlement mostly refer to the distribution of “benefits”. Therefore, we consider that the nature of “benefits” to be distributed must be in accordance with the principles of the Treaty, consistent with the Deed of Settlement, and ultimately for the benefit of all Maori.

POSA comprises both inshore and deepwater quota, shares in Sealord Products Limited and several other companies, and cash. In addition, Te Ohu Kai Moana is to receive 20% of the quota for any new species brought into the QMS. As it is transferred to us over time, this quota will also become part of POSA.

We consider that we have some discretion under the Maori Fisheries Act and Deed of Settlement in relation to the nature of the POSA “benefits” that are to be distributed. In particular, we believe that it may not be necessary to allocate the capital POSA assets themselves, but rather it may be preferable to hold those assets centrally with “benefits” being distributed to Iwi (and possibly other groups) by way of shares or dividends, or other forms of income.⁹ We consider that we have some scope to develop a range of possible options for POSA distribution that would be consistent with the Deed of Settlement, the Treaty of Waitangi and its principles, and the Maori Fisheries Act.

Having said this, we also acknowledge that potential ambiguities exist when interpreting the exact meaning and application of the Maori Fisheries Act and Deed of Settlement in relation to POSA distribution.¹⁰ We realise that there are likely to be a range of different and conflicting views held by Iwi and other interested Maori on what could or should be proposed in terms of POSA distribution.



However, it must be taken into account that POSA will be the subject of a new Maori Fisheries Act. Accordingly, there is a possibility that Parliament could enact legislation that provides for a scheme that may differ in certain respects from that contemplated under the Maori Fisheries Act and Deed of Settlement. For this reason, we are seeking your views on a range of possible options for POSA distribution in this Discussion Document.

1 Aotearoa Fisheries Ltd (AFL) was placed into voluntary liquidation in 1993. All assets remaining in Aotearoa Fisheries Limited (In Voluntary Liquidation) including shares in Moana Pacific Fisheries Limited were transferred to its shareholder, Te Ohu Kai Moana, in cash or in species as at 30 September 1994. The final dissolution of AFL was completed on 23 April 1996.

2 Deed of Settlement provisions relating to POSA include clauses 3.2, 4.5.1, 4.5.3-4.5.7 and Annexure A.

3 *Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2000] 1 NZLR 285.

4 Paragraph III in Annexure A is headed “Who will receive the settlement benefits”. It states:

“A distribution system should address the criteria to be applied in identifying iwi and determining if a particular iwi has a fishing interest. The scheme will need to address how individual, whanau or hapu interests can be accommodated within the iwi structures.”

5 A number of clear factual findings on the nature and extent of fisheries rights have been reached by the Waitangi Tribunal (Muriwhenua Fishing, Ngai Tahu Sea Fisheries, and Fisheries Settlement Reports) and the Courts (*Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2000] 1 NZLR 285 at pp307-312 per High Court, and pp375-376 per Court of Appeal).

6 *Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2000] 1 NZLR 285 at pp370-371.

7 See footnote 5 above.

8 Waitangi Tribunal, Fisheries Settlement Report 1992, p.18.

9 The issue of whether Te Ohu Kai Moana may be entitled to retain the POSA capital assets and distribute income benefits has been identified by the Courts (*Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* [2000] 1 NZLR 285 at p299 and p319), but has not been determined by any Court decision to date.

10 For example, some may argue that clause 3.2 of the Deed, which records the Crown’s obligation to provide Te Ohu Kai Moana with 20% of any new species introduced into the QMS, obliges Te Ohu Kai Moana to allocate any such quota (which is part of POSA) to Iwi.





Part C: Criteria, design decisions, key considerations and specific issues

Allocation and distribution criteria

We have adopted a set of criteria that we think are appropriate to apply to our proposals for PRESA allocation and POSA distribution. These criteria are broadly consistent with those previously used by Te Ohu Kai Moana. While each criteria aims to consider separate matters, the criteria are not completely mutually exclusive and there is some intertwining. Some of the criteria are also more in the nature of minimum entry standards rather than providing an ability to discern levels of performance. The criteria provide a framework to compare proposals.

1. Consistent with law

Our legal obligations are set out in the Maori Fisheries Act, the Deed of Settlement, and the Settlement Act. Any proposal must be consistent with these obligations. Details of the legal constraints in relation to PRESA and POSA are addressed in Part B (Legislative Framework) of this Discussion Document.

2. Financially viable

Proposals need to be cost effective. They should avoid cumbersome or costly implementation mechanisms. They need to ensure that enough money is provided to Iwi to fund their ongoing fisheries related costs and that sufficient money is retained to fund the activities of any Post-Allocation Commission.

3. Technically feasible

Technical feasibility means that proposals:

- are consistent with the QMS and fit the realities of the commercial fishing industry;
- are transparent (in terms of process, content and outcome);
- can be implemented based on information that is available or can be readily obtained;
- can be implemented within a reasonable timeframe.

4. Consistent with tikanga Maori

Any proposal should be consistent with the principles of tikanga Maori.



5. Responsive to social and economic needs

Proposals should assist Maori in economic and social terms and promote fisheries related development.

6. Capable of delivering desired benefits

Proposals must ensure that the Settlement is ultimately for the benefit of all Maori. The proposals should seek to deliver benefits in terms of:

- economic wealth creation;
- influence with Government;
- influence in the fisheries sector;
- integrated management of fisheries;
- rangatiratanga.

7. Politically sustainable

Proposals will need to deliver an enduring Settlement. Broad levels of support from you are needed to ensure that allocation is durable and politically sound. Proposals should therefore strike a reasonable balance between conflicting interests. The support of Parliament is also important given the need for legislation for POSA and our reporting obligations to the Minister of Fisheries for both PRESA and POSA.

Design decisions for an allocation model

The considerations relevant to the design of an optimal model are complex. Ultimately, however, these considerations are applied to a relatively small number of design decisions. Some design decisions affect all potential beneficiaries of the Settlement equally and some have distributive implications (ie, the decision affects the relative shares received). The decisions with distributive impact have attracted the most controversy.

The design decisions are:

- the definition of the assets in PRESA and POSA;
- the categorisation of the assets in PRESA and POSA;
- whether to transfer ownership of assets to beneficiaries of the Settlement or to distribute benefits from those assets to them;
- the choice of parameters to allocate assets or distribute benefits;
- the appropriate weighting to be applied to those parameters within PRESA and POSA;
- the appropriate target organisations or groups as the initial recipients of assets or benefits.

The last three decisions on this list have strong potential distributive influence.



The Definition of PRESA and POSA assets

PRESA comprise those assets transferred to the Commission in the 1989 interim settlement under the Maori Fisheries Act. POSA are those assets transferred to the Commission under the 1992 Settlement. These assets also include retained earnings from the use and management of the two sets of original assets received from the Crown. For instance, the Moana Pacific shares were purchased with retained earnings from AFL. Moana Pacific is therefore a part of PRESA. Conversely, Chatham Processing Limited was purchased from Salmon Smith Biolab with POSA resources and is therefore part of POSA.

The fundamental PRESA/POSA distinction arises from the separate legal frameworks applying to the interim and final settlements. These frameworks guide the allocation process but it is important to note that they may not prevent some adjustment of certain assets (shares and cash) between PRESA and POSA, provided that adjustment is through sale and purchase at fair value. This raises the question about whether there is merit in any such adjustments. For instance, if there were commercial reasons that would support consolidating the ownership of Moana Pacific Fisheries Limited and the Sealord Group, this could be given effect through the purchase of Moana Pacific with POSA assets. The net result of such a purchase would be to transfer Moana Pacific Shares into POSA and to increase PRESA cash by an equivalent value. The increase in PRESA cash decreases POSA cash by the same amount.

Attitudes to such adjustments will be largely influenced by the perceived merit of retaining centralised shareholding and control of the major operating subsidiaries of Te Ohu Kai Moana, and possible legal constraints.

The definition of asset categories within PRESA and POSA

There are four generally accepted categories of assets within both PRESA and POSA:

- inshore quota;
- deepwater quota;
- shares;
- cash.

Previous consultations have reported clear preferences for the different treatment of different asset categories, notably inshore and deepwater quota. However, other changes are possible. If a transfer of Moana Pacific shares into POSA took place, PRESA would not include any shares. Conversely, in those circumstances POSA could contain no cash depending on the value of the shares transferred.

Allocation of assets versus the distribution of benefits

The current legislative framework and existing case law require PRESA to be allocated to Iwi, meaning traditional tribes. At the same time, we are required to ensure that such allocation is ultimately for the benefit of all Maori. In a PRESA context, allocation is generally understood to mean the transfer of ownership of those assets to Iwi and other courses of action would most likely require legislative amendment.



Different statutory constraints apply to POSA, however. We are not barred from distributing some or all of the POSA assets. On the other hand, we may not be barred from retaining ownership of them and establishing processes to distribute benefits derived from those assets.

Attitudes towards the decision to allocate assets or distribute benefits depend on such things as the desirability of establishing clear control of individual Iwi over assets compared with the desirability of maintaining consolidated control over major operating subsidiaries and central direction of benefit flows.

Formulas for distributing assets and benefits

Only two formulas have emerged with widespread acceptance from earlier consultations. These are:

- population (using Iwi statistics from New Zealand census data);
- coastline length (as a proportion of QMA coastline length).

Both have undergone considerable technical refinement. In the case of coastline, particular mechanisms have been developed relating to the treatment of harbours, bays and islands. We have worked closely with Land Information New Zealand to develop accurate coastline data. We have also worked closely with Statistics New Zealand to encourage the production of high quality census data on population and Iwi affiliations.

See *Appendices 5 and 6* for details.

The application of formulas for coastline length and population

There are two sets of choices to be made about the appropriate use of coastline length and population in any model:

- The first is a choice about which categories of assets (inshore quota; deepwater quota; shares; cash) these parameters should be applied to. For instance, one view is that cash should be allocated on the basis of population and that coastline length is not applicable to the allocation of this asset or the distribution of benefits from it. Conversely, there is a view that population should not apply to the allocation of inshore quota or the distribution of benefits from it.

Having determined which parameters apply to which category of asset, it may be that we are encouraged to apply both to certain assets. In this circumstance, the second choice arises.

- The second choice to be made is the weighting that should be applied to the parameters when they are used together on one asset category. An example of this choice might be to allocate PRESA deepwater quota 50% on the basis of coastline length and 50% on the basis of population.

Broadly speaking, the wider application of coastline length is supported by those who emphasise the underlying tribal rights and the nature of the fishing claims that lead to the Settlement and the desirability of re-establishing strong Iwi connections with local fisheries resources, particularly quota. The wider use of population is supported by those who emphasise economic and social factors and the desirability of an equal distribution of Settlement benefits on a per-capita or needs basis.



The target for the allocation or distribution of benefits: Iwi and/or non-Iwi?

The key design choices about the initial recipient of either assets or benefits revolve around the role of organisations that represent traditional tribes. A key design question is whether allocation to Iwi organisations will ensure that the Settlement will be ultimately for the benefit of all Maori, or whether other organisations should also be used, or a direct assistance role retained by us.

Key considerations

At each of the decision points above, the direction taken will be influenced by views on the balance between key considerations. These key considerations are to a degree in tension with each other. The balance between them that people perceive as appropriate is dependent on their values and subjective judgements. These key considerations may be considered in terms of:

- the nature of the Settlement and the objectives of allocation;
- the desirability of allocation versus retention of assets;
- Maori custom (tikanga Maori);
- economic and social considerations;
- distribution to Iwi and/or non-Iwi organisations.

The nature of the settlement

There is a diversity of views about what the Settlement was intended to deliver and to whom. However, two strong themes have run through the allocation debate over the last decade. These are the recognition of traditional tribal rights and consideration of social and economic need. We are very mindful of both of these matters.

Traditional rights

In brief, this view emphasises that the Settlement arose out of particular claims brought under the Treaty of Waitangi. It represents a package of assets and benefits in response to claims that Crown actions lead to the effective expropriation of rights to commercial fisheries held by Iwi and hapu. The Settlement does not restore those rights (although it does provide a contemporary right to fish in the form of quota) and the size of the settlement package is too small to represent full compensation.

Nevertheless, if this view of the Settlement is emphasised, the nature and extent of the historic harm to Iwi rights is very relevant to allocation or distribution. In turn, the extent of harm is influenced by the value of the fisheries rights and assets that should have been protected. Many of the original claims emphasised the negative effects resulting from loss of exclusive control over particular fisheries by particular hapu and Iwi. An important part of the Settlement is considered to be the re-establishment of relationships between particular people (Iwi) and particular assets (fisheries interests), albeit under a different legal framework.

Those who emphasise a rights-based approach to entitlements under the Settlement tend to favour the use of coastline as a formula for allocation or distribution.

Social and economic need

Some people place far less emphasis on history. They focus on the Settlement assets, not in terms of rights, but as an opportunity that, with appropriate management, can deliver significant future social and economic benefits to Maori. Under this view, the maximisation of social and economic benefits and their widespread distribution amongst Maori is a more pressing consideration than the re-establishment of particular resource-use relationships. The generally poor socio-economic status of Maori compared with non-Maori levels is therefore regarded as the central concern.

Those who give relative primacy to this concern tend to favour the retention of assets and the distribution of benefits on the basis of population.

Reconciling traditional rights and social and economic need

Of course, these themes do not fully describe the full richness of individuals' views about the Settlement but portray an axis between two polar considerations. Many of those who emphasise redress of rights in the first instance also see that redress as supporting ongoing and effective delivery of benefits to address social and economic needs. It is also evident from past consultations that many Maori are striving for ways to reconcile both considerations and achieve an outcome that satisfies both visions of the Settlement. This could be done within the framework of the models in this report by:

- allocating some assets but retaining others;
- applying coastline to the allocation of some assets but population to others;
- applying both coastline and population to the allocation of some assets.

Allocate, retain or both?

In addition to the considerations above, individual assessments of the wisdom of allocating assets to Iwi organisations are influenced by views about four intertwined issues:

- the ideal scale of organisation for Maori involvement in the seafood sector;
- the best risk-management strategy to secure Maori involvement in the seafood sector;
- the readiness of Iwi organisations to manage allocated assets;
- the need to retain a proportion of assets to support programmes that satisfy the Commission that it has ensured that allocation is ultimately for the benefit of all Maori.

Taken together, these four considerations generate an overall position on the respective merits of allocation of assets to Iwi compared with the alternative of the central retention of those assets and the distribution of benefits in the form of dividends. This position may well make distinctions between the appropriate treatment of different classes of assets.

The first two views of the four considerations are shaped by perceptions about economies of scale and successful risk management in the New Zealand seafood industry. The underlying goal is to identify the most robust organisational structures required to compete successfully in the seafood industry both in New Zealand and internationally over time.



Characteristics of the New Zealand seafood sector

New Zealand seafood businesses face volatile returns. Most seafood products are exported. For ongoing success fishing interests must be able to operate successfully in the international marketplace. New Zealand companies sell into markets affected by large swings in international supply, and are in competition with foreign businesses that are often subsidised. While average returns are satisfactory, businesses require structures that can survive occasional low, or even negative returns. The sector has become increasingly capital and skills dependent and this trend shows no sign of abating. Local opportunities for expansion of harvest are constrained. Many fisheries are fully developed and water space for aquaculture is scarce. Opportunities are therefore generally within adding value and marketing.

Quota is the key component in the New Zealand fishing industry. There is generally greater capacity than needed in the areas of catching, processing and marketing, but for all of these operations access to quota is a key ingredient. The quota held by Te Ohu Kai Moana is a significant section that does not have long-term management arrangements due to the current position with allocation. Use of this quota can make existing operations more profitable as their normal costs will already be covered with the quota they own or have arrangements to access. The Settlement quota is therefore sought after and can command high prices. If this quota is held together, it can provide substantial leverage for obtaining good prices and can improve profitable operations.

Finally, the industry faces continuing pressure and the associated costs to demonstrate its environment credentials to both consumers and Government.

Economies of scale

There is a lively debate over whether Iwi allocation would dissipate economies of scale essential to the good performance of Maori involvement in the seafood industry.

Centralised structures allow maximum scope to use scarce skilled or specialised human resources to best effect. There are undoubted economies of scale in some activities; deepwater harvesting operations, for instance, are very capital intensive. Larger structures are better able to support capital intensive vertical integration. On the other hand, larger organisations can be less responsive and harder to change and mistakes could prove costly to the entire performance of the Maori involvement in the sector.

In contrast, small organisations cannot support the full range of specialist expertise that might be ideal. Small organisations can find it more difficult or costly to access capital markets and may have to resort to joint ventures to engage in large investments. Small organisations, however, lend themselves to responsiveness and specialisation in niche markets. The diversity of strategy between many small competing companies can contribute to innovation within the sector.

Risk management

Viewed as a whole, there are two possible approaches that could be taken to the management of risks so as to secure the position of Maori in the seafood sector. The first is to build strong central organisations that capture the benefits of size and concentration of high quality personnel. The second approach is to allow for decentralisation and diversity. Diversity has risk-management value across the sector because not everyone is making the same mistake at the same time.



Iwi readiness

This is a sub-set of the risk-management debate. Some people hold the view that allocation to Iwi is desirable in theory but would be unwise in practice. They observe that Iwi organisations lack the range of structures, processes and skills that give confidence that the organisation will successfully cope with the commercial demands that allocation will entail. They view the upgrading of Iwi capabilities as an essential precursor to allocation and that retention of assets should only endure as long as necessary for this upgrading to be completed.

Ensuring that allocation is ultimately for the benefit of all Maori

We must form a view about whether the retention of some assets is necessary to meet our responsibility to ensure that the Settlement will be ultimately for the benefit of all Maori.

There is scope for considerable flexibility in the manner in which judgements about allocation versus retention can be accommodated by the PRESA and POSA proposals. For instance, certain classes of assets might be retained. The duration of retention could be linked to explicit criteria (such as meeting certain mandate, representation and structural requirements).

It must be noted that the decision to retain assets can achieve quite different outcomes depending on the policies that are then applied to those assets. For instance, given the demand for capital investment and the volatile returns of the sector, retention is unlikely to maximise asset growth or minimise risk of financial difficulties if the retained assets are forced to supply a large fixed dividend stream every year.

Finally, if there is support for assets to be retained on a long-term basis, consideration will need to be given about what institutional arrangements to use in order to facilitate those assets being managed in a way that will maximise effectiveness. The most durable structures that are presently legally available for achieving maximum effectiveness are companies and trusts. *Appendix 7* contains a discussion on these options and their applicability to Te Ohu Kai Moana.

Tikanga Maori

Tikanga Maori (Maori custom) has been used to support a range of positions within the allocation debate thus far. It is generally accepted, however, that some recognition in any allocation proposal of the traditional relationship between Iwi and the fisheries proximate to their rohe is consistent with tikanga Maori, although there remains debate about the extent (if any) to which this relationship should prevail over other considerations.

Tikanga Maori is so all encompassing that few, if any, considerations can be raised that cannot be related to some particular aspect of tikanga Maori. Such references enrich debate about allocation and provide a uniquely Maori means of articulating balance between important cultural concepts.

In our view, any optimum allocation model must be able to be described and defended in terms of tikanga Maori. However we also believe selective reference to aspects of tikanga Maori is unlikely to advance agreement about what that model should comprise.

Economic and social considerations

We consider that we must have regard to economic and social considerations in developing any proposals for PRESA and POSA. However, there are differing views on the manner and extent to which such considerations should be taken into account in any proposal.



Some may argue that the economic and social impacts suffered by Iwi and Maori as a result of the loss of fisheries rights should be directly reflected in any proposals. It would be difficult, however, to quantify in any precise way the extent to which loss of fisheries has contributed to the present day socio-economic status of Iwi and Maori as many other factors are also relevant, including loss of land-based resources, geographic location and population demographics.

On the other hand, some may argue that a population-based formula reflects the economic and social realities faced by Iwi as it would provide benefits relative to their present membership. A population formula would also avoid any need to undertake costly assessment processes to establish the extent of current economic and social impacts from the past loss of fisheries rights.

Others suggest that a coastline formula is consistent with economic and social goals as it allows economic and social benefits to flow through to all Maori by enhancing the economic base of all Iwi. While we agree that even a coastline formula does produce economic and social benefits, we consider that the use of a population formula in whole or in part for the distribution and allocation to Iwi of certain benefits and assets is a more appropriate mechanism having regard to the relative economic and social considerations of all Maori.

Distribution to non-iwi organisations

There are concerns that a large number of Maori individuals and whanau are uncertain of their tribal origins or have weak associations with their tribes or live outside their tribal rohe. These Maori may encounter difficulty in participating in the benefits distributed to Iwi. It is alleged that these Maori may be better looked after if there was an ability to distribute some benefits directly to urban Maori organisations or hapu and other sub-tribal groupings.

We presently have no discretion to allocate PRESA assets to non-Iwi organisations, due to the Court's confirmation that PRESA are to be allocated solely to Iwi. However, some form of development putea may be possible with Iwi support.

We also consider that Iwi should make suitable arrangements to ensure that benefits flow to both their hapu and whanau and to urban Iwi members living outside their rohe. This could be achieved by improving Iwi structures (including access to governance processes) and by Iwi forming relationships with and providing funds to other representative organisations.

Non-Iwi participation in the benefits of POSA could also be generally assisted through the retention of core POSA assets within a central management body or putea. This could be included in the POSA legislation.

Specific issues

In addition to the fundamental considerations identified above, consultation and litigation over the last 10 years have raised certain other specific (and often complex) issues within the allocation debate. Certain of these issues warrant specific consideration by us. They are:

- Chatham Islands separate fishery;
- commercial freshwater fisheries;
- alleged lease-round inequities;
- fisheries depletion and related issues.

We have given further consideration to these issues in light of the views that have been expressed to us to date by Iwi and other interested Maori. We have formed interim views on each of these matters and these are outlined below. Please consider your views on the questions they raise and let us know what you think of our proposals for resolving them.

Chatham Islands ‘Separate Fishery’

We are of the view that good reasons exist for treating the Chatham Islands Iwi fisheries interests as a special case.¹ Such recognition has received support in our previous consultations.

The circumstances of the Chathams include the significant fishery around the Chatham Islands, geographic isolation, and overwhelming cultural, social and economic dependence on fishing. However, Chathams Iwi have a very small coastline and population compared with mainland Iwi. If standard formula based on coastline and population measures were applied to Chathams Iwi, they could be denied access to anything more than very small parcels in some important commercial fish species. Serious detriment to the Chathams Iwi could result.

Chathams Iwi requested that we consider establishing a separate fishery area for all fish extending in a circle 200 miles around the Chatham Islands.

For allocation purposes, this 200-mile zone would be treated as if it were a new and separate Quota Management Area for each fish species (ie, the fish caught inside this zone would be treated as part of a separate fishery for allocation purposes).

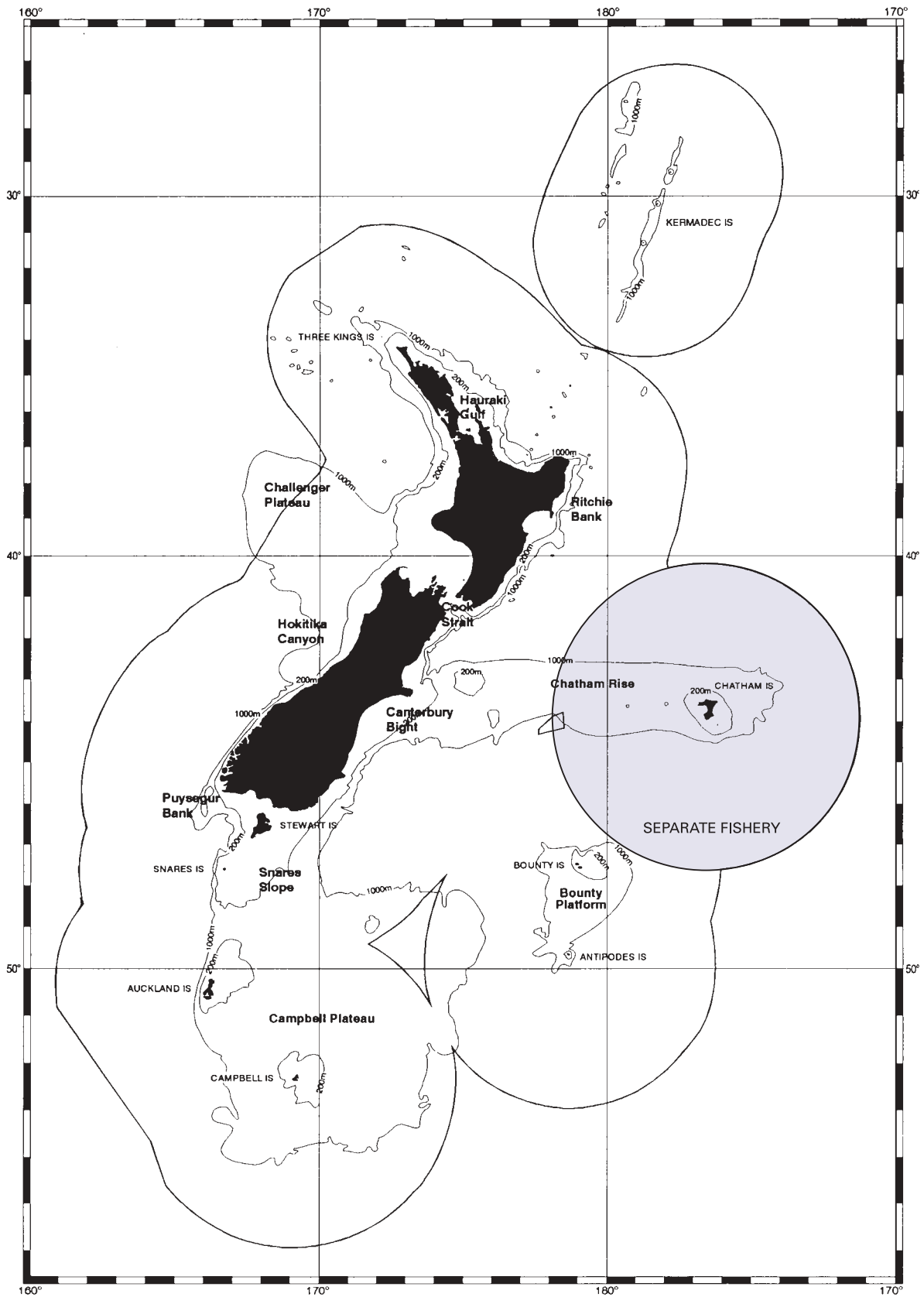
Changing the boundaries of a Quota Management Area has a consequence. In the case of the Chatham Islands, a separate fishery would exclude other Iwi, most notably Ngai Tahu, from sharing in the benefits of the fisheries within that separate fishery zone to the extent that these are distributed according to a coastline-based formula. However, where the share of a fishery is to be determined by a population-based formula, the establishment of a Chatham Islands special fishery would have no effect on distributions to Iwi.

Subject to our consideration of the views expressed during consultation, we propose to include the following measures in recognition of the special circumstances of Chatham Islands Iwi:

1. The establishment of a separate fishery consisting of a 200-mile zone around the Chatham Islands.
2. The allocation of inshore fisheries, that are located within the Chatham Islands separate fishery for PRESA and POSA, is to be on the basis of coastline within the separate fishery. Under present policy, this has the effect that all such fisheries would be allocated to Chatham Islands Iwi to the extent that any allocation of Inshore Quota to Iwi takes place.
3. The allocation of both PRESA and POSA Deepwater Quota (in the event that the POSA Deepwater Quota is directly allocated) to be on the same basis as is applied to all mainland Iwi. Chatham Islands Iwi will therefore be subject to the same distribution rules as all other Iwi. However, if any model is chosen that increases the population ratio above 50% for Deepwater Quota (PRESA or POSA), we will reconsider the application of this to the Chatham Islands.
4. For all other PRESA and POSA assets (ie, shares and cash), the same allocation rules will be applied to Chatham Islands Iwi as for all other Iwi.



Separate Fishery



Clement & Associates limited

Commercial freshwater fisheries

The Settlement settled claims relating to commercial freshwater fishing rights of Maori along with those relating to marine fisheries.² It has been argued, therefore, that the loss of commercial freshwater fisheries rights should be specifically compensated for as part of any allocation scheme.

We have considered the issue of the settlement of commercial freshwater fishing rights. In particular, we have looked at whether and, if so, how to incorporate provision for the loss of commercial freshwater fisheries rights into the framework for allocation. We are seeking your views on ways to ensure that these interests are fairly addressed and to avoid any suggestion that, if no account is taken of freshwater fisheries, some Iwi may be penalised relative to other Iwi having regard to their traditional fisheries.

The key problem is in setting the size and form of the provision (if any) for commercial freshwater fisheries in any allocation proposal. The Settlement does not provide full restitution for any customary Maori fishing rights, nor were the rights and losses of each Iwi calculated at any stage.³ Instead, the Settlement represents an attempt to balance principles of redress for lost Treaty rights with a pragmatic response to the impracticalities of obtaining reliable information on specific losses. It must also be recognised that the Settlement comprises a limited set of assets and benefits that are ultimately for the benefit of all Maori.

To investigate fully the extent of commercial freshwater fishing rights (including the relative dependency of each Iwi on those fisheries, and specific losses suffered) would entail huge research costs. Allocation could not proceed until detailed information had been obtained and that process would be likely to take several years to complete. As with marine fisheries, we consider that it would be impractical and unreasonable to undertake research into the actual nature, extent and loss of commercial freshwater fisheries.

To avoid these unreasonable costs and time delays, we presently consider that some provision for the loss of commercial freshwater fisheries is needed. As with marine fisheries, however, such provision cannot exactly reflect the precise nature and extent of either the commercial freshwater fisheries of individual Iwi or the losses suffered to those fisheries.

Having looked at the range of potential mechanisms for approximating rights and losses, we are of the view that provision for freshwater fisheries can be through a joint mechanism involving:

- the allocation to Iwi of the quota received by Te Ohu Kai Moana on the introduction of any freshwater fishery into the QMS; and
- the application of a greater weighting to the population component of certain other PRESA assets and POSA benefits (including shares).

To the extent that freshwater fisheries (including eels) have been or will be introduced to the QMS, they will form part of POSA quota. In this respect, we propose to allocate that quota to those Iwi whose rohe is within the freshwater QMA. It will be allocated to those Iwi on the basis of population.

We are aware, however, that certain freshwater fisheries that traditionally had a commercial element may not be able to be re-established so as to sustain a commercial fishery. We consider that the population formula may provide the best option for recognising the loss of such commercial freshwater fisheries. Population is utilised in the proposals to reflect various issues, including economic and social considerations. However, the population components in each of the proposals for PRESA allocation and POSA distribution contained in this Discussion Document have had a further weighting applied having regard to the loss of commercial freshwater fisheries.



It must also be recognised that the Settlement only prevents claims in relation to the commercial aspects of freshwater fisheries. We consider that the Crown remains susceptible to Treaty claims in the Waitangi Tribunal relating to the destruction and loss to the non-commercial component of freshwater fisheries through habitat neglect and the introduction of foreign species. Such claims could possibly seek recommendations that the Crown take active steps to rebuild freshwater fisheries through habitat restoration and other remedial measures such that full non-commercial fishing rights may be enjoyed. Alternatively, such claims could seek compensation for the loss of the non-commercial aspects of freshwater fisheries. We propose to support initiatives, including research, to assist Maori to engage with the Crown to seek resolution of such Treaty grievances.

Alleged lease-round inequities

We have conducted either tender or lease rounds of quota on an annual basis since the creation of the Maori Fisheries Commission in 1989. From 1989/90 to 1992/93, quota was leased on a competitive tender basis with a preference known as the Maori Development Incentive (MDI) given initially to Maori and subsequently to Iwi bodies. In these tender rounds, Te Ohu Kai Moana sought to allow Maori greater access to its quota holdings than would have been possible with a fully commercial tender. As a result of the MDI, Iwi tendering for the lease of quota held by Te Ohu Kai Moana did not have to compete fully with established commercial fishing operations.

Annual lease rounds since 1993/94 have proceeded on a different basis. Quota held by Te Ohu Kai Moana has been apportioned between Fisheries Management Areas (FMAs) on a coastline/population formula with the Iwi with rohe within each FMA being required to reach agreement on their respective shares of the available quota for that FMA. Due to concerns that annual leasing may raise expectations for final PRESA allocation, all such lease rounds have been expressed to be “without prejudice” to final allocation. In all cases, Iwi who participate in the lease rounds are required to sign deeds of waiver and indemnities. In these deeds, lease-round participants must formally acknowledge that the lease rounds are:

- without prejudice and create no expectation to the entitlement of the Iwi to any future leasing or allocation of quota or other assets by Te Ohu Kai Moana; and
- not binding or to be treated as a precedent for any future availability, lease or allocation of quota by Te Ohu Kai Moana.

Both the tender rounds and subsequent lease rounds have promoted participation by Maori in the business and activity of fishing through preferential or discounted access to quota and have thereby provided Maori with valuable learning experience in the modern business of fishing without needing to be fully competitive.

It has been alleged by some groups in the allocation litigation still before the Courts that inequities resulted from the tender and lease rounds, including some Iwi gaining substantially more than others. It is alleged that allocation proposals should take such inequities into account in determining relative Iwi shares in any final allocation of assets.

This allegation is based, in part at least, on the observation by the Court of Appeal in 1996 that:

Any past inequities in the lease rounds would fall to be taken into account and adjusted as far as reasonably practicable in a future settlement.⁴

While this comment by the Court may not be binding, we accept that we should look at the issues that have been raised in relation to lease rounds. We have therefore considered:



- whether any “inequities” may exist having regard to the circumstances surrounding the lease rounds; and
- if such inequities are established, whether they could reasonably and practicably be taken into account in allocation.

In this latter respect, it is up to us to decide what weight, if any, should reasonably be given to any established inequities in the design of the final allocation proposal. This requires us, among other things, to balance appropriately any established lease-round inequities with the many other considerations that must be taken into account in developing the final method of allocation.

We have considered and investigated the various allegations that have been made to date concerning past lease rounds. These enquiries have established to our present satisfaction that all Iwi were treated consistently in the tender and lease rounds. The same processes and methodology were applied to all Iwi in terms of entitlement to participate in the tender or lease of quota. We have been unable to identify errors of process or substance in the tender and lease rounds that we consider could reasonably be described as an inequity.

The only possible exceptions related to the first MDI deepwater tender round in May 1990 and MDI tender round 10 in October 1992. In the October 1992 tender round (finfish and paua) it was claimed that unfair results occurred in the application of the tender-round policies. This affected all Iwi consortia participating in the tender round. In the May 1990 deepwater tender-round a series of errors occurred in the preparation of lease documentation. This only affected Ngati Wai. In both cases, however, Te Ohu Kai Moana entered into a settlement with the groups involved. We therefore consider that any inequities that might have existed in those tender rounds have already been addressed. We are not aware that any similar circumstances have arisen and have not entered into other such settlements.



The policies behind the lease rounds since 1993/94 have been tested on several occasions. For example, in 1993 the High Court and Court of Appeal considered the lease-round methodology and made the interim finding that it met all relevant statutory and administrative law standards.⁵ The lease-round methodologies were substantively tested in Court proceedings in 1996 and again were found to be lawful.⁶

We are of the view that the policies applied to lease rounds have been appropriate in all the circumstances and we are satisfied that no lease-round inequities exist.

However, it has also been suggested by some that to the extent that any final method of allocation differs from the methodology used by Te Ohu Kai Moana for lease rounds since 1993/94, those previous lease rounds must necessarily have been inequitable, and should be adjusted for, in final

allocation. We do not accept this view, which fails to recognise the important distinction between leasing quota on an annual basis and the final and permanent allocation of such quota.

First, lease rounds represent a different legal function to allocation. In conducting lease rounds, we are fulfilling our principal function of granting assistance under section 5(a) and (b) of the Maori Fisheries Act. The exercise of this function by us is not restricted to leasing, but also extends to providing scholarship assistance, research funding, and other grants of assistance. In developing proposals for PRESA allocation and POSA distribution, on the other hand, we are performing a specific function subject to a prescribed statutory process which carries with it particular legal and political considerations and obligations that necessarily extend beyond the issues considered in the annual lease of quota.

Secondly, as stated above, the annual lease of quota is expressly conducted on a without prejudice basis both with regard to future leases and the final allocation of assets or benefits by us. We consider that it would be impracticable and illogical for us, after settling on a final allocation proposal, to revisit all previous lease round benefits and then further adjust the model that has been settled.

Having considered all the circumstances set out above, we presently consider that no lease-round inequities exist and that no adjustment should therefore be made to either the PRESA or POSA proposals to take into account such allegations.

Impacts from depletion of fisheries

“Depletion” is a term that is applied to fisheries to describe two quite distinct conditions. In common language, people often describe a fishery as depleted if there are fewer fish in the sea than there used to be. In other words, the fish stock is smaller. Fisheries scientists do not use “depletion” in this way but use the term to describe a fishery that has a lower yield of harvestable fish than it could potentially produce. By and large New Zealand’s commercial fisheries are not depleted in this sense. Even fisheries such as Snapper 1 around Auckland are producing harvestable yields close to the theoretical maximum sustainable level and have been consistently for many years.

The standard fisheries management objective under the QMS is to manage the size of the fish stock at a level that maximises its sustainable yield. The QMS has been explicitly endorsed by Maori under the Deed of Settlement. A fishery in this condition supports high quota values because it produces high levels of harvest over time with low risk to the sustainability of the fishery. Yield should not be confused with annual catch. In a developing fishery, yields are actually enhanced if some of the fish stock is removed. In this “fishing down” phase, catches comprise a combination of annual yield and stock reduction. When the target stock size is reached, annual harvest will be restricted to the annual yield. This pattern can give a false impression of declining production.

There is a view that some inshore fisheries are depleted and that an adjustment should be made for this in the allocation of assets or the distribution of benefits from the Settlement. There is no doubt that stock size is lower in some fisheries than was the case years ago. However, there is far less evidence that the yields from certain fisheries are depleted. To the extent that there may be fisheries where the yield is below the Maximum Sustainable Level (MSY), the QMS imposes a stock management strategy designed to correct this situation in a reasonable time. All fisheries will be above or below the MSY level at any moment, but the QMS is straining to move them towards this target. The question is whether Iwi with particular interests in fish stocks temporarily below MSY have a claim on assets that they would not receive if the same fishery happened to be at MSY.

The only available source of such assets would be from other Iwi whose fisheries are not depleted. We consider that any such adjustments are inappropriate because they would create long-term allocation distortions on the basis of short-term anomalies. These distortions could only be managed by continual redistributions every time new MSY information became available. We believe that such redistribution would represent an unnecessary source of friction and an unwarranted cost.

Harvests available to quota owners can be reduced for reasons other than through reductions in sustainable yield, however. For instance, the size of the commercial fishery could be reduced through the allocation of a greater relative share of the Total Allowable Catch (TAC) to recreational fishers. Alternatively, access to fishing grounds may be denied because of the exclusive allocation of space to other marine users or because of closures to satisfy non-sustainability objectives. In both cases, however, these are future uncertainties that may or may not occur and, in either event, cannot readily be predicted. Such matters affect all commercial fishers, not only Maori. Decisions on these matters are taken by the Crown. We consider that quota owners themselves, assisted by Te Ohu Kai Moana (or any future Post-Allocation Commission), should continue to contest decisions that would result in any unreasonable erosion of the fisheries rights gained through the Settlement.

Having considered all these matters, therefore, we do not presently consider that any adjustment is reasonably practicable for depletion or related issues within the PRESA allocation and POSA distribution proposals.

Having regard to all the issues in Part C, we now proceed to discuss specific allocation proposals for PRESA and POSA.

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- 1 This has been recognised by the Waitangi Tribunal (Fisheries Settlement Report 1992) and the Courts (*Area One Consortium Ltd v Treaty of Waitangi Fisheries Commission*, Court of Appeal, CA 224/93, 29 September 1993; *Te Iwi Moriori Trust Board v Treaty of Waitangi Fisheries Commission*, High Court, CP 255/96, 7 October 1996).
 - 2 The 1992 Settlement does not, however, settle claims (to the Waitangi Tribunal at least) relating to Maori non-commercial fishing rights. The Settlement also has no relevance to sports fish, including trout and salmon, nor does it prevent any claims to freshwater bodies, eg rivers and lakes. (See *Te Arawa Maori Trust Board v Attorney-General*, High Court, CP 448CO/99, 5 December 2000.)
 - 3 Only two detailed investigations of marine fisheries rights were ever undertaken by the Waitangi Tribunal, for Muriwhenua and Ngai Tahu. Te Ohu Kai Moana is not aware of any detailed investigations that quantify Iwi rights or losses to freshwater fisheries.
 - 4 *Te Runanga o Muriwhenua & Ors v Te Runanganui o Te Upoko o Te Ika Association Inc & Ors* [1996] 3 NZLR 10, at p20.
 - 5 *Area 1 Consortium Limited v The Treaty of Waitangi Fisheries Commission*, High Court, M 1357/93, 27 September 1993 and Court of Appeal, CA 224/93, 29 September 1993.
 - 6 *Te Runanga o Raukawa v The Treaty of Waitangi Fisheries Commission*, High Court, CP 322/96, 7 August 1997. This decision was also upheld on appeal: Court of Appeal, CA 178/97, 14 October 1997. Other unsuccessful lease-round cases include *Hauraki Maori Trust Board v Treaty of Waitangi Fisheries Commission*, High Court, CP 562/94, 12 February 1996 and *Phares v Treaty of Waitangi Fisheries Commission*, High Court, CP398/94, 23 December 1994.



Part D: Allocation components, possible models and their implications

Allocation components

We believe it is important to ensure that a realistic range of models is examined when developing options for the allocation of assets and distribution of benefits. This section discusses the components of allocation and presents some models that we think would provide enduring benefits. The scale and type of those benefits differ between the models.

A vast number of combinations is possible. Combining them in different ways leads to different allocation and distribution results.

All the matters in this Discussion Document are included for your consideration and as a basis for discussion in the course of consultation hui. We have made no firm decisions on how allocation should proceed and would appreciate feedback from you before any such decisions are made.

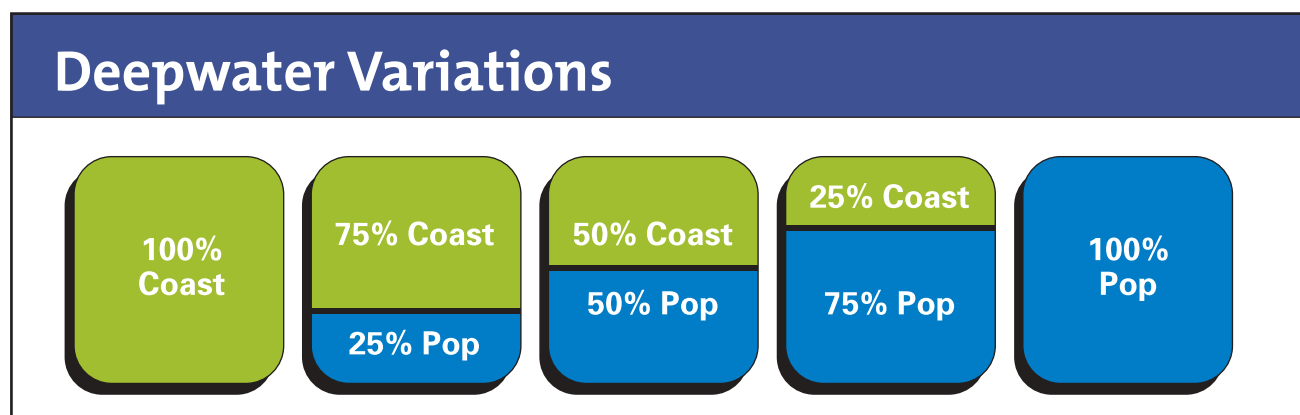
PRESA

Inshore Quota

The models present an individual Iwi share of PRESA Inshore Quota according to a coastline formula. That is, Iwi shares of quota for each inshore species are determined by the ratio of that Iwi's coastline as a portion of the total coastline of the relevant Quota Management Area for that species.

Deepwater Quota

The models adopt a mix of a 50% coastline and 50% population formula for allocating the PRESA Deepwater Quota. However, we acknowledge that there is strong support across a full spectrum of 100% coastline and 100% population.



To gain an understanding of the effect of different settings, we have provided spreadsheets in *Appendix 8* that set out the PRESA results for each model if the deepwater quota shares were calculated across the full spectrum of coastline and population.

Shares

Given the analysis of key issues and a desire to achieve a satisfactory balance, the population formula has been used to apportion PRESA shares.

Cash

Again the models adopt a population formula.

POSA

Overall approach

This is the first time we – Te Ohu Kai Moana and Iwi – have explored the distribution of the benefits of POSA. The proposals are aimed at advancing our analysis, and helping to focus our discussions.

We believe there is no substantial difference between PRESA and POSA. We have therefore generally applied the same rules to the same type of assets under both PRESA and POSA where the assets are physically allocated.

Inshore Quota

Where POSA Inshore Quota is directly allocated to Iwi, the same formula has been applied as for PRESA Inshore Quota, namely a 100% coastline formula. If any POSA Inshore Quota is centrally managed, any fixed dividend distribution to Iwi has been calculated on the basis of a population formula.

Deepwater Quota

If direct allocation of POSA Deepwater Quota occurs, it mirrors what is proposed for PRESA Deepwater Quota, namely a mix of 50% coastline and 50% population, or whatever ratio is agreed. However, where POSA Deepwater Quota is to be centrally managed, a population formula has been applied to determine any fixed dividend distribution of that income to Iwi.

Shares

Any direct allocation of POSA shares mirrors what is proposed for PRESA shares, namely 100% population. Where POSA shares are centrally managed, a population formula has been applied to determine any fixed dividend distribution of income from those shares to Iwi.

Cash

Any direct allocation of POSA cash mirrors what is proposed for PRESA cash, namely 100% population. Where POSA cash is centrally managed, a population formula has been applied to determine any fixed dividend distribution of income from that cash to Iwi.



Three of the four models involve the formation of a Trust for POSA. There are a number of decisions to be made regarding Trusts. The broad decision alternatives are as shown below.

Te Ohu Kai Moana Trust

Trust decides policies on how benefits received are distributed including:

- To whom – who receives benefits (if any)
- How much – the basis of respective shares
- The basis and procedures for development grants (if any)
- The basis, priority and focus of any capacity building assistance

Please consider the design options above and indicate whether you agree with them or whether you consider that different rules should be applied. It would be helpful if you could also let us know the reasons for your choices.

Allocation models

In this segment, we present four allocation proposals that combine PRESA and POSA.

In this segment you should consider the Settlement as a whole. We have aimed to ensure that the models deliver benefits across the criteria. We aim to select the best combination that will ensure Maori maintain a leading role in fisheries in New Zealand.

The models are described to allow you to see how the components interact. We also offer some comment on the implications of each.

The models provided are:

- Te Putahi;
- Pataka;
- Mana Orite; and
- Tohatoha.

Different decisions have been made at a number of points for each model. These alter the quantity of benefits and the way they will be delivered to Iwi and all Maori. The result in each case is a change to the overall balance struck between the different sectors of interest that need to be considered.

Part C notes the differences in views held by different participants over key issues. These views necessarily affect how these different models are assessed: aspects that some consider to be strengths will comprise weaknesses to others. Please consider your own preferences for this balance and provide us with feedback.

In *Appendix 8* we provide figures that show approximate individual Iwi distributions that might result from these models. It also provides a range of other similar results where, for PRESA we change the deepwater coastline/population ratios, and for POSA we suggest different dividend rules.

The figures in these tables are **indicative** only. They can be used for comparative purposes to observe various scenarios but not to accurately portray the final result for any individual Iwi or between Iwi. This is because the figures in *Appendix 8* are based on a range of estimates that will change before or at the final allocation. These include coastline lengths for Iwi – these still require agreement and indicative values based only on those circulated in a Tainui paper have been used.

Other factors that will change are:

- Iwi population – the latest Census figures will be used;
- Quota – the amount will change with the Minister of Fisheries’ total allowable catch decisions at the time;
- the value of quota – this will reflect market and currency conditions at that time; and
- the value of shares and cash – these will change to reflect what occurs as a result of trading between now and the time of allocation.

Te Putahi

This model nearly reflects the Optimum Method of Allocation proposed in 1998, which resulted from a great deal of discussion and represents a model for PRESA that at one time enjoyed the support of most Iwi.

Under this model, we have kept the same formulas for PRESA that were used in 1998:

- inshore quota is allocated by a coastline formula;
- deepwater quota is allocated on a 50% coastline and 50% population formula;
- share allocation is based on quota volume; and
- cash is allocated by a population formula.

The only change made is to remove the Development Putea, as this is addressed through a Trust model for POSA.

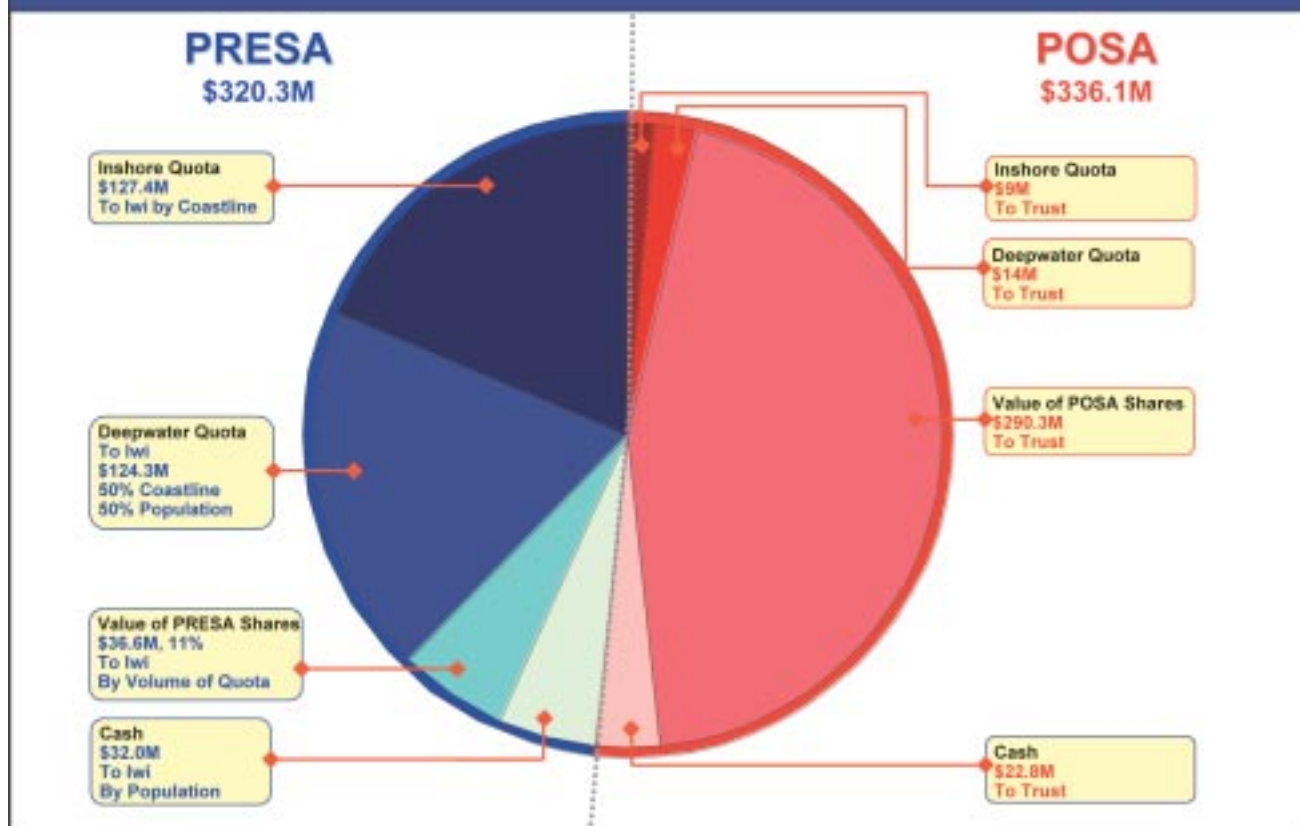
Te Putahi at a glance

Te Putahi has the following features:

- ◆ PRESA Inshore Quota is allocated to Iwi on the basis of their share of coastline within the coastline for each species’ Quota Management Areas. (The Chatham Islands receives PRESA Inshore Quota based on a Separate Fishery.)



Te Putahi Model



- ◆ PRESA Deepwater Quota is allocated to Iwi on a 50% coastline and 50% population formula (although other options are shown in *Appendix 8*).
- ◆ PRESA shares in Moana Pacific Fisheries Limited are transferred to Iwi on the basis of the volume of PRESA quota they each receive. (Shares are ownership shares but rights to sell the shares are limited. Iwi shareholders are only able to sell their shares to other Iwi shareholders or the Trust established to manage POSA assets.)
- ◆ The PRESA cash is allocated to Iwi by a population formula.
- ◆ All POSA Inshore Quota, Deepwater Quota, shares and cash is placed in a Trust. These POSA assets are centrally managed through company structures.
- ◆ A Post-Allocation Commission is established to manage the POSA Trust. Commissioners appointed to the Post-Allocation Commission are the trustees.

Features of Te Putahi

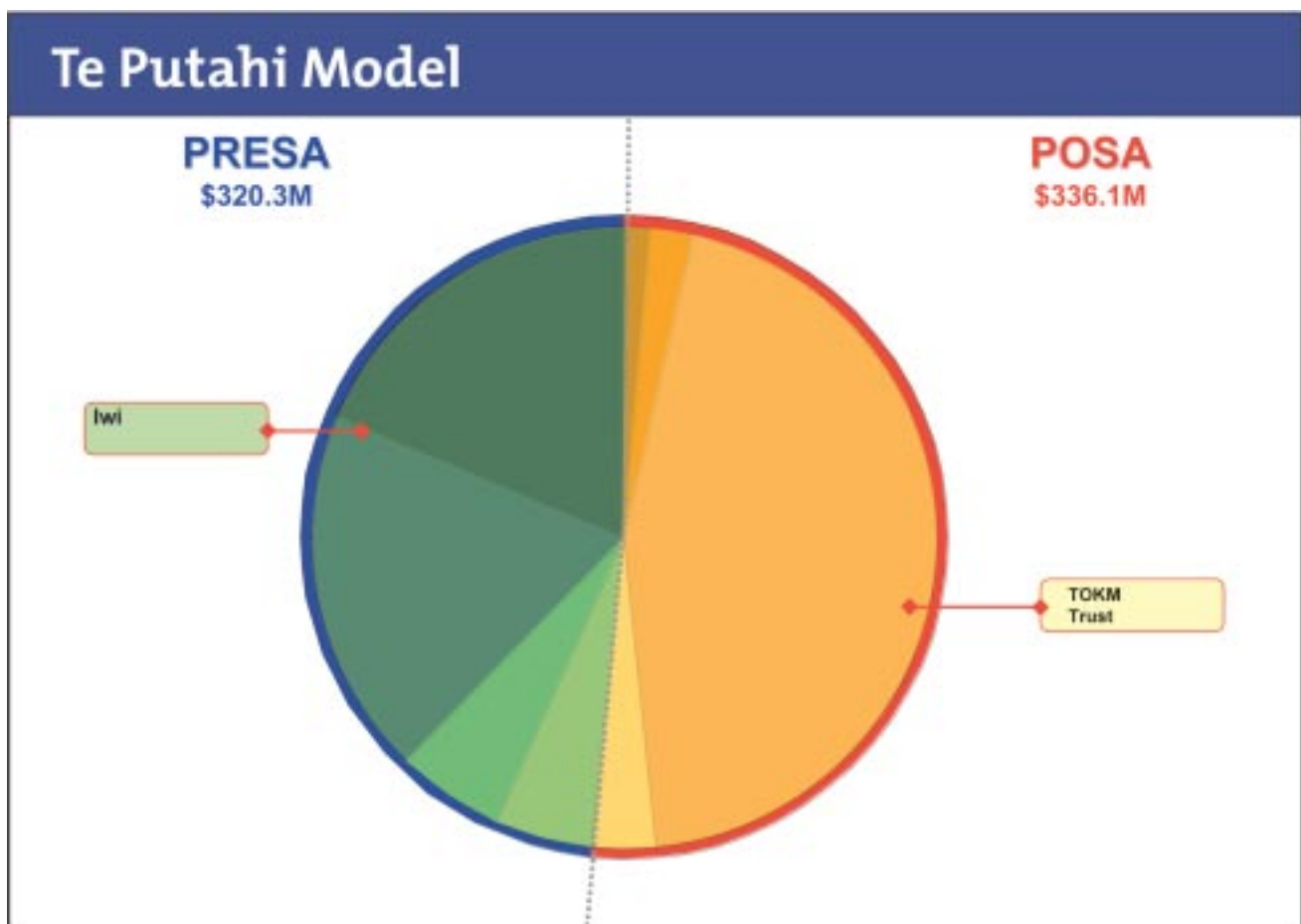
The Putahi Model:

- distributes PRESA directly to Iwi and therefore involves direct recognition of Treaty fishing rights and Iwi rangatiratanga;
- is relatively low cost and is technically feasible;

- retains substantial POSA to be managed cooperatively which will support significant economic, political and sector influence;
- favours some integrated fisheries management – Iwi control of PRESA inshore fisheries directly helps with cooperation between commercial fishing and customary fishing interests;
- spreads PRESA between Iwi in a way that, for some quota where economies of scale operate, could reduce overall economic benefits through increased management costs and lost economies of scale. However, for other quota where there are no economies of scale but rewards for particular market-tuned niches, the dis-aggregation of assets can assist with encouraging a diversity of approaches; and
- means that coordinated influence within the industry based on the whole of Maori fishing interests will be highly dependent on cooperation between Iwi and the POSA Trust.

Te Putahi: Balancing direct allocation and retention – where do these assets go?

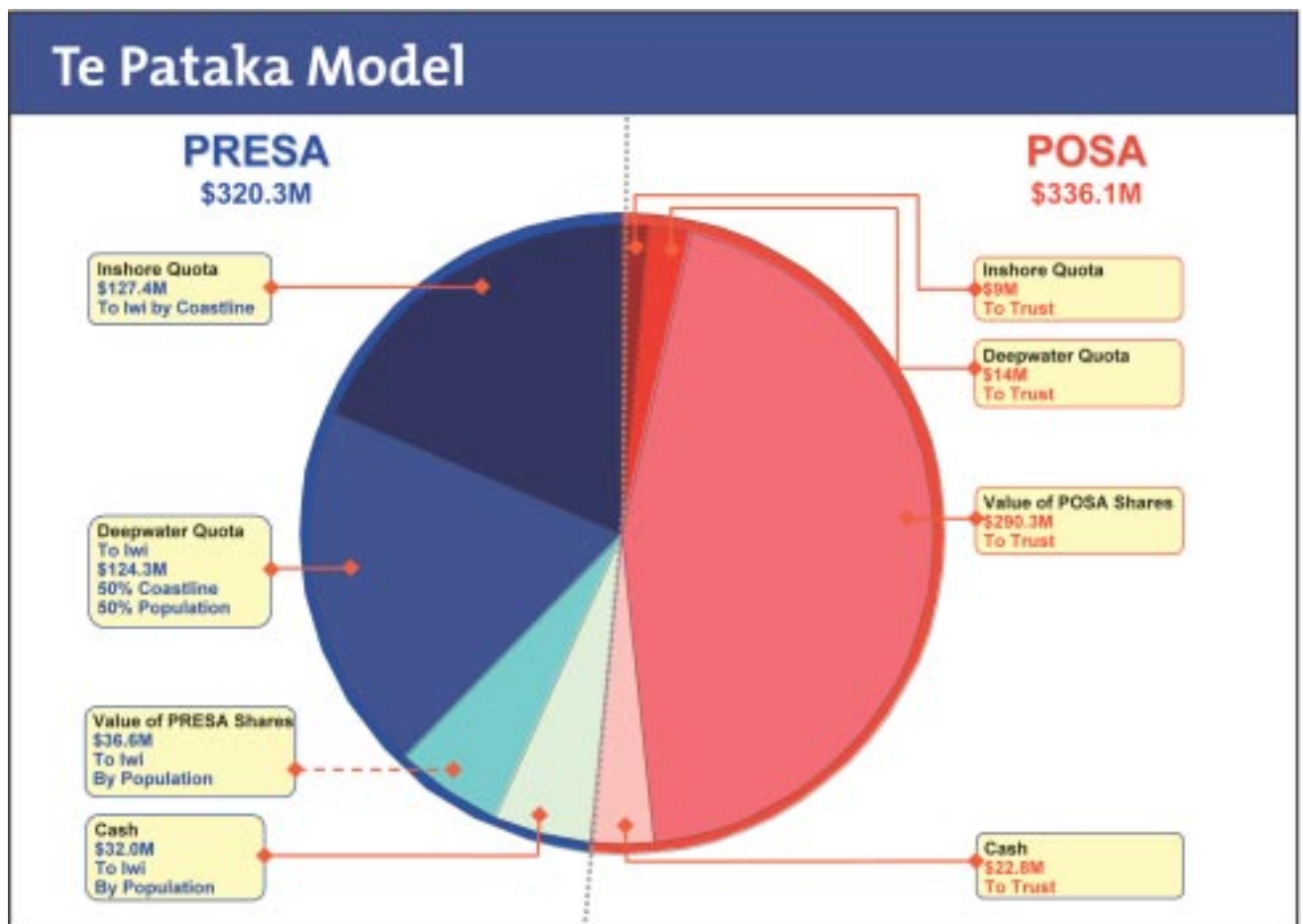
The following graphic demonstrates the balance this particular model strikes between direct allocation and central retention of Settlement assets as a whole across both PRESA and POSA.



Te Pataka

This option is based on a view that the best economic growth requires assets to be held collectively. We can then more easily deal with two key constraints – scarce skilled or specialised human resources and access to capital. A centralised operation assists in getting the best people working together which helps maximise economic benefits and provides significant industry leadership.

An Iwi cooperative company structure for PRESA has the advantage of providing strategic cohesion while saving on costs and alleviating concerns associated with each individual Iwi endeavouring to manage its own share of the total assets. The cooperative structure used in the Pataka Model is analogous to cooperatives used in the dairy industry and other primary sectors.



Te Pataka at a glance

The Pataka Model has the following features:

- ◆ All PRESA Inshore Quota, Deepwater Quota, Moana Pacific Fisheries Limited shares and cash is placed in a company established as an Iwi cooperative.
- ◆ Shares in the cooperative are distributed to Iwi on the following basis:
 - PRESA Inshore Quota is divided according to a coastline formula; and
 - PRESA Deepwater Quota, Moana Pacific Fisheries Limited shares, and PRESA cash is divided according to a population formula.
- ◆ Shares in the Iwi cooperative are ownership shares but rights to sell the shares are limited. Iwi shareholders are only able to sell their shares to other Iwi shareholders or the Trust established to manage POSA assets.
- ◆ All POSA Inshore Quota, Deepwater Quota, shares and cash is placed in a Trust. These POSA are centrally managed through company structures.
- ◆ There is no separate Development Putea as the POSA Trust fulfils the same purpose.
- ◆ A Post-Allocation Commission is established to manage the POSA Trust. Commissioners appointed to the Post-Allocation Commission are the trustees.

Features of Te Pataka

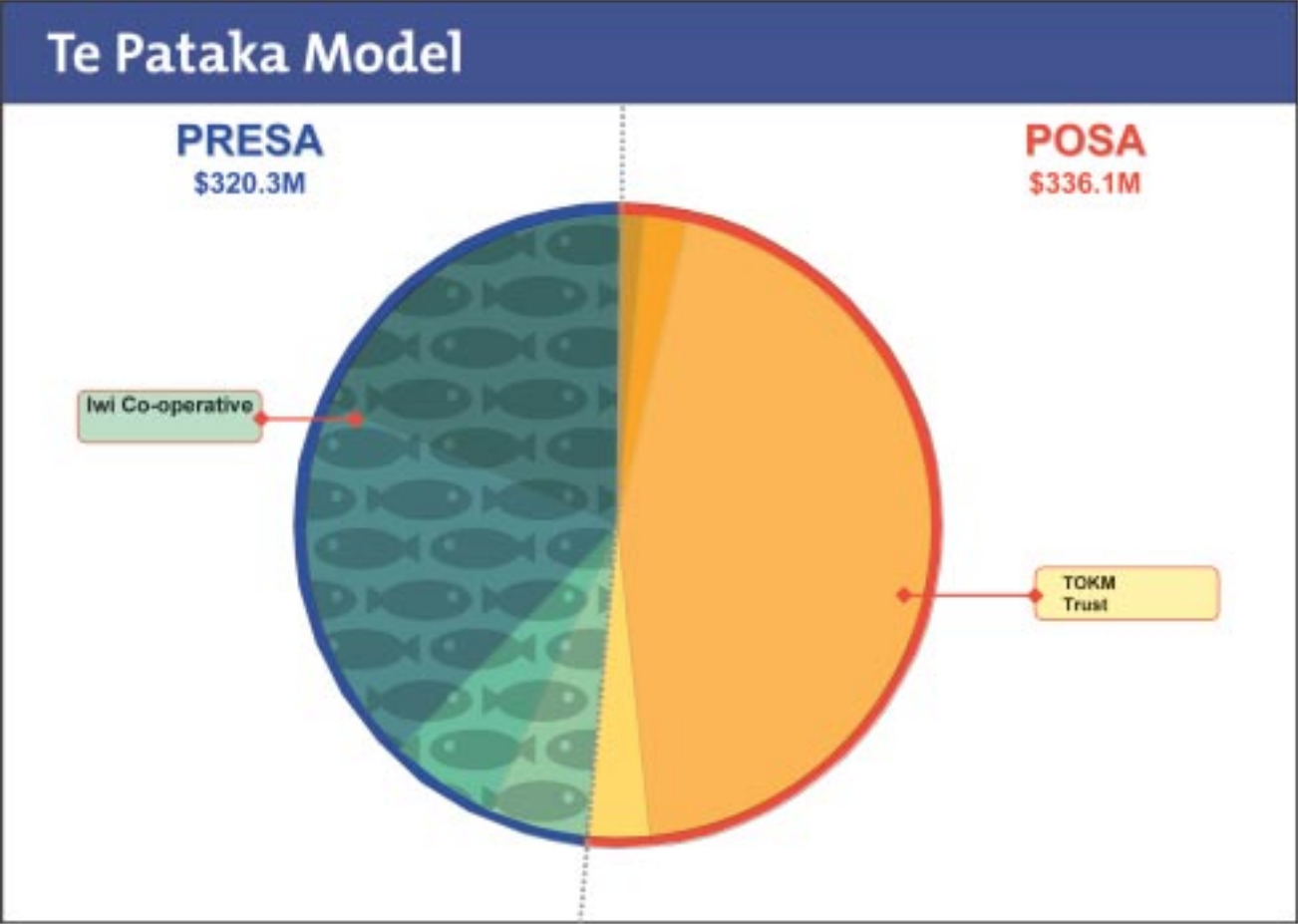
The Pataka Model:

- does not directly allocate quota to Iwi and so could be seen as providing diminished recognition of Treaty fishing rights and Iwi rangatiratanga;
- attracts lower implementation and management costs (for example, no assets management arrangements within Iwi will be required);
- is likely to enhance economic benefits for some species (particularly deepwater), as a result of more capital leverage and improved economies of scale;
- for other species, the uniform approach taken by a large organisation may mean lucrative niche markets that can only be held through specialisation and client responsiveness are lost;
- would provide much stronger political and industry influence as Maori fishing interests would be represented by a single unified asset owner and a coordinated political voice; and
- does not provide significant incentives for integrated fisheries management as commercial and customary fishing management will be split between the Iwi cooperative, POSA Trust, and local hapu and Iwi interests.



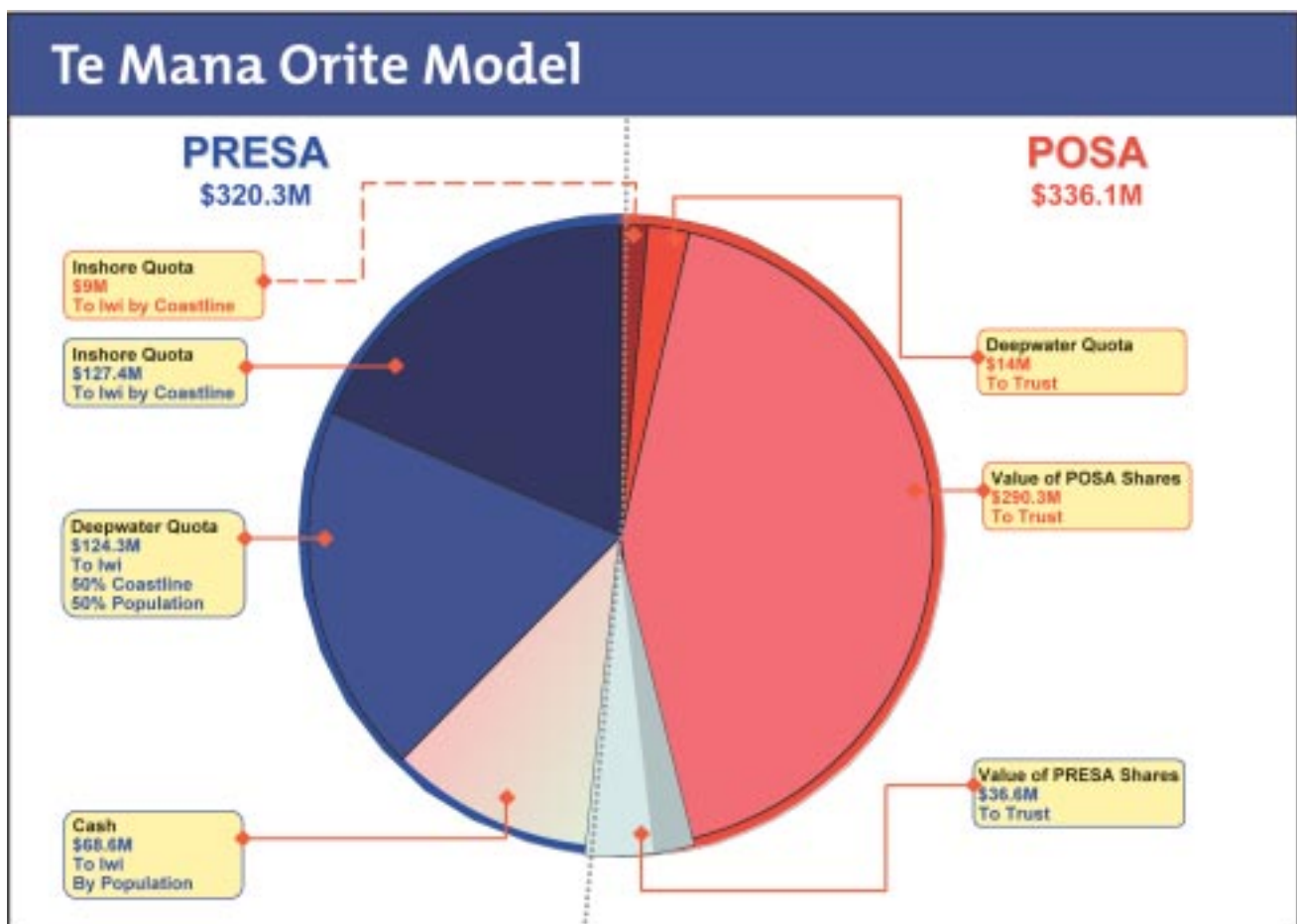
Te Pataka: Balancing direct allocation and retention – where do these assets go?

The following graphic demonstrates the balance between direct allocation and central retention of Settlement assets as a whole across both PRESA and POSA, within the Pataka Model.



Te Mana Orite

This is a 'mix and match' model which depicts one way of obtaining the gains from increased corporate strength while still placing substantial resources with Iwi. It puts Te Ohu Kai Moana company structures together to attain gains in productivity and leverage. We consider that the Maori fisheries assets and the returns from those assets would further increase in strength, if the fisheries companies (owned by all Maori) could work directly with Iwi in joint ventures that offer both profit sharing and training opportunities. A Trust will manage much of POSA on behalf of all Maori.



Te Mana Orite at a glance

- ◆ PRESA Inshore Quota is allocated to Iwi through a coastline formula. (Chatham Islands Iwi receive PRESA Inshore Quota based on a Separate Fishery.)
- ◆ PRESA Deepwater Quota is allocated to Iwi on the basis of a 50% coastline formula and 50% population formula. Another possible variation within this model is to put this deepwater quota into an Iwi cooperative in order to further increase the strong economic performance of this option.



- ◆ To increase the ability to grow Moana Pacific Fisheries Limited by access to greater leverage and capital, and to improve its productivity by closer alignment with other Te Ohu Kai Moana companies, POSA purchase Moana Pacific Fisheries Limited (MPFL) and provide its market value in cash to PRESA.
- ◆ All PRESA cash is allocated to Iwi using a population formula.
- ◆ POSA Inshore Quota is allocated to Iwi on the basis of a coastline formula.
- ◆ Chatham Islands Iwi receive POSA Inshore Quota based on a Separate Fishery.
- ◆ All POSA Deepwater Quota and shares are placed in a Trust to be managed through company structures. It should be noted that in this option, no cash for POSA is shown, as that cash has been used to partly purchase MPFL. It may be necessary to raise a loan against POSA to complete the purchase. The size of that loan can only be determined at the exact time of transfer.
- ◆ A Post-Allocation Commission is established to manage the POSA Trust. Commissioners appointed to the Post-Allocation Commission are the trustees.

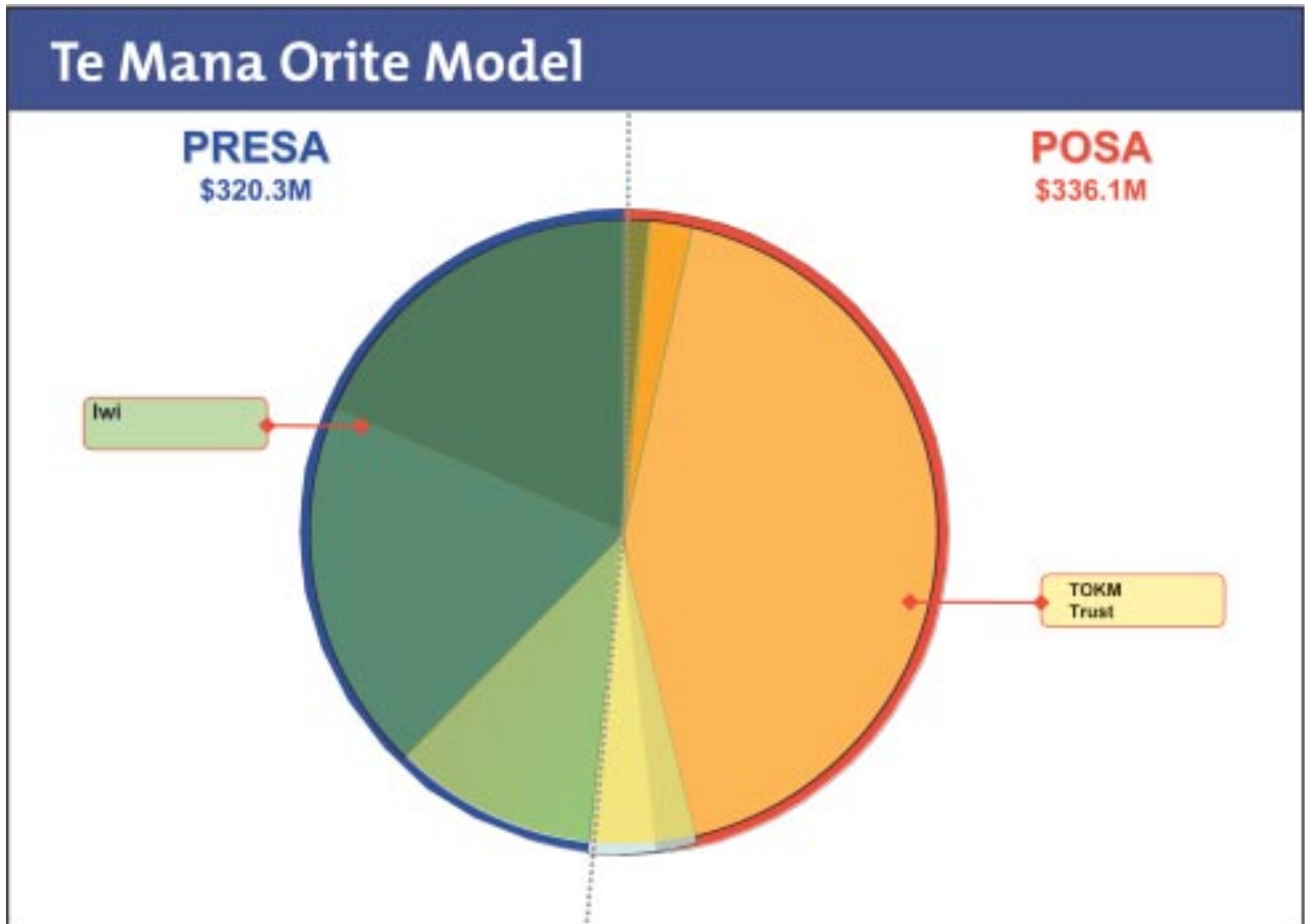
Features of Te Mana Orite

The Mana Orite Model:

- is likely to be consistent with law;
- is technically feasible, and reasonably low cost;
- promotes cohesion and enhanced political and industry influence without negating Iwi rangatiratanga;
- provides a positive basis for integrated fisheries management as all Inshore fisheries rest with Iwi, enhancing their ability to coordinate commercial and customary fishing;
- provides protections for ensuring benefits for all Maori, including urban Maori, and the retention of an asset base over time, without negating Iwi rangatiratanga;
- attracts lower implementation and management costs through central management of POSA;
- is likely to enhance economic benefits, as a result of more capital leverage and improved economies of scale where these are significant; and
- still allows market niche specialisation and the gains to both risk management and market returns that flow from this.

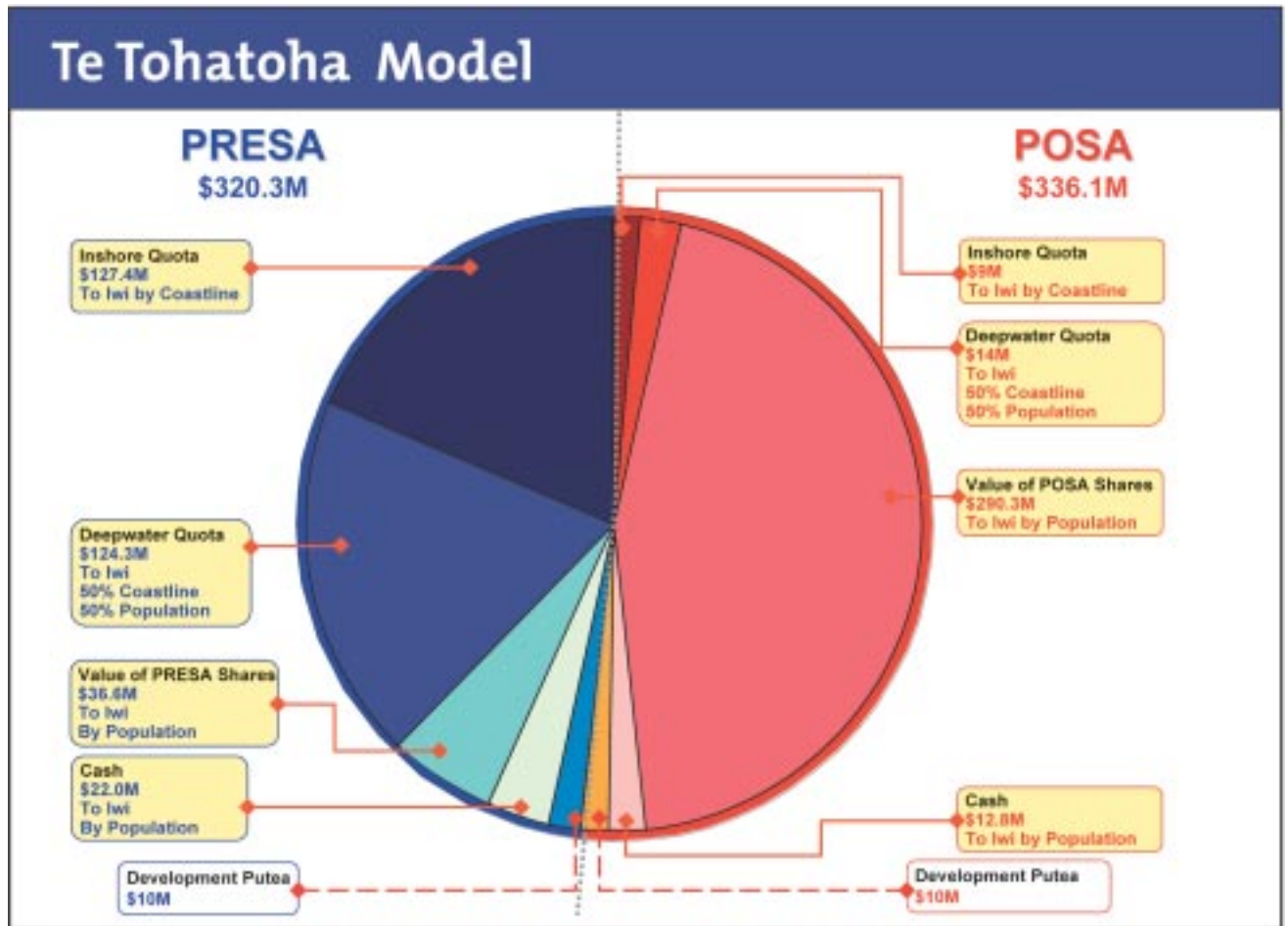
Te Mana Orite: Balancing direct allocation and retention – where do these assets go?

The following graphic demonstrates the balance which this particular model strikes between direct allocation and central retention of Settlement assets as a whole across both PRESA and POSA.



Te Tohatoha

We consider that some Iwi will identify their preferred approach as full allocation of all of the assets. It is therefore appropriate to include a model that maximises the direct return of assets to Iwi. We consider that one immediate consequence would be to explicitly require a Development Putea in this model as a measure to ensure that the Settlement is ultimately for the benefit of all Maori. This model includes a Development Putea of \$20 million taking \$10 million from each of PRESA and POSA cash.



Te Tohatoha at a glance

- ◆ PRESA Inshore Quota is allocated to Iwi using a coastline formula. (Chatham Islands Iwi receives PRESA Inshore Quota based on a Separate Fishery.)
- ◆ PRESA Deepwater Quota is allocated to Iwi on the basis of a 50% coastline formula and a 50% population formula
- ◆ PRESA shares are to be transferred to Iwi on the basis of a population formula. (Rights to sell the shares are limited. Iwi shareholders are only able to sell their shares to other Iwi shareholders.)

- ◆ \$10 million of PRESA cash and \$10 million of POSA cash are each placed in a Development Putea for the benefit of all Maori.
- ◆ The remainder of PRESA cash is allocated to Iwi using a population formula.
- ◆ POSA Inshore Quota is allocated to Iwi using a coastline formula.
- ◆ Chatham Islands Iwi receives POSA Inshore Quota based on a Separate Fishery.
- ◆ POSA Deepwater Quota is allocated to Iwi on the basis of a 50% coastline formula and a 50% population formula.
- ◆ All POSA shares and remaining cash (after setting aside the Development Putea) are transferred to Iwi on the basis of a population formula.
- ◆ Shares are ownership shares but rights to sell the shares are limited. Iwi shareholders are only able to sell their shares to other Iwi shareholders.

Features of Te Tohatoha

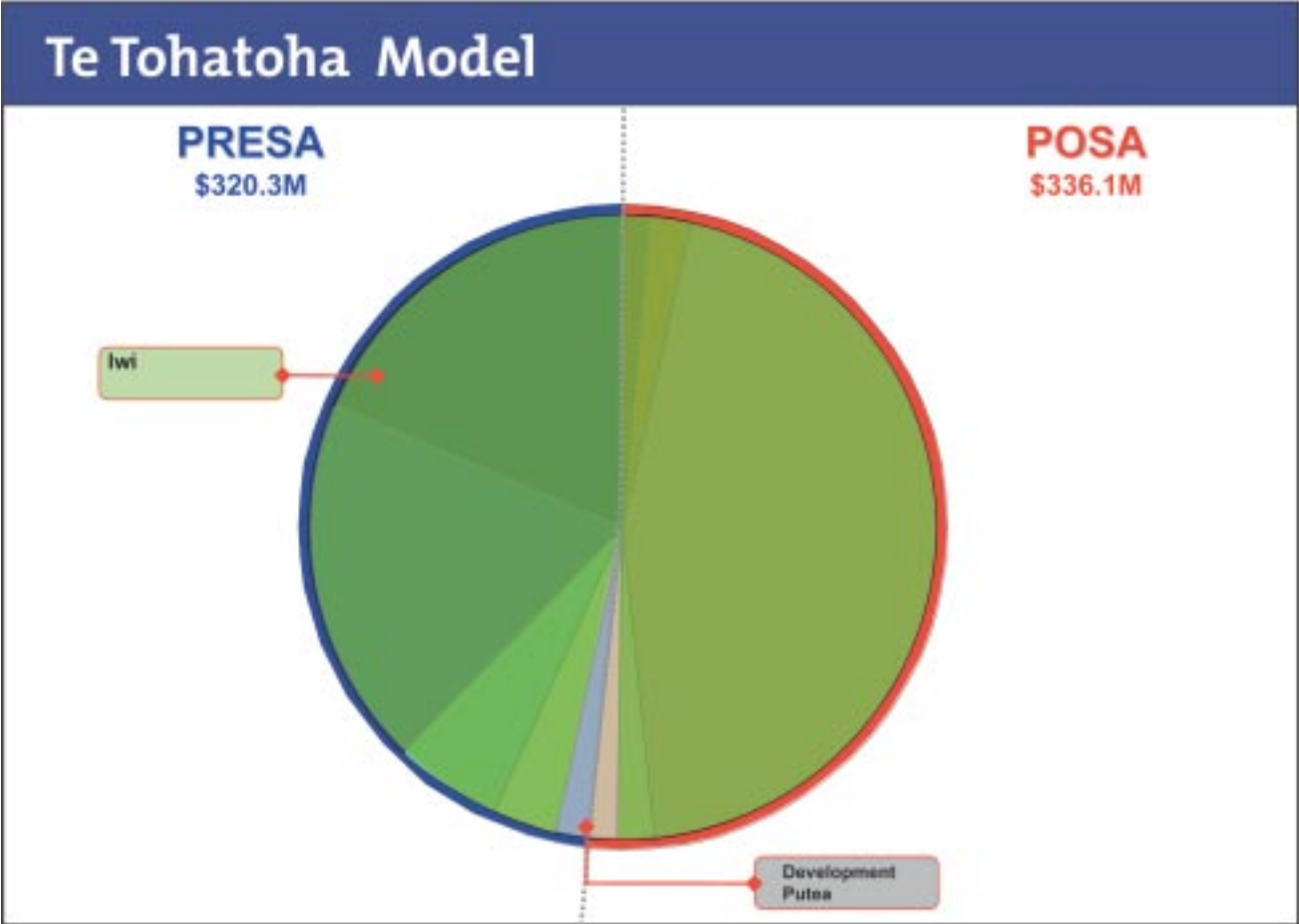
The Tohatoha Model:

- distributes the whole Settlement directly to Iwi and therefore results in recognition of Iwi rangatiratanga;
- will be consistent with law provided protections are put in place to ensure a flow of benefits through Iwi to all Maori;
- is technically feasible;
- spreads the whole of Settlement assets among Iwi in a way that may:
 - reduce overall economic benefits through increased management costs, insufficient access to specialised human resource skills and some lost opportunities to benefit from economies of scale for those species where these are the key constraints;
 - enhance opportunities for niche market specialisation; and
- means that industry and political influence will be highly dependent on cooperation between Iwi, the coordination of activities, and the development of compatible policies within Iwi.



Te Tohatoha: Balancing direct allocation and retention – where do these assets go?

The following graphic demonstrates the balance this particular model strikes between direct allocation and central retention of Settlement assets as a whole across both PRESA and POSA.





Part E: Measures to ensure that the settlement is ultimately for the benefit of all Maori

The Settlement is ultimately for the benefit of all Maori. This must be an overriding principle for our proposals. To fulfil this obligation, we require Iwi organisations to enable all Maori to benefit irrespective of their location or the strength of their Iwi affiliations.

This does not mean that our proposals must demonstrate a direct and immediate benefit to each and every individual Maori. We consider that the encouragement of economic enterprise among Maori is ultimately for the benefit of all Maori even though not all may directly participate in the enterprises themselves or share their profits.¹

The measures suggested below are largely the same as those developed in the course of the last 10 years of consideration of PRESA allocation proposals. Interested Maori and organisations representing Iwi have been consulted throughout the development of this policy. The nature of the measures has not substantially changed since August 2000. However, because we have made some modifications, we are asking you to confirm that you support the measures proposed. We suggest that these measures apply to both PRESA allocation and POSA distribution of benefits.

Representation

Representative organisations for Iwi must demonstrate that they can provide reasonable access for Iwi members to participate in governance and draw on benefits from the Settlement, irrespective of their location. Constitutional requirements are set as minimum standards that must be met before any Iwi organisation would be eligible to receive their share of allocated assets and distributed benefits from the Settlement. They include:

- Legal Personality – the organisation must be a legal entity (eg a trust, company, or incorporated society);
- Mandate – the organisation must demonstrate that it has the mandate of Iwi members to act on their behalf;
- Constitution – a formal Constitution must be adopted that outlines participation processes and ensures that the organisation is accountable to Iwi members (including people living outside their tribal rohe);
- Electoral Process – the organisation must provide for full participation by Iwi members in a regular process to select representatives and officers;
- Accountability – planning and reporting systems must be in place to allow Iwi members to monitor and sanction the performance of their representatives and asset managers.

A fuller summary of these policies is given in *Appendix 9*. The material in this Appendix and an explanation of the policies can be found in the recently released *He Tohu Arahi – a guide to representation on Iwi organisations*.

Most of these measures construct safeguards and processes to ensure that members can participate. In themselves they do not guarantee outcomes. One option to facilitate the flow of benefits to all would be to require that some of the dividends received by organisations are then passed on equally to all members. This could require that Iwi organisations provide a certain percentage (say 20%) of the funds they distribute to be passed on to all their members regardless of their location within the rohe or in remote urban centres, while retaining the ability to target all other distribution (eg scholarships, marae maintenance, papakainga housing etc). Similarly if other organisations were recipients of funding from the Settlement (eg urban maori organisations), they would have an equivalent responsibility to demonstrate that some of the services provided were afforded to all Maori in their area – irrespective of their Iwi. Your views are sought on this issue.

Structures

Iwi organisations will need to meet our requirements concerning appropriate structures for receiving and managing assets and benefits from the Settlement. These requirements are to protect the asset base and promote efficient and accountable management. They include:

- Separation of political representation in Iwi governance from asset management and daily commercial operations;
- Separation of asset management and commercial operations from decision making on the distribution of benefits to members; and
- Separation of Iwi fishing operations (if any) from decision making on asset management.

The structural policies require that elected representatives for an Iwi organisation make up no more than one third of the directors on the asset management body. Our preferred proportion is twenty five percent or less. Allowing some elected representatives to sit on the board of directors of the asset management body can enhance the flow of information from the asset management body to the representative body. However, this must be limited to ensure monitoring of business activities on behalf of Iwi members is carried out in a rigorous and detached manner. If the roles of elected representatives are confused, the Iwi organisation may not be able to properly perform its monitoring role.

A fuller summary of these policies is given in *Appendix 10*.

Iwi Registers

Membership registers are a critical requirement for Iwi organisations to be able to demonstrate their ability to communicate with their members, and provide for full participation by members in decision making processes. Iwi organisations must be in a position to reliably identify and contact their membership.



Our policy sets a mandatory requirement that Iwi organisations have member registers in place before the Iwi organisation would be eligible to receive their share of allocated assets and distributed benefits from the Settlement.

Annual Fisheries Statements

Te Ohu Kai Moana has required that each Iwi organisation produce an Annual Fisheries Statement that sets out:

- the overall assets being used;
- relevant financial details; and
- levels of benefits flowing from the use of leased quota resources.

Te Ohu Kai Moana has indicated that ongoing access to annual ACE rounds is dependent on the provision of this information to us and to their Iwi members.

Central retention of assets

The 1998 OMA incorporated a Development Putea that set aside a portion of the PRESA cash assets to be independently managed. The Development Putea provided for benefits from that cash to be accessed by all Maori.

The tagging of a portion of allocation assets to a Development Putea was conceived at that stage as a mechanism that would reduce the risk that Maori who did not have strong connections to their Iwi may be excluded from accessing the benefits of the Settlement.

We presently consider that having a central fund that is accessible to all is a desirable component of any allocation proposal. All of the models in Part D involve retention of certain assets. These are either held by a central trust or cooperative, or by way of a development putea. Subject to the nature of submissions received by us through the consultation hui, it is possible that any final PRESA allocation and POSA distribution will include a contestable central fund from which Maori may access the benefits of the Settlement. If the fund is accessible by all Maori (including those who cannot establish their Iwi, do not have close Iwi ties, or have not maintained their Iwi links), it would provide a further mechanism by which the settlement is ultimately for the benefit of all Maori.

Ongoing performance

We have set out above a number of measures we require of Iwi organisations. There are limits to our ability to ensure ongoing application of these policies after allocation. Therefore, the intention of the requirements is to establish mechanisms that Iwi members themselves can use to improve accountability in decision making and asset management. Normal audit procedures for fisheries businesses would also allow Iwi members access to information on business performance.

However, these protections may not be enough to ensure that Iwi organisations continue to comply with the requirement to be accountable to members.

Should some assets from the Settlement be retained in a central management structure, this could assist compliance by placing conditions on the distribution of any dividends flowing to Iwi and other Maori organisations.

We could require any recipient organisation to demonstrate responsible performance in implementing governance and business management requirements before dividend funds would be made available to them.

If an organisation is not performing as they should, we could impose progressive restrictions on their access to POSA benefits or dividends. A staged penalty could be applied. If there is not compliance, the organisation could finally face de-recognition and exclusion from the benefits of the Settlement.

Please let us know if you support placing conditions on Iwi or any other recipient organisations to require them to show that they are properly implementing the policies which ensure members can hold them accountable. We would appreciate any suggestions you might like to make about the nature of these conditions.

Iwi Helpline

In 1996 Te Ohu Kai Moana established an Iwi Helpline to assist some Maori to identify their Iwi links (toll-free number 0800-119-722). To ensure privacy, the project is managed by an independent body. The Helpline links Maori with the most likely Iwi organisations. Iwi are expected to have mechanisms in place to assist an applicant with Iwi identification where possible.

We want to continue to provide the Iwi Helpline. The service has been reasonably successful and provides an important first port of call for those Maori who want to discover their Iwi links.² Some concerns have been expressed during the operation of the Helpline suggesting that some Iwi organisations could be more helpful in dealing with Helpline referrals. We are of the firm view that every Iwi organisation has an obligation to assist individual Maori who use this Helpline.

Maori Registration Service (MRS)

This service would establish a system to record and track registered Maori voters and their postal addresses. This would be the same as the one now applying to voters on the General Roll. The MRS would record people on the Electoral Roll who have indicated that they are Maori. Tribal affiliations for these voters would be recorded. Changes in their postal addresses would be updated in the database from time to time. To do this, the service would use existing networks for sharing such information.

Written permission will be required from each individual Maori before their information will be recorded on the MRS database and shared with Iwi. This is a requirement of the Privacy Act. Those who do not give their consent will not be included.

The MRS has two potential advantages for Iwi organisations. First, it will help Iwi organisations to download initial lists of their members, saving them considerable expense in establishing membership registers. Secondly, it would assist in tracking changes in postal address that should greatly reduce problems with updating the addresses of Iwi members. Iwi organisations will be able to link to the MRS database at cost, and obtain updated information for all their members before attempting to communicate with members.

At present we intend to continue working to ensure the MRS can provide a viable service to Iwi organisations.

The financial viability of the MRS depends on:

- the number of Maori individuals who give permission for inclusion and sharing of information with their Iwi organisations; and
- the rate of uptake of the service by Iwi organisations (which is partly dependent on cost).

At this stage, we are proposing to jointly fund the MRS project subject to:

- amendments to the Electoral Act being passed;
- sufficient support from Maori on the Electoral Roll; and
- sufficient support from Iwi organisations using the service.

If there is not sufficient support, it would be appropriate for us to reconsider our funding assistance. We will also encourage Maori voter registration with the MRS and support Iwi organisations to set up registers that can use the service.

Disputes resolution

Legislative requirements for POSA allocation expressly require us to develop proposals that include a procedure by which beneficiaries can be heard on allocation issues. Ideas that may be relevant to such a procedure have been developed by Te Ohu Kai Moana in the course of considering allocation of PRESA.

In October 1995, Te Ohu Kai Moana published a booklet entitled *Dispute Resolution Procedures*. The booklet set out policies for the management of disputes between Iwi or within Iwi relating to the allocation of pre-Settlement assets. The policies sought to encourage claimants to PRESA to use alternative dispute resolution mechanisms, rather than turn to the Courts the moment a problem or dispute arose. The alternative dispute resolution mechanisms to be used were:

- (1) consensus agreement after discussion;
- (2) mediation;
- (3) arbitration;
- (4) expert appraisal (eg over technical fishing or financial matters);
- (5) mini trial.

The intent of the dispute resolution policies was to achieve a robust method for resolving disputes between or within tribes which discouraged formal court action and empowered parties to deal with problems or disputes themselves.

The policies are likely to be most useful for resolving a variety of disputes. These might include disputes concerning:

- the identification of coastline boundaries, needed to establish quota allocations for inshore fisheries;
- mandate challenges;
- elections;
- distribution policies;
- constitution matters;
- intra-hapu disputes; and
- a variety of other issues.

It will be necessary for us to develop further policy on the possible application of the Disputes Resolution Procedures to the allocation and management of POSA. Matters which may need to be considered include:

- whether the procedure is appropriate to the management arrangements that may be applied to POSA assets;
- whether the disputes resolution policies set out above may be useful for the resolution of disputes among Iwi shareholders within any Iwi Cooperative company vehicle that might be chosen; and
- whether the disputes resolution policies set out above may be useful for the resolution of disputes between Iwi or other beneficiaries and any POSA Trust which may be adopted (eg disputes arising from the operation of annual dividends policy for the distribution of benefits).

We have not considered these matters in any detail at the time of writing this Discussion Document. If you have views on them, or other issues related to disputes resolution procedures, we would be pleased to hear them during this consultation round.

Ownership of assets by Maori

The Settlement is a “full and final” settlement for Maori commercial fisheries. The Settlement determined the form in which our Treaty fishing rights are now to be enjoyed and gave Maori specific assets to enable those rights to be exercised. The full and final nature of the Settlement makes ongoing protection of these assets and their ownership by Maori fundamentally important.

For a commercial enterprise, the key fisheries asset is quota. Quota is the only contemporary equivalent available to Maori of the customary right to fish commercially. If the Settlement is to endure, we need to look after quota and put protections in place to reasonably ensure that ongoing control of those assets remains in Maori hands.

We think it is critical to put measures in our proposals that aim to ensure Maori continue to participate in the business and activity of fishing by owning Treaty quota assets. At the same time, measures must minimise the constraints imposed on Maori fisheries businesses.



Key issues include:

- How does tikanga Maori apply to controls on the sale of Maori assets? Some would argue that limiting alienation of quota is consistent with tikanga Maori concerning taonga tuku iho.
- How do we best balance the desire of Maori to utilise their assets freely with the need to protect Maori ownership of them for future generations?
- Do we try to ensure ongoing collective ownership by all Maori, or perpetual ownership by the traditional Iwi to whom the quota may be allocated?
- What is an “alienation” of ownership? Sale is one example but long term leasing or using quota to secure bank loans also raise the possibility of loss of secure Maori ownership.
- How do we avoid damaging the Settlement if we stop or limit the sale of quota? Reductions in the market value and commercial usefulness of quota assets could result. Does ensuring ongoing ownership by Maori justify these risks?

We present three options for protecting Maori ownership of quota assets below. Please consider these options and let us know which, if any, you prefer. If you have other ideas about protecting ongoing ownership of quota assets by Maori, please let us know.

Option 1: Fully prevent the sale of Settlement quota returned to Iwi organisations.

Any quota returned to Iwi organisations from the Settlement is subject to a condition that prevents it from being sold to any other party ever. This could ensure that quota assets were never lost from Iwi ownership, but it may impose severe limits on the commercial freedom and rangatiratanga of the Iwi. A number of concerns about this option are set out below.

Desire to secure the benefits of the Settlement

With this option the economic value of the Settlement assets could be seriously reduced if quota cannot be transferred by Iwi. We feel that this would place the whole Settlement at risk.

Desire to promote Iwi rangatiratanga

This option places strong limits on the rangatiratanga of Iwi to decide how to deal with their resources as they see fit to pursue their tribal priorities. Iwi may see this as imposing unreasonable constraints. They may also ask why Iwi businesses should face commercial restrictions that do not exist for other businesses and their competitors.

Desire to ensure commercial freedom to operate

Stopping Iwi from transferring their quota would interfere with their ability to deal with their property as they would any other commercial asset. There are some valid reasons why Iwi might seek to part with quota. For instance, Iwi that are allocated uneconomic quota may wish to dispose of it in favour of quota that is of value to them. As has been the case with Maori land, restricting sale reduces the commercial value of the asset and undermines the ability of Iwi to raise finance.



Option 2: Prevent the sale of Settlement quota returned to Iwi organisations to anyone other than other Maori.

This option would allow some sales but restrict those sales to other Maori. It places restrictions on certain key quota assets but does not apply to:

- any quota purchased by Te Ohu Kai Moana, whether or not that quota is allocated to Iwi at a later stage;
- any shares in fisheries companies held or purchased by Te Ohu Kai Moana, whether or not those shares are allocated to Iwi at a later stage;
- quota held by any company owned by Te Ohu Kai Moana;
- quota purchased by Iwi independently of the Settlement;
- Annual Catch Entitlements (ACE); or
- any Maori shareholding in future companies that may be established to manage Maori fishing assets.

This option restricts the sale of PRESA or POSA quota that has been or will be transferred directly to Te Ohu Kai Moana from the Crown. It allows us to allocate quota to Iwi organisations or to other interested Maori. This option also allows Iwi to sell quota allocated to them. But this option restricts the people that Iwi could sell their quota to by only allowing sale to other Maori (either as Iwi, companies, individuals, or other Maori groups).

The concerns about this option are set out below.

Desire to secure the benefits of the Settlement

Some sale is allowed under this option, but it still severely limits the numbers of possible purchasers. This could substantially reduce the economic value of the quota assets for Iwi. If a sale is to take place and it must be to Maori, there is less incentive for those Maori purchasers to offer the seller full market rates. As with Option 1, we consider that this is likely to undermine the value of the Settlement to Maori.

Desire to preserve commercial development opportunities

This option may result in Iwi being unable to use their quota as security for business development loans. Banks are unlikely to want quota as security if it is not true collateral. Another problem would arise if Maori purchasers could not raise purchase capital. Since they are the only possible purchasers, the price able to be asked for the quota could be much lower than sellers might receive on an open market.

Increased inequities between Iwi

This option could see Settlement quota consolidate in the hands of a few Iwi or Maori organisations that are already relatively prosperous and able to provide security from other assets to fund quota purchases. Maori in areas of greatest economic and social need could be limited in their ability to enjoy the benefits of Maori expanding their share of the fishing industry.



Option 3: Give a Post-Allocation Commission first right to purchase quota being sold by Iwi.

The option that we currently favour is to put a condition on allocated quota that gives us a first right to purchase any quota an Iwi proposes to sell. This right would be held by a Post-Allocation Commission (PAC)³ and would help ensure that key quota assets remain in Maori hands. This option uses a sale process where true market prices are established and the PAC is given a short period of time in which to match those prices.

We would suggest that the condition should require any Iwi seller to:

- first gain approval to the sale from at least 75% of Iwi members participating at a Hui a Iwi. This is similar to requirements in Te Ture Whenua Maori Act 1993 for approval from Maori land owners;
- if approved, the Iwi seller would then seek purchasers by placing the quota for tender at market prices and asking for tenders to buy it;
- select a successful tender and provide the Post-Allocation Commission with 30 working days to match the price offered in that tender.

Under this option, there is no guarantee that the PAC will take up the option to buy quota offered for sale. There may be reasons why the quota being offered for sale is not of sufficient value to justify it being purchased by the PAC on behalf of all Maori. The first right to step in and purchase quota offered for sale by Iwi would help ensure ongoing ownership of key assets, rather than ownership of every parcel of quota. If an offer is not taken up, the seller could revert to the original successful tender.

This option could help to ensure that Iwi sellers are able to take advantage of a competitive market and secure commercial prices for their quota assets.

There are a number of details that will need to be precisely defined. The requirements for the approval of a Hui a Iwi need clarification. It does not make sense that this apply to all sales of quota – it is likely that an Iwi will be doing quota swaps to focus its business. Where the sales are part of the normal trading operations or form part of an agreed strategy already approved by a Hui a Iwi as part of the Annual Plan, this requirement is not necessary. It will operate however where an Iwi proposes to substantially change its quota holdings. This should be seen as a significant commercial transaction and many Iwi have requirements to consult in these situations. The threshold that invokes this will be important – it might be a transaction involving 25% or more of the assets. We would like your comments on this.

There also need to be further details on the involvement of the PAC – it does not make sense to tie up both Iwi and the PAC on very small low-value exchanges. The PAC should not be involved when an Iwi is carrying out a quota swap to enhance or focus its fishing operations. Rules for this will need to be defined. A threshold for PAC involvement will need to be set – this does not need to correspond to the same threshold for Hui a Iwi approval but could do so. As a proposal to consider, we suggest the threshold be set at equal to or greater than 10% of the quota assets held by that Iwi through allocation. It may however be better to define a monetary threshold as percentages represent different levels of assets across Iwi. It may also be better to progressively define those quota assets seen as strategic over time. There will also need to be agreement on when deals to progressively purchase quota (eg 3% per year for 5 years) invoke the mechanism.



Two other issues require consideration. The aim is to retain strategic Maori fishing assets. This must be done in a way that does not create unsatisfactory risk for the PAC and does not minimize incentives for participants to manage businesses well. The proposal also allows only the PAC to exercise this mechanism. Should it continue to only allow other Iwi to participate directly in purchase from the vendor Iwi or should it allow other Iwi to be able to match the highest bid price when the PAC decides not to take up the sale?

We think this option has merit but will need further work and consultation with you to develop it fully. We would welcome your suggestions for improving how it could work.

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- 1 This is consistent with the view expressed by the Privy Council in *Manukau Urban Maori Authority v Treaty of Waitangi Fisheries Commission* [2001] UKPC32 at p8.
 - 2 Since its establishment, over 6000 applications for assistance have been received and Iwi Helpline staff estimate that these applications represent approximately 30,000 Maori individuals.
 - 3 Te Ohu Kai Moana has experience with such a mechanism through the joint venture relationship within Sealord Group Limited. The transfer of ownership of the Brierley Investment Limited shares involved such an arrangement. A similar condition now applies to the joint venture arrangement with Nippon Suisan Kaisha, Limited (Nissui) shares.



Part F: Implementation and transition

A Post-Allocation Commission (PAC)

For POSA distribution proposals, we need to consider the powers and functions of the body that may be required to serve Maori fisheries interests after allocation.

There will be a need for a PAC regardless of which distribution model is finally chosen. A PAC would be needed to receive on behalf of Maori 20% of quota from any new species introduced into the QMS. The PAC could also act as a policy advocate on behalf of all Maori interests, both commercial and customary. It may be required to perform other functions depending on what method for distribution of benefits is used.

We have considered a range of possible suggestions for the functions of a PAC and the process by which PAC Commissioners may be appointed. Our current thinking on these issues is set out below. Please look at our suggestions and let us know what you think.

Functions of a PAC

Depending on the final choices made for PRESA and POSA assets, the key functions of a PAC could include:

- maintaining asset value and securing growth opportunities for the asset;
- providing a dividend stream to beneficiaries of the settlement;
- participating in fisheries management, both commercial and customary;
- maintaining a vigilant and potent policy advocacy role on behalf of shareholders and Maori fisheries interests at both industry and government level; and
- liaising with shareholders and beneficiaries.

Appointment of Commissioners to a PAC

Proposals for a PAC need to include proposals for the appointment of PAC Commissioners. We believe that Maori must be empowered by any new Maori Fisheries Act to substantially control processes after allocation. It is clearly desirable for the Maori 'owners' of the Settlement assets to have the primary responsibility of selecting PAC Commissioners.



We have identified the following key issues:

- In what way should Iwi organisations be involved in selecting who is on the PAC?
- If Iwi organisations are to be involved in selection of the PAC, will their Settlement shares be used to determine how much influence they will have on PAC appointment processes?
- Should other Maori organisations have a role in the process of selecting Commissioners (eg representative urban and/or pan-Maori organisations)?
- What, if any, role should the Crown have in PAC appointment?

There are a range of options for the process of appointing PAC Commissioners. Te Ohu Kai Moana favours an Electoral College process. This is discussed below.

Numbers of Commissioners

The number of Commissioners needed to run a PAC will depend on the mix of skills required. Between five and ten Commissioners may be needed. The set of Commissioners would need to have a range of skills that include commercial directorship, preferably in the fishing industry, and the ability to communicate with Maori in a wide range of environments. Other skills needed and the best balance of skills for the whole PAC depends on what functions the PAC would perform.

Terms of Commissioners

We think that three-year terms should be set for PAC Commissioners. It may be prudent to restrict Commissioners to a maximum number of terms of service, perhaps two. Continuity could be preserved by using a rotation process for Commissioners, requiring the resignation of one third of Commissioners each year, although with the right to seek re-appointment.

Transition from the Current Commission to a PAC

On the two principal occasions that new Commissioners were appointed by the Crown (1993 and 2000) some sitting Commissioners remained on the “new” Commission. Depending on the final size of the PAC, we recommend retaining between two and four sitting Commissioners in the first appointment round of PAC Commissioners. These Commissioners would be the first to stand down in any annual rotation process.

The Electoral College Option

Under this option PAC Commissioners would be appointed by an Electoral College. An Electoral College is a committee of people who come together to make a decision on important appointments.

If we use an Electoral College to appoint the PAC a number of Maori interest groups could be indirectly involved. For example, each could appoint one member to the Electoral College, who would then be charged with the responsibility of appointing Commissioners who have the range of skills required. The size of the Electoral College should be sufficient that a representative range of interests in the Settlement can indirectly participate in the appointment of Commissioners to the PAC.



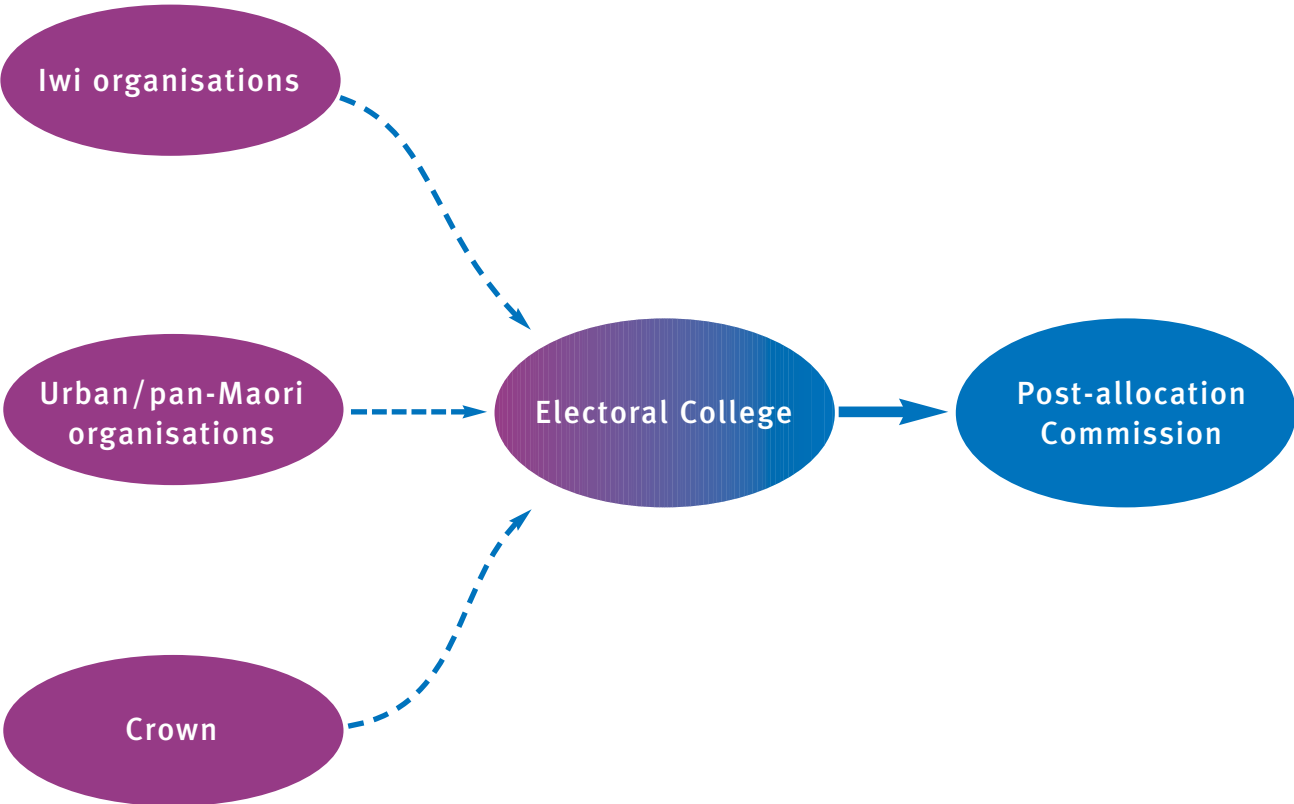
A Charter would need to be written for the Electoral College setting out the powers and limits of their role. It is important to note that people appointed to the Electoral College would not act as single-minded advocates for any given interest group or Iwi, even though they were placed on the Electoral College because they were broadly representative of a particular interest.

Electoral College members would have to select from persons nominated for appointment to the PAC according to their skills, not Iwi affiliations or support for various interests. Neutrality will be important to fulfil the obligation to protect the interests of all Maori. Electoral College members will need to demonstrate this neutrality by appointing the most skilled nominees, regardless of their affiliations.

Te Ohu Kai Moana proposes that Electoral College members be disqualified from nomination to the PAC.

The Electoral College could have an ongoing role after appointment of the initial set of PAC Commissioners to monitor the work of the Commission and appoint new Commissioners from time to time to fill any vacancies that occur as a result of rotation or resignation of Commissioners. However, they would not have the ability to take part in the exercise of governance carried out by the PAC Commissioners.

Selection of Electoral College Members



We are seeking feedback from you on the options you prefer for the selection of Electoral College members. We believe certain principles should inform the selection process. These include:

- Iwi organisations should have some part in appointing Electoral College members as they will have a direct interest in the outcomes of the PAC, regardless of what assets are retained or allocated
- Iwi organisations' appointments to the Electoral College should be proportional to their relative shareholding in the final post-allocation asset structures
- How urban and pan-Maori representative organisations participate in nominating members of the Electoral College should depend on the extent to which POSA assets are retained by the PAC to ensure provision for all Maori
- The Crown may seek to influence PAC appointments and should be given some seats within the Electoral College. Any Crown role should be considered transitional, reducing to zero influence over two or three rotations of Commissioners. An alternative is to provide a balancing role for the Crown by direct Crown appointment of a minority of PAC Commissioners.

Transition assistance and implementation incentives

To assist Iwi to meet our constitutional and structural requirements, we intend to continue working with Iwi organisations and providing support and assistance to develop and amend constitutions and establish appropriate governance and commercial structures as noted in Part E.

We are also considering additional assistance. This includes developing a model asset management company structure that can be adopted by Iwi and/or adjusted to suit their preferences. We are also considering working with other agencies, including the Crown, to provide assistance and training programmes to upskill Iwi organisations and their officers in the performance of governance and directorship.

The policies that Iwi organisations are required to establish are obligations for ongoing practice – they are not simply a one-off threshold that is to be achieved on paper and then neglected in implementation. We believe that effective operation of these requirements is critical to the demonstration that the Settlement will ultimately benefit all Maori.

Incentives to perform

We think that we should provide an incentive for genuine effort to achieve implementation. While agreement on allocation was being forged, annual access to quota (now represented by ACE) has been made available to Iwi. Estimates are that the annual allocation to Iwi has had a value of \$15-20 million dollars per annum. Ongoing access to annual ACE rounds is dependent on the provision of Annual Fisheries Statements to both Te Ohu Kai Moana and the Iwi members.

We propose that ongoing access by Iwi organisations to their share of Annual Catch Entitlements (ACE) should, in addition to the requirements of an AFS, be conditional on the Iwi organisation

demonstrating progress with getting representation and structural policies written into their constitutions and underway in practice.

This condition could apply while agreement on allocation is being developed. If sufficient progress is not being made, it is likely that restrictions on ACE distribution will be applied in a manner that is progressively firm.

One option to provide incentives for compliance with our structure, mandate and accountability requirements, along with gaining agreement on coastal boundaries, would be that once the final allocation decision has been taken, annual ACE access rounds cease. In this proposal, the ACE would be made available on a commercial basis to the Commission's subsidiaries. Returns from this investment could be made available for a combination of reinvestment and dividends to Iwi. A variation on this approach would be to advance progress in joint venture/profit sharing arrangements between Te Ohu Kai Moana subsidiaries and Iwi.

Your views on these proposals to provide incentives to speed up achievement of all the pre-conditions for PRESA allocation and POSA distribution would be welcomed. We would also like to hear of other options that you consider could also achieve this goal.

Strategic planning

Allocation will transfer significant resources to Iwi organisations. It is critical that Iwi organisations are well-prepared and have appropriate skills available for managing the assets. We will not be dictating the individual strategies that Iwi should use for managing the allocated assets. Each Iwi organisation will determine a preferred strategy that best uses their assets to advance their aspirations.

However, we may be transferring huge assets to Iwi organisations. We are obliged to help safeguard those assets for present and future generations of Maori. We think it may be appropriate to impose general requirements on each Iwi organisation to ensure that it undertakes strategic planning for their fisheries assets in advance of allocation.

We think this planning should include analysis of opportunities and risks, especially where Iwi organisations will be building fisheries infrastructure. Strategic planning should involve regular review of both the plans and progress. Independent review should also occur from time to time. Both types of review should be made available to Iwi members.

Assistance from Te Ohu Kai Moana

We have put in place a substantive programme to build Iwi and Maori capacity to operate at every level in the fisheries industry. This will continue during transition and following allocation, although its details will depend on what allocation method is finally determined and the shape of the PAC.

Skills training programmes must be flexible to take account of the stage of development of each Iwi organisation and the changes in the mix of skills required over time. We propose to work with Iwi organisations and other Maori involved in fisheries business on a regular basis to review and refine the programmes offered.

Another option might be to develop a standard management facility for fisheries assets, to be offered by all Te Ohu Kai Moana subsidiaries to Iwi, that provides the normal returns for ACE plus a profit sharing and training arrangement for Iwi and their organisations.

Next steps

We will be holding two separate sets of regional meetings:

- Regional Information Hui in December 2001 (to present our document to our constituents); and
- Consultation Hui in February 2002 (to hear and accept submissions).

The Regional Information Hui will be aimed at setting out the ideas and proposals in this Discussion Document. It will involve an electronic presentation, show how the example methods of allocation would work, and allow for people to ask questions and clarify any issues they may have. We are not expecting to receive substantive feedback at the Information Hui.

These meetings will be held in Kaitaia, Auckland, Hopuhopu, Rotorua, Whakatane, Gisborne, Hastings, Hawera, Wellington, Nelson, Christchurch, and Waitangi in the Chatham Islands. (Full details of the dates and places of Regional Information Hui can be found on our website www.tokm.co.nz.)

These Information Hui will be followed by formal consultation meetings where we will seek more direct and substantial feedback from you. We will hold about 16 full Consultation Hui from Northland to Southland and the Chatham Islands. (Full details of the dates and places of Consultation Hui can be found on our website www.tokm.co.nz once they have been finalised.) Submissions can be presented orally and in writing at these Consultation Hui.

Final written submissions on this discussion document must be received by Te Ohu Kai Moana before 5pm on 15 March 2002.

Listed below is a broad outline of the steps to be taken by Te Ohu Kai Moana.

- Release of Discussion Document;
- Regional Information Hui;
- Period for Iwi to consider proposals;
- Consultation Hui;
- Submissions close 15 March 2002;
- Analysis of submissions by Te Ohu Kai Moana;
- Decisions in principle on refined proposals for PRESA and POSA.

The following stages will depend on decisions at this point but may be:

- Report containing proposals for PRESA (and POSA if sufficient levels of support are reached – in which case it may contain draft of new Maori Fisheries Act) sent to Iwi for agreement;
- Analysis of responses by Te Ohu Kai Moana;
- Final decision by us on optimum method of PRESA allocation and any proposal to distribute POSA (including a draft of the new Maori Fisheries Act);
- Report to the Minister of Fisheries.

Depending on the response from the Minister, steps will then need to be taken to implement the PRESA allocation scheme and/or introduce legislation for the distribution of POSA benefits. The precise nature and timing of these steps cannot reasonably be predicted at this time.



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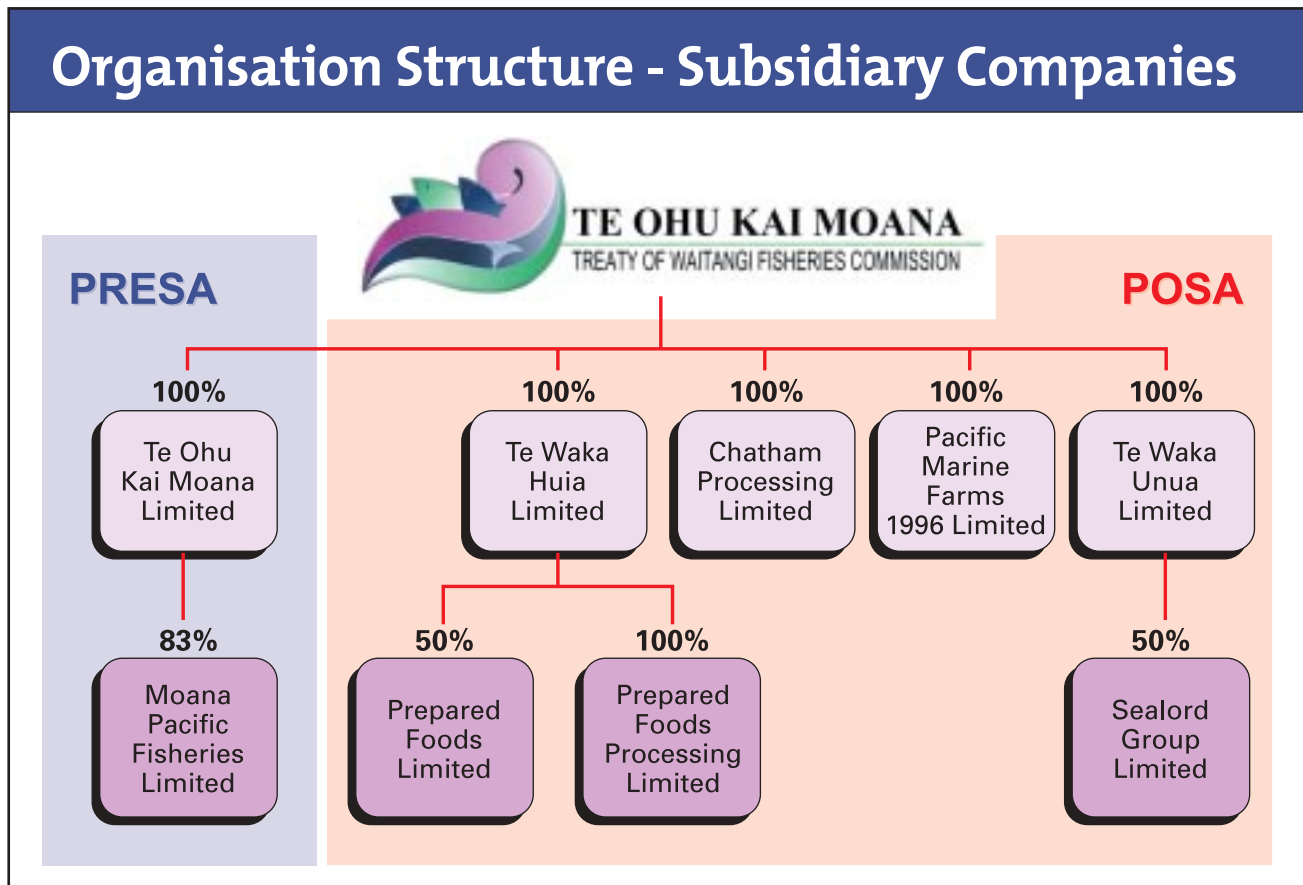
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Appendix 1

Appendix Companies in Te Ohu Kai Moana Group



Appendix 2

Key Provisions of the Maori Fisheries Act 1989 [as amended by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992]

“5. Principal functions – The principal functions of the Commission shall be –

- (a) To facilitate the entry of Maori into, and the development by Maori of, the business and activity of fishing;
- (b) To grant assistance to any Maori or group of Maori for the purpose of enabling that Maori or group of Maori to enter into or to continue in or to develop the business and activity of fishing.

6. Additional functions – Without limiting the generality of section 5 of this Act, the Commission shall have the following particular functions:

- (e) In relation to the Deed of Settlement between the Crown and Maori dated the 23rd day of September 1992, –
 - (i) To consider how best to give effect to the resolutions in respect of the Commission’s assets, as set out in Schedule 1A to this Act;
 - (ii) To develop, after full consultation with Maori, proposals for a new Maori Fisheries Act that is consistent with the Deed of Settlement and makes provision for –
 - A The appointment, composition, and powers of any body succeeding the Commission; and
 - B The development of a procedure for identifying the beneficiaries and their interests under the Deed of Settlement, in accordance with the Treaty of Waitangi, and a procedure for allocating to them, in accordance with the principles of the Treaty, the benefits from the Deed of Settlement;
 - (iii) Within 90 days after the commencement of this paragraph, to propose for consideration by Maori provisions and a process for the Commission’s accountability to Maori;
 - (iv) To report to the Minister on the matters referred to in this paragraph.

8. Criteria – The Commission shall, –

- (a) In considering, whether to grant assistance to any Maori or group of Maori, have regard to –
 - (i) Maori custom;
 - (ii) Economic considerations;
 - (iii) Social considerations;
- (aa) From time to time consult with representatives of tribes who have a history or tradition of engagement in the business and activity of fishing, and in the exercise of its functions under this Act take into account the views expressed in such consultations.

9. Powers – (1) The Commission shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

- (2) Without limiting the generality of subsection (1) of this section, the Commission shall have the power:
 - (l) After giving consideration to the matters referred to in section 6 (e) (i) of this Act and reporting to the Minister on those matters under section 6 (e) (iv) of this Act, and subject to subsection (4) of this section, to give effect to the scheme (if any) included in the report furnished to the Minister under the said section 6 (e) (iv) (being the scheme providing for the distribution of the assets held by the Commission before the Settlement Date defined in the Deed of Settlement and being the assets referred to in clause 4.5.2 of that deed).”

“SCHEDULE 1A

RESOLUTIONS ADOPTED AT HUI-A-TAU ON 25 JULY 1992

ALLOCATION

AUTHORITY

1. That the hui endorse the decision made by the Commission to seek legislative authority to further secure the Commission's intention to allocate its assets to iwi.

METHOD

2. That MFC examine the alternative methods to allocate, consult with iwi, and have prepared discussion material to enable agreement to be reached on the optimum method for allocation.

LEGAL RIGHTS: 50%

3. That MFC ensure that no allocation of the 10% be made before the position of the pursuit of the legal rights of iwi to secure the complete 50% is secure.

EVENT OF DELAY

4. That the hui agree that, in the event of significant delay to the implementation of the allocation strategy, the MFC hold a further tender of MFC/AFL quota for the 1992/93 fishing year only.

AOTEAROA FISHERIES LIMITED (AFL)

5. That MFC allocate the assets of AFL as part of the allocation strategy.

AFL CASH AND OTHER ASSETS

6. That MFC allocate the assets of AFL, cash, and other assets on the same basis as the quota is allocated.

MAORI FISHERY NEGOTIATORS (MFN)

BUDGET (6)

7. That this hui supports the continued funding of the MFN up to \$350,000 for the next year on terms to be agreed by the MFC/MFN.

MANDATE

8. That this hui affirms the fact that the negotiators represent all the interests of all iwi in the negotiations with and litigation against the Crown.

MAORI FISHERIES COMMISSION

FUTURE

9. That the future of the MFC be subject to further consideration by MFC/iwi and a position paper be circulated to iwi by October 1992.

MAORI CONGRESS

BUDGET

10. That the Congress and the negotiators meet with the Commission to discuss the servicing and financial requirements of the negotiating process.

(Signed)

Tipene O'Regan CHAIRMAN”

Appendix 3

Extracts from the Deed of Settlement Relevant to POSA including Annexure A

“3.2 NEW QUOTA FOR ADDITIONAL SPECIES

The Crown agrees that it will introduce legislation to amend the Fisheries Act to authorise the allocation of 20% of any new quota, issued as a result of the extension of the QMS to fish species not included in the QMS as at the date of the Settlement Deed (including any as yet unknown species) to the Maori Fisheries Commission for distribution to Maori. The Crown will consult with the Maori Fisheries Commission on the management regime to apply at the time of the extension of the QMS to the new species.

...

4.5 DISTRIBUTION OF BENEFITS TO MAORI

4.5.1 Maori agrees that the settlement evidenced by this Settlement Deed of all the commercial fishing rights and interests of Maori is ultimately for the benefit of all Maori.

4.5.2 [PRESA] ...

4.5.3 The Treaty of Waitangi Fisheries Commission is to develop, after full consultation with Maori, the proposals of Maori for a new Maori Fisheries Act that is consistent with this Settlement Deed, and shall report to the Crown within ninety (90) days of the date of this Settlement Deed with a request that it be enacted as soon as practicable having regard to commercial considerations. Any tribe with a beneficial interest may request that the Crown recommend to Parliament that the resulting Bill be referred to the Waitangi Tribunal under Section 8 of the Treaty of Waitangi Act and the Crown shall recommend it be referred accordingly. The final decision on the form of any Bill to be introduced shall be that of the Crown.

4.5.4 Such proposals referred to in clause 4.5.3 are to include:

4.5.4.1 The appointment, composition and powers of any body succeeding to the Treaty of Waitangi Maori Fisheries Commission; and

4.5.4.2 Development of a procedure for identification of beneficiaries and their interests in accordance with the Treaty of Waitangi and a procedure for allocation of benefits of this Settlement Deed to them in accordance with the principles of the Treaty of Waitangi. Such proposals for distribution of settlement benefits will address the questions set out in Annexure A and will include a procedure for Maori affected, to be heard on benefit issues.

4.5.5 Maori agrees that it will before the expiration of the period referred to in clause 4.5.3 provide to the Crown a scheme for the distribution of the benefits of this Settlement Deed to Maori in terms of clause 4.5.4.2 and which satisfies the Crown that all persons who may have rights and interests extinguished by or in consequence of this Settlement Deed will be fairly treated.

4.5.6 The Crown agrees that, until such time as a scheme of distribution which satisfies the Crown has been provided by Maori in accordance with clause 4.5.5 and clause 4.5.4.2, the Crown will not introduce legislation conferring any power to distribute to Maori any assets or benefits of either this Settlement Deed or of the Maori Fisheries Act.

4.5.7 All parties acknowledge the Treaty of Waitangi Fisheries Commission receives and holds the settlement benefits on behalf of Maori and for their benefit.

ANNEXURE A

Distribution of Settlement Benefits

A distribution system should adequately address the following five questions:

- i What will be distributed?
- ii Who will manage the distribution system?
- iii Who will receive the settlement benefits?
- iv How will different levels of interest be identified and accommodated?
- v How will disputes be resolved?

These questions are expanded below.

I What will be distributed?

A distribution system should specify the type and form of benefits which are to be distributed.

II Who will manage the distribution system?

A distribution system should specify any legislative requirements needed to empower a body to effectively manage the distribution scheme. Consideration should be given to the membership of such a body and what input is required to facilitate selection of members. Any management processes should be efficient and decisions should be made in a transparent way.

III Who will receive the settlement benefits?

A distribution system should address the criteria to be applied in identifying iwi and determining if a particular iwi has a fishing interest. The scheme will need to address how individual, whanau or hapu interests can be accommodated within the iwi structures. It should consider whether a degree of independence between this function and the distribution function is warranted for purposes of transparency and accountability. Any distribution system should aim to achieve a fair allocation of the benefits among Maori.

IV How will different levels of interest be identified and accommodated?

A distribution scheme should address the criteria to be applied to determine the different levels of interest among iwi in inshore quota, deepwater quota, and the benefits derived from Sealord Products Limited.

V How will disputes be resolved?

There are a number of points in a distribution system where disputes may arise. A distribution scheme should include proposals for a transparent and independent dispute resolution process.”

Appendix 4

Extract from *Court of Appeal decision Te Waka Hi Ika o Te Arawa v Treaty of Waitangi Fisheries Commission* relevant to Distribution of POSA Benefits

[2000] 1 NZLR 285 at pp370–1

“[179] The deed provided for the development of proposals relating to POSA. Clause 4.5.3 required the commission to develop, ‘after full consultation with Maori, the proposals of Maori for a new Maori Fisheries Act that is consistent with this Settlement Deed’. But it then provided that any ‘tribe’ with a beneficial interest should have the right to seek reference of the resulting Bill to the Waitangi Tribunal. That suggests to us that it is the tribes who are to be the beneficiaries of the settlement. That view is greatly strengthened by an examination of cl 4.5.4.2 which deals with the development of a procedure for identification of beneficiaries and their interests in accordance with the Treaty and a procedure for the allocation of benefits (POSA) in accordance with Treaty principles. The proposals for distribution are required to address the questions in Annexure A to the deed, including a procedure for Maori affected to be heard on benefit issues.

[180] The questions in Annexure A include ‘Who will receive the settlement benefits?’ and the matters to be considered are the identification of interests and the appropriate distribution system. There is reference to the need for identification of iwi and their fishing interests. ‘The scheme will need to address how individual, whanau or hapu interests can be accommodated within the iwi structures.’ After referring to the need to consider whether ‘a degree of independence’ between this function and the distribution function is warranted, the commentary on the question says that the distribution systems should aim to achieve ‘a fair allocation of the benefits among Maori’.

[181] The next question relates to the identification and accommodation of different levels of interest and requires the distribution scheme to determine ‘the different levels of interest among iwi’.

[182] The deed makes no other reference to the intended recipients of POSA. It is very clear that it was contemplating only a distribution to iwi, but on the basis that the iwi must achieve a fair allocation among all Maori. That last requirement of course reflects cl 4.5.1 in which ‘Maori agrees that the settlement [both PRESA and POSA] ... is ultimately for the benefit of all Maori’.

[183] An examination of the whole of cl 4.5, including Annexure A, shows that what is occurring is a tribal settlement – a settlement with Maori in their tribes – and that the benefits which are ‘ultimately’ to be available to all Maori are to be delivered through tribal mechanisms. That is what the hui had resolved upon for PRESA. Clause 4.5.2 confirmed the course of action mandated by the hui and it did so in the context of a clause dealing with distribution of a tribal settlement. If, quite contrary to the wishes of the hui, those who negotiated the deed had a different intention for PRESA, that is, both different from the hui and different from the intention of the deed in relation to POSA, it seems inconceivable that they would not have directed the draftsman to say so explicitly, and the provision relating to PRESA would then have appeared as an entirely separate clause.”

Appendix 5

Calculating Iwi Coastlines

Exactly how are Iwi coastline lengths to be worked out? Iwi organisations have provided Te Ohu Kai Moana with what they consider to be their coastline. They have indicated the points where they consider their rohe meets that of another Iwi on the coast. As we might expect, there are many situations where claimed coastlines overlap.

In the first place Iwi organisations will have to reach agreement with neighbouring Iwi organisations as to where their coastlines meet. Te Ohu Kai Moana intends that once two neighbours have agreed on those geographic points they will sign a legal agreement prepared by the Commission. This agreement will specify that it is *only* for the purposes of allocating fisheries assets. That agreement will state quite clearly that the agreed coastal points cannot be used for any other purpose, for example in the Courts or Waitangi Tribunal to “validate” an Iwi’s coastal rohe. Consequently Iwi representatives need not fear that by making a compromise for this specific purpose that they will jeopardise some future issue regarding their rohe.

The exact coastline length for a Quota Management Area and the Iwi within will be calculated as follows:

- (i) rivers will be cut off at the coast and the distance across the river mouth included in the coastline measurement;
- (ii) the coastline length of harbours and bays whose natural entrance points are *greater than 10 km* apart will be included in the coastline measurement;
- (iii) the *juridical bay formula* (see below) will be applied to harbours and bays whose natural entrance points are *less than 10 km apart* in order to determine whether those harbours and bays would be included in the coastline measurement; and

Calculations will be done by a neutral agency.

The Juridical Bay Formula

The Juridical Bay formula is used to determine whether the *distance across the entrance* of the bay or the *actual coastline* of the bay should be added to the coastline measurement. It is applied to bays where the natural entrance points are less than 10 km apart.

The formula works as follows:

- (1) a straight line is drawn between the natural entrance points of the bay;
- (ii) a semicircle is drawn on the straight line *into* the bay (using the straight line as the diameter of the circle) and the surface area of the semicircle is calculated;
- (iii) the surface area of the bay is also calculated using map information software;
- (iv) if the *surface area of the semicircle is smaller than the water surface area of the bay*, (see Figure 1) then the distance between the natural entrance points is included in the coastline measurement; or
- (v) if the *surface area of the semicircle is bigger than the water surface area of the bay*, (see Figure 2) then the shoreline of the bay is measured and included in the coastline measurement.

It is important to note that the Juridical Bay formula is an international convention which comes from the United Nations Convention on the Law of the Sea. The Juridical Bay formula has been adopted as a way of indicating whether the existence of a bay on an Iwi’s coastline was likely to have increased the area of fisheries resources under the control of the Iwi.

Coastline Calculations – Juridical Bay Formula

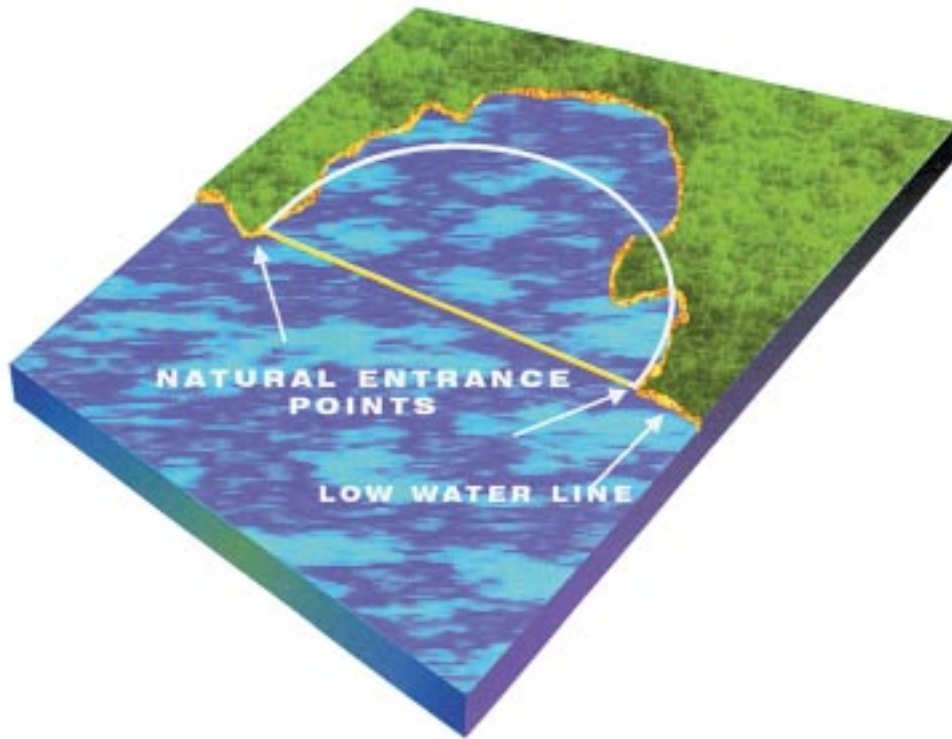


Figure 1

Coastline Calculations – Juridical Bay Formula

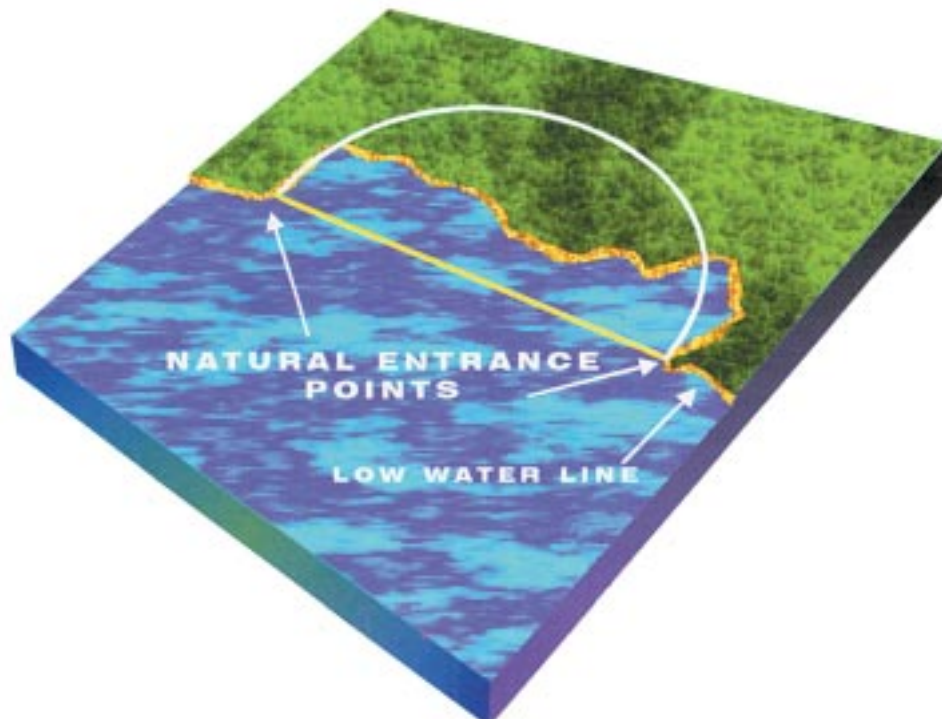


Figure 2

Harbours with Commercial Catches

A number of Iwi with coastlines within harbours (such as Kaipara Harbour) have wanted to claim the coastline lengths within these harbours as part of the coastline that would be used to calculate their PRESA entitlement to quota. Because some harbours have extensive coastlines within them, the outcome would be very heavily distorted in favour of those Iwi, particularly where there are few commercial species or small quantities of fish in those harbours compared to the open seas. The allocation of deepwater fishstocks would also be distorted towards the Iwi bordering harbours if the harbour coastline were included.

In 1996, a survey was carried out to determine the percentage of QMS fishstocks commercially taken within harbours. The work involved identifying the relevant harbours by examining Ministry of Fisheries records and then carrying out a field survey of commercial fishers using their local knowledge to arrive at the percentage of fishstocks caught within each harbour.

This percentage is applied to the PRESA fishstock quota and the resultant amount of quota is reserved for allocation to those Iwi who border that harbour. Where more than one Iwi is involved, it is proposed that the reserved quota is divided by their agreement or by Te Ohu Kai Moana's Dispute Resolution Procedures.

The remainder of the available fishstock quota is allocated by the coastline method to all Iwi with rohe adjacent to the QMA including those Iwi who have received quota via their association with a harbour provided they also have a seaward coastline in the QMA.

With the exception of island coastlines (see below), all aspects of the method for calculating coastline set out above have received general acceptance during the earlier consultation process, including acceptance by Taumata Paepae, and endorsement by a large majority of Iwi delegates at the 1996 Hui-a-Tau.

Islands

Under an earlier allocation proposal island coastlines were not included in Iwi coastline measurements. The Commission had adopted this view because the existence of islands on the continental shelf off an Iwi's coastline would not normally increase the area of ocean over which the Iwi could exert control. The Chatham Islands were an exception because these islands have a continental shelf separate from the mainland and the Iwi occupying the islands clearly have an exclusive claim to the inshore fisheries on the continental shelf adjacent to the islands.

A second approach, proposed by Taumata Paepae and subsequently adopted by the Commission, was to include island coastlines in Iwi coastline measurements if an Iwi could demonstrate:

- ahi kaaroa (long term and current habitation on the island);
- a traditional and separate fishing history associated with the island; and
- occupation of the island such as existing marae and other communal infrastructures.

This approach has the effect of including the coastlines of *Great Barrier Island* and *Stewart Island*, along with the *Chatham Islands*, in Iwi coastline measurements.

Appendix 6

Calculation of Iwi Populations

The relative size of Iwi populations has been determined by Te Ohu Kai Moana using the 1991 and 1996 Census data. It is proposed that data from the 2001 Census – on the basis that it will be more accurate – will be used to calculate Iwi populations in the event that a population component is part of any allocation model.

Once the issue of the relative size of Iwi came into the allocation debate (*circa* 1993) the most accurate means of making that calculation had to be determined. It did not take long before the Commission concluded that the Census data was by far the best option, indeed the only feasible option. Its main advantages are:

- It is one snapshot in time.
- All Maori participate.
- It reflects self-identification by individual Maori.
- The full cost is picked up by Government.

There have, of course, been criticisms of the data, particularly from Iwi who contend that their populations are understated in the Census, although others have voiced concerns that some Iwi populations appear to be overstated.

In anticipation of using the 2001 census in allocation calculations Te Ohu Kai Moana sent detailed information on the impending census to all Iwi organisations, urging them to panui to their members to ensure that they took care with the questions so that the data is as accurate as possible.

Te Ohu Kai Moana proposes to buy detailed 2001 data from Statistics New Zealand when it is available in about March 2002. Iwi populations will be determined from that data which will show the number of affiliations to each Iwi. It is important to appreciate that the census does not indicate what any individual Maori entered on their form and in fact it is impossible to obtain that data because of very strict privacy provisions.

It has been suggested that there are better ways of obtaining Iwi populations but Te Ohu Kai Moana is confident that the census is the best available. Other proposals have included:

A Separate “Maori” Census

A separate Maori census would be prohibitively expensive (the five year budget for the 2001 census is \$38 million) and would require a visit to every household in the country. Te Ohu Kai Moana could predict with some certainty that it would be less accurate than the Statistics New Zealand census. Among other reasons, the Statistics New Zealand census is enforceable by law, whereas this separate Maori census would not be enforceable and consequently many Maori would not be recorded.

Use Iwi Registers

It has often been claimed that Iwi registers would give a more accurate measure of Iwi populations but this claim overlooks several key impediments. In particular, the calculation of Iwi populations must be done at one point in time (as on census night) but this would not be possible with Iwi registers. A very small number of Iwi organisations have comprehensive registers but most Iwi organisations would need at least three years to compile a comprehensive register.

Te Ohu Kai Moana would predict that the process would be further delayed by legal action as Iwi organisations challenged the accuracy of other Iwi registers. For example there would be disputes on registers being “inflated” with whangai, partners who were not Iwi members, and whether Iwi organisations were careful to remove the names of members who had died.

In summary, the census is presently the most reasonable way of calculating relative Iwi populations.

Appendix 7

Corporate and Trust Models

Purpose of Appendix

1. The purpose of this appendix is to discuss the use of corporate and trust models.

General Legal Principles

2. The law recognises two kinds of legal person, namely natural persons (or individuals) and statutory persons (principally corporations or companies). These legal persons are able to form three kinds of social or commercial enterprise, which are not legal persons *per se*, namely:
 - 2.1 Trusts.
 - 2.2 Partnerships.
 - 2.3 Associations.

Companies

3. As mentioned, a company is a statutory person, unlike a partnership or a trust. Most companies are established under general statutes, like the Companies Act 1993, whereas others are created under special statutes, like the Commission, which was established by the Maori Fisheries Act 1989. The key rules regulating a company are determined by legislation and by contract with the shareholders.
4. We prefer to adopt the term *co-operative* rather than *company* in the context of a corporate model for Maori fishery assets. A co-operative is a special type of company, and generally refers to a company that is owned either by workers/staff, or by the suppliers of an input commodity, such as milk or fruit. An essential feature of co-operatives is that they are fundamentally a large corporate partnership, where the owners either cannot trade in the shares of the co-operative, or can only trade amongst each other, either directly or indirectly by the co-operative buying and selling its own shares. We think that many of these features apply to the Maori conception of a corporate venture, and so prefer the term *co-operative* rather than company.
5. Three key characters dominate the internal affairs of a co-operative, namely shareholders, directors, and the management. Shareholders appoint the directors and auditors. The former appoint a Chair, and a CEO, and the CEO appoints the rest of the management team. The management team is accountable to the CEO, who is accountable to the Board. The Board, along with the auditor, are accountable to the shareholders.
6. The key advantages of a co-operative include:
 - 6.1 Limiting shareholder liability to the amounts unpaid on shares.
 - 6.2 Raising risk capital.
 - 6.3 Clearly defined roles and accountabilities for shareholders, auditors, directors and management.
 - 6.4 General familiarity amongst people.
 - 6.5 Negotiable ownership rights (namely shares).
7. The key disadvantages of a co-operative include:
 - 7.1 Relatively higher administrative costs.
 - 7.2 Potential abuse of power or position by monopolising shareholders or management.
8. The standard approach to managing monopolies is to properly spread power, and to contractually embed safeguards, such as requiring super-majorities.
9. The key design issues (which are addressed in the co-operative's founding documents) are:
 - 9.1. The share design, in terms of:

- 9.1.1 Voting rights.
- 9.1.2 Income rights (fixed or discretionary dividend entitlements).
- 9.1.3 Transferability (being rights to sell, dispose and acquire).
- 9.2 Resolution design, in terms of:
 - 9.2.1 Majorities and super-majorities.
 - 9.2.2 Just compensation.
- 9.3 Appointment, retirement and rotation of office bearers, such as directors, the CEO and the auditor.

Trusts

10. A trust is a relationship between a settlor, the trustees and the beneficiaries under which enforceable rights and obligations arise. The settlor transfers property to the trust to be administered by trustees for the benefit of beneficiaries. The settlor will also identify an appointor who has the ability to remove and appoint trustees. The rights and obligations of the trustees and beneficiaries are determined by its founding documents (being principally the deed of trust), relevant legislation, and the judge-made law of equity. A company or an individual can be either a settlor, trustee or beneficiary.
11. There are two extreme categories of trust, namely discretionary trusts and fixed trusts. At one extreme, a fully discretionary trust is where the trustees have discretion over:
 - 11.1 The appointment and removal of beneficiaries.
 - 11.2 Whether to distribute particular trust assets or income, and if so, to whom.
12. At the other end of the spectrum is the fixed trust where the beneficial entitlement to trust assets is fixed or pre-determined, usually by the trust deed.
13. The key advantage of a trust is that it enables the management of assets in which the beneficial ownership is either contingent on some event (such as passing university exams), or will be determined after a periodic accounting and assessment (such as with most charitable trusts). The law will enforce the fiduciary duties of the trustees to ethically administer the trust assets.
14. A trustee does not have a statutory limitation of liability *per se*. A trust can achieve this however by use of a special purpose company as trustee. Furthermore, a trustee can attempt to limit its liability to creditors by contract.

Combining Trusts and Companies

15. As mentioned, a company can be a settlor, appointor, trustee or beneficiary. Similarly, a trustee can be a shareholder in a company. In substance, a company structure is similar to a fixed trust.

Relevance of Co-Operatives and Trusts to Te Ohu Kai Moana

16. A co-operative or trust is potentially relevant to the Commission if businesses are to be retained and managed. Furthermore, it is likely that a co-operative or trust would be preferable if there is to be a successor body to the Commission to undertake any ongoing regulatory functions. If a co-operative holds assets for the Commission, the shares can either be allocated directly to Maori shareholders, or held in a fixed or discretionary trust for Maori beneficiaries.
17. A trust is potentially relevant to the Commission if assets, including shares in a commercial co-operative that is owned by the Commission, are to be held for the benefit of undefined Maori beneficiaries. For example, this would be the case with respect to scholarship funds. This is also the essential position of the Commission presently, in that there are no shares on issue, but the Commission holds its assets on behalf of Maori beneficiaries that are to be determined in the future.
18. Trusts and/or companies are mechanisms by which the Commission can retain assets under management. There are two key advantages of centralising the ownership of assets, namely:
 - 18.1 Economies of scale, which simply means that up to a point, greater profits can be captured from bigger

operations than from smaller operations. In principle, a large fishing enterprise should produce scale economies in harvesting, production, finance and marketing activities, as well as increase political power at local, national and global levels.

- 18.2 Minimising risk, in that bigger organisations are generally more diversified so that when certain business activities are down, others are up, thereby reducing the volatility and riskiness of earnings.
19. The key weaknesses of a centralised model are that:
 - 19.1 It imposes some restrictions on dealing with Maori property, such as restrictions on sale or mortgage (depending on the detailed design).
 - 19.21 It denies Maori the choice of undertaking decentralised fishing activities.
20. Market economists generally prefer strong individual property rights that include an ability to sell. This not only best ensures that resources gravitate towards their best use, but also enables a seller to rearrange an asset portfolio to maximise returns. The ability to quit a co-operative by selling shares also weakens the hand of an incompetent or opportunistic management. For example, with listed companies, the quitting of shares reduces share price and increases the prospect of take-over, which exerts discipline on an underperforming management.
21. On the other hand, some may argue that the assets of Te Ohu Kai Moana should be held in perpetuity anyhow, on the basis that they also belong to all future generations of Maori. For example, many Maori now feel dispossessed of their land by virtue of prior sales. A variation is to allow share or asset transfers only between Maori. This invokes a concept of stewardship that holds that current generations should enjoy the income (fruit) from such assets, but that the capital (tree) should be preserved for all generations.

Design Options for a POSA Trust

22. The Discussion Document outlines four allocation models, three of which incorporate a trust for POSA. It is therefore necessary to provide some indication of the key design options for that trust. The key design issues, as mentioned above, are:
 - 22.1 The appointment of trustee(s).
 - 22.2 The definition of beneficiaries.
 - 22.3 The entitlements of beneficiaries.
23. Our preliminary view is that an electoral college should appoint the trustees of the POSA trust, and that the trustees should be characterised as kaitiaki (or guardians) of the trust assets, with a principal focus on allocating the benefits from the trusts assets. The POSA trust could manage its assets through an underlying holding co-operative, the shares of which would be owned by the POSA trust. However, the electoral college would also appoint the directors of this holding co-operative under a process that ensures that directors meet minimum commercial competency criteria.
24. The overriding POSA trust would be designed to pursue the objectives currently set out in the legislation governing the allocation of POSA benefits. Beneficiaries would be defined as *any Maori or Maori institution*.
25. There are two key issues in designing the entitlements of these Maori beneficiaries, namely:
 - 25.1 Which specific beneficiaries are to benefit?
 - 25.2 What are the kinds and amounts of benefit to be allocated?
26. For illustrative purposes, we have identified three broad approaches to these two questions, namely:
 - 26.1 A complete discretion to trustees over both matters to allocate benefits in accordance with the statutory principles set out in existing legislation; or
 - 26.2 An obligation to distribute a set percentage of the total income of the POSA group (including underlying companies), with a discretion to distribute additional benefits under similar powers set out in the above subparagraph, to either:

26.2.1 Beneficiaries to be determined at the discretion of the trustees in accordance with the statutory principles set out in existing legislation; and/or

26.2.2 Beneficiaries that are predetermined by the trust deed as a class of fixed beneficiary.

26.3 An obligation to distribute a set percentage of the total income of the POSA group (including underlying companies), with a discretion to distribute additional benefits under similar powers set out in the above subparagraph, to beneficiaries that are predetermined by the trust deed as a class of fixed beneficiary.

27. Where there are trustee discretions, the enabling deed or legislation could set out more specific criteria to guide the exercise of those discretions in terms of who benefits and by how much.

28. Where there are trustee discretions on benefits and beneficiaries, the trust deed or legislation could set out more specific principles to guide the exercise of those discretions. These could include:

- Integrating Maori customary and Maori commercial fishing.
- Promoting an active role for Maori in all aspects of the fishing industry.
- Encouraging skills development and experience to enable Maori to participate in international markets.
- Taking an active role in management of fisheries ecosystems including restoration of habitat.

Further consideration will need to be given to guiding trust principles, after feedback from you during consultation.

Appendix 8

Tables of Indicative Figures for all Iwi under Proposed Models (and Variations)

Te Ohu Kai Moana has prepared the attached tables to allow Iwi to make comparisons between the models and the impacts of various policy choices on the critical decisions.

The tables in this Appendix provide *indicative* figures only for each of the models. We do not have more accurate or recent across the board data that could be used. The tables can be used for comparative purposes to look at various scenarios, but *not* to accurately portray the final result for any individual Iwi or between Iwi.

The figures are indicative only because they are based on a range of estimates and/or assumptions regarding important variables including:

- Coastline lengths for Iwi – Indicative figures only have been used based on “compromised” coastline lengths contained in the ‘Tainui Position on Maori Fish Allocation’ report dated 19 April 2000, but many coastline lengths are in dispute and will need to be agreed.
- Iwi populations – The 1996 Census figures are used, but the latest census figures available will be used in the final calculations.
- Quota – The volume of quota is at 1 October 2000, but the amount will change with the Minister of Fisheries’ total allowable catch decisions at the time of allocation.
- Value of quota – The trading values that would have applied to the quota on 30 September 2000 have been used, but this will change to reflect market and currency conditions at the time of allocation.
- Value of shares and cash – The value for the shares and cash is as reported in our Annual Report to 30 September 2000, but these will change to reflect what occurs as a result of trading between now and the time of allocation.

The summary table for each model has taken particular settings for some key decisions, namely:

- the coastline population mix for PRESA deepwater quota – all models use a 50:50 coastline:population mix;
- the coastline population mix for POSA deepwater quota in Te Tohatoha model – Te Tohatoha model uses a 50:50 coastline:population mix; and
- the POSA trust distribution policy – a different distribution policy is used for each of the following three models: Te Putahi, Te Pataka and Te Mana Orite.

However, to allow you to make some further comparisons, we have included additional tables in this Appendix that show the effects of possible changes in the policy settings for PRESA deepwater quota (in all models), POSA deepwater quota (in the Tohatoha model) and POSA trust distribution (in the Te Putahi, Te Pataka and Te Mana Orite models). The possible alternatives shown are:

(a) For each PRESA model, the additional tables show what the overall PRESA allocation would become if the policy setting for deepwater quota were adjusted in the following ways:

- 100% Population :0% Coastline
- 75% Population :25% Coastline
- 50% Population :50% Coastline
- 25% Population :75% Coastline
- 0% Population :100% Coastline

It should be noted that the 50:50 column shown in italics in these additional PRESA tables is the deepwater quota setting used in the original tables.

(b) For the POSA Te Tohatoha model, the additional table shows what the overall POSA allocation would become if the policy setting for deepwater quota were adjusted in the following ways:

- 100% Population :0% Coastline
- 50% Population :50% Coastline
- 0% Population :100% Coastline

This additional table shows the allocations by asset categories for each of these settings.

(c) For the POSA Te Putahi, Te Pataka and Te Mana Orite models, the additional tables show what the POSA dividends would become if the policy settings for the amount in the development putea were altered from \$0 to \$10m to \$20m when:

- all POSA assets are retained; and
- when the POSA inshore quota is allocated.

SUMMARY ESTIMATED IWI ALLOCATION OF PRESA ASSETS AND INCOME FROM POSA TRUST

PRESA

	COASTLINE	CHATHAMS % SPLIT	OVERALL % SPLIT
	Affiliations	50.00 %	50.00 %
		50.00 %	50.00 %
			ASSET VALUE
PRESA Quota up to 10% of TACC		\$ 243,865,840	
Cash Adjustment for i/s quota shortfalls		\$ 3,492,039	
Cash Adjustment for d/w quota shortfalls		\$ 4,272,068	
Total Quota Value			\$ 251,629,947
Value of Shares			\$ 36,618,667
Cash		\$ 32,052,614	
Investment in Development Putea			
PRESA Cash			\$ 32,052,614
Total Asset Value – excluding Development Putea			\$ 320,301,228
	ESTIMATED PRESA INCOME..		\$ 18,922,730

	C/line (km)	% of Coastline	Afflins	% of Affilins	Estimated Value of TOKM Allocation	Estimated PRESA income to Iwi.
01 Chathams		n/a	1,121	0.20%	\$ 21,164,253	\$ 940,348
02 Hauraki iwi (total)	395.375	6.21%	8,982	1.57%	\$ 14,080,804	\$ 918,052
03 Muaupoko	2.400	0.04%	1,596	0.28%	\$ 391,592	\$ 25,617
04 Ngai Tahu	2,347.998	36.88%	33,934	5.95%	\$ 77,297,885	\$ 3,923,522
05 Ngai Tamanuhiri	20.900	0.33%	930	0.16%	\$ 1,067,954	\$ 67,501
06 Ngai Tai (BOP)	15.000	0.24%	1,463	0.26%	\$ 746,384	\$ 48,708
07 Ngai Takoto	5.500	0.09%	313	0.05%	\$ 212,188	\$ 14,004
08 Ngaiterangi	34.100	0.54%	6,962	1.22%	\$ 2,384,245	\$ 155,695
09 Ngapuhi	95.902	1.51%	98,611	17.29%	\$ 21,088,148	\$ 1,374,955
10 Nga Rauru	39.300	0.62%	2,816	0.49%	\$ 1,366,197	\$ 79,299
11 Nga Ruahine	21.600	0.34%	2,256	0.40%	\$ 884,798	\$ 52,343
12 Ngati Apa ki te Waipounamu	71.613	1.12%	129	0.02%	\$ 2,113,569	\$ 115,231
13 Ngati Apa (Manawatu)	12.000	0.19%	1,954	0.34%	\$ 624,027	\$ 37,744
14 Ngati Awa (BOP)	32.900	0.52%	11,536	2.02%	\$ 3,211,452	\$ 209,810
15 Ngati Hauiti	0.000	0.00%	872	0.15%	\$ 164,866	\$ 10,784
16 Ngati Kahu	60.700	0.95%	6,004	1.05%	\$ 2,823,829	\$ 186,084
17 N Kahungunu	515.300	8.09%	47,955	8.41%	\$ 29,883,419	\$ 1,936,395
18 Ngati Koata	71.613	1.12%	542	0.10%	\$ 2,191,654	\$ 120,339
19 Ngati Kuia	71.612	1.12%	838	0.15%	\$ 2,247,589	\$ 123,998
20 Ngati Kuri	7.900	0.12%	2,468	0.43%	\$ 686,394	\$ 45,076
21 Ngati Manawa – Ngati Whare	0.000	0.00%	1,341	0.24%	\$ 253,538	\$ 16,583
22 Ngati Maniapoto	109.300	1.72%	31,144	5.46%	\$ 8,110,091	\$ 508,912
23 Ngati Maru (Taranaki)	0.000	0.00%	1,467	0.26%	\$ 277,360	\$ 18,142
24 Ngati Mutunga (Taranaki)	18.700	0.29%	1,210	0.21%	\$ 625,508	\$ 36,126
25 Ngati Porou	217.300	3.41%	55,455	9.72%	\$ 18,784,370	\$ 1,188,945
26 Ngati Pukenga	0.000	0.00%	811	0.14%	\$ 153,333	\$ 10,029
27 Ngati Ranginui	34.100	0.54%	4,908	0.86%	\$ 1,995,903	\$ 130,294
28 Ngati Rarua (SI)	71.613	1.12%	345	0.06%	\$ 2,154,408	\$ 117,903
29 Ngati Raukawa ki Waikato	0.000	0.00%	9,564	1.68%	\$ 1,808,230	\$ 118,273
30 Ngati Raukawa ki te tonga	58.400	0.92%	15,263	2.68%	\$ 4,741,019	\$ 304,941
31 Ngati Ruanui	38.300	0.60%	4,284	0.75%	\$ 1,622,530	\$ 96,322
32 Ngati Tama (SI)	71.613	1.12%	156	0.03%	\$ 2,118,674	\$ 115,565
33 Ngati Tama (Taranaki)	26.000	0.41%	896	0.16%	\$ 721,017	\$ 40,504
34 Ngati Toa (Wellington)	66.200	1.04%	4,041	0.71%	\$ 3,289,936	\$ 214,666
35 Ngati Toa (SI)	71.613	1.12%	287	0.05%	\$ 2,143,442	\$ 117,185
36 Ngati Wai	298.600	4.69%	3,276	0.57%	\$ 9,165,660	\$ 604,241
38 Ngati Whatua	235.300	3.70%	10,338	1.81%	\$ 7,171,425	\$ 438,217
39 Rangitane Te Tau Ihu	71.612	1.12%	779	0.14%	\$ 2,236,434	\$ 123,268
41 Rangitane (Manawatu)	67.300	1.06%	2,638	0.46%	\$ 2,937,375	\$ 188,498
42 Rongowhakaata	25.100	0.39%	3,016	0.53%	\$ 1,641,625	\$ 104,551
43 Taranaki	64.700	1.02%	3,840	0.67%	\$ 2,098,685	\$ 120,707
44 Te Aitanga a Mahaki	36.300	0.57%	3,185	0.56%	\$ 2,151,652	\$ 136,651
45 Te Arawa Iwi	53.900	0.85%	38,372	6.73%	\$ 8,942,927	\$ 584,540
46 Te Atiawa (Taranaki)	43.000	0.68%	11,534	2.02%	\$ 3,092,975	\$ 191,298
47 Te Atihaunui (Whanganui)	25.400	0.40%	7,275	1.28%	\$ 1,914,342	\$ 118,711
48 Te Atiawa (SI)	71.613	1.12%	761	0.13%	\$ 2,233,059	\$ 123,047
49 Te Atiawa (Wellington)	62.800	0.99%	1,131	0.20%	\$ 2,722,244	\$ 176,077
50 Te Aupouri	259.600	4.08%	7,316	1.28%	\$ 7,636,537	\$ 476,975
51 Te Rarawa	84.100	1.32%	8,394	1.47%	\$ 3,380,995	\$ 207,047
52 Tuhoe	6.800	0.11%	26,450	4.64%	\$ 5,213,770	\$ 340,973
53 Tuwharetoa	15.300	0.24%	25,677	4.50%	\$ 5,333,830	\$ 348,763
54 Waikato	139.100	2.18%	37,954	6.65%	\$ 9,900,658	\$ 626,954
55 Whakatohea	26.300	0.41%	7,501	1.32%	\$ 2,241,867	\$ 146,441
56 Te Whanau a Apanui	113.800	1.79%	8,135	1.43%	\$ 5,081,649	\$ 328,517
57 Whaingaroa	61.200	0.96%	372	0.07%	\$ 1,772,917	\$ 117,357

PUTEA

POSA Income retained

TOTAL	6,366.677	100.00%	570,398	100.00%	\$ 320,301,231	\$ 18,922,730
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POSA

Te Putahi Model

% OF DIVIDEND TO IWI 50.00%

ASSET VALUE

POSA Quota \$ 23,064,983

POSA Shares \$ 290,253,754

POSA Cash \$ 22,809,751

Dev Putea

POSA Cash \$ 22,809,751

\$ 336,128,488

ESTIMATED POSA INCOME \$ 12,409,031

Iwi Equity in POSA Trust by Affiliation	Dividend from POSA to Iwi by Population	PRESA ownership and Equity in POSA	% of Settlement	Estimated Total Income to Iwi	% of Total Estimated Income
\$ 660,591	\$ 12,194	\$ 21,824,844	3.32%	\$ 952,542	3.04%
\$ 5,292,982	\$ 97,702	\$ 19,373,785	2.95%	\$ 1,015,753	3.24%
\$ 940,503	\$ 17,361	\$ 1,332,095	0.20%	\$ 42,978	0.14%
\$ 19,996,887	\$ 369,118	\$ 97,294,772	14.82%	\$ 4,292,640	13.70%
\$ 548,037	\$ 10,116	\$ 1,615,992	0.25%	\$ 77,617	0.25%
\$ 862,128	\$ 15,914	\$ 1,608,512	0.25%	\$ 64,622	0.21%
\$ 184,447	\$ 3,405	\$ 396,635	0.06%	\$ 17,409	0.06%
\$ 4,102,621	\$ 75,729	\$ 6,486,866	0.99%	\$ 231,424	0.74%
\$ 58,110,243	\$ 1,072,643	\$ 79,198,391	12.07%	\$ 2,447,598	7.81%
\$ 1,659,434	\$ 30,631	\$ 3,025,631	0.46%	\$ 109,930	0.35%
\$ 1,329,433	\$ 24,540	\$ 2,214,230	0.34%	\$ 76,883	0.25%
\$ 76,018	\$ 1,403	\$ 2,189,588	0.33%	\$ 116,635	0.37%
\$ 1,151,468	\$ 21,255	\$ 1,775,495	0.27%	\$ 58,999	0.19%
\$ 6,798,022	\$ 125,483	\$ 10,009,474	1.52%	\$ 335,293	1.07%
\$ 513,859	\$ 9,485	\$ 678,725	0.10%	\$ 20,269	0.06%
\$ 3,538,083	\$ 65,309	\$ 6,361,912	0.97%	\$ 251,392	0.80%
\$ 28,259,288	\$ 521,631	\$ 58,142,707	8.86%	\$ 2,458,027	7.85%
\$ 319,394	\$ 5,896	\$ 2,511,048	0.38%	\$ 126,234	0.40%
\$ 493,823	\$ 9,115	\$ 2,741,412	0.42%	\$ 133,113	0.42%
\$ 1,454,362	\$ 26,846	\$ 2,140,756	0.33%	\$ 71,921	0.23%
\$ 790,235	\$ 14,587	\$ 1,043,773	0.16%	\$ 31,170	0.10%
\$ 18,352,774	\$ 338,769	\$ 26,462,865	4.03%	\$ 847,682	2.71%
\$ 864,485	\$ 15,957	\$ 1,141,845	0.17%	\$ 34,099	0.11%
\$ 713,038	\$ 13,162	\$ 1,338,546	0.20%	\$ 49,288	0.16%
\$ 32,678,946	\$ 603,213	\$ 51,463,315	7.84%	\$ 1,792,158	5.72%
\$ 477,912	\$ 8,822	\$ 631,245	0.10%	\$ 18,851	0.06%
\$ 2,892,224	\$ 53,387	\$ 4,888,127	0.74%	\$ 183,681	0.59%
\$ 203,304	\$ 3,753	\$ 2,357,712	0.36%	\$ 121,655	0.39%
\$ 5,635,947	\$ 104,033	\$ 7,444,177	1.13%	\$ 222,306	0.71%
\$ 8,994,297	\$ 166,024	\$ 13,735,317	2.09%	\$ 470,965	1.50%
\$ 2,524,508	\$ 46,599	\$ 4,147,038	0.63%	\$ 142,921	0.46%
\$ 91,929	\$ 1,697	\$ 2,210,603	0.34%	\$ 117,262	0.37%
\$ 528,002	\$ 9,746	\$ 1,249,019	0.19%	\$ 50,250	0.16%
\$ 2,381,311	\$ 43,956	\$ 5,671,248	0.86%	\$ 258,623	0.83%
\$ 169,126	\$ 3,122	\$ 2,312,567	0.35%	\$ 120,307	0.38%
\$ 1,930,506	\$ 35,635	\$ 11,096,166	1.69%	\$ 639,876	2.04%
\$ 6,092,056	\$ 112,452	\$ 13,263,480	2.02%	\$ 550,669	1.76%
\$ 459,055	\$ 8,474	\$ 2,695,489	0.41%	\$ 131,742	0.42%
\$ 1,554,541	\$ 28,695	\$ 4,491,916	0.68%	\$ 217,193	0.69%
\$ 1,777,292	\$ 32,807	\$ 3,418,916	0.52%	\$ 137,358	0.44%
\$ 2,262,865	\$ 41,770	\$ 4,361,549	0.66%	\$ 162,477	0.52%
\$ 1,876,881	\$ 34,645	\$ 4,028,533	0.61%	\$ 171,296	0.55%
\$ 22,612,145	\$ 417,392	\$ 31,555,072	4.81%	\$ 1,001,932	3.20%
\$ 6,796,844	\$ 125,461	\$ 9,889,819	1.51%	\$ 316,759	1.01%
\$ 4,287,068	\$ 79,134	\$ 6,201,409	0.94%	\$ 197,845	0.63%
\$ 448,448	\$ 8,278	\$ 2,681,507	0.41%	\$ 131,325	0.42%
\$ 666,484	\$ 12,302	\$ 3,388,729	0.52%	\$ 188,380	0.60%
\$ 4,311,228	\$ 79,580	\$ 11,947,765	1.82%	\$ 556,555	1.78%
\$ 4,946,480	\$ 91,306	\$ 8,327,475	1.27%	\$ 298,352	0.95%
\$ 15,586,658	\$ 287,710	\$ 20,800,428	3.17%	\$ 628,684	2.01%
\$ 15,131,139	\$ 279,302	\$ 20,464,969	3.12%	\$ 628,065	2.00%
\$ 22,365,823	\$ 412,845	\$ 32,266,481	4.92%	\$ 1,039,800	3.32%
\$ 4,420,247	\$ 81,592	\$ 6,662,113	1.01%	\$ 228,033	0.73%
\$ 4,793,855	\$ 88,489	\$ 9,875,504	1.50%	\$ 417,005	1.33%
\$ 219,215	\$ 4,046	\$ 1,992,132	0.30%	\$ 121,403	0.39%
			0.00%		
	\$ 6,204,516			\$ 6,204,516	19.80%
\$ 336,128,488	\$ 12,409,031	\$ 656,429,719	100.00%	\$ 31,331,761	100.00%

NOTE

The information on this sheet is for comparative purposes only. The values given are not absolute and are not the actual value that may be allocated.

The coastline lengths used are those used by Tainui in their submission dated March 2000. These have been used on the clear understanding that many Iwi have yet to agree with their neighbours on their coastal boundary points for Fisheries matters only.

Variables that will change in the future are:

- TACCs set annually by the Minister of Fisheries
- Quota Trading Prices
- Quota lease prices (now ACE prices)
- Coastline lengths after agreement between neighbouring Iwi.
- Iwi Affiliations when 2001 census information becomes available

Te Ohu Kai Moana will continue to trade until Allocation. Share prices and Cash will therefore change.

Commission policy regarding allocation of quota related to harbours has not been implemented in these spreadsheets.

50% of annual POSA dividend placed in a contestable fund.

Trustees decide priorities annually which could be:

- Purchases of assets
- Dividends to Iwi
- Business development grants
- Distribution to other Maori organisations.

50% of POSA Income retained for purchases, business grants or distribution to other Maori organisations.

SUMMARY ESTIMATED IWI ALLOCATION OF PRESA ASSETS AND INCOME FROM POSA TRUST

PRESA

	COASTLINE	CHATHAMS % SPLIT	OVERALL % SPLIT
	Affiliations	50.00 %	50.00 %
		50.00 %	50.00 %
			ASSET VALUE
PRESA Quota up to 10% of TACC		\$ 243,865,840	
Cash Adjustment for i/s quota shortfalls		\$ 3,492,039	
Cash Adjustment for d/w quota shortfalls		\$ 4,272,068	
Total Quota Value			\$ 251,629,947
Value of Shares			\$ 36,618,667
Cash		\$ 32,052,614	
Investment in Development Putea			
PRESA Cash			\$ 32,052,614
Total Asset Value – excluding Development Putea			\$ 320,301,228
	ESTIMATED PRESA INCOME..		\$19,084,720

	C/line (km)	% of Coastline	Afflins	% of Affilins	Estimated Value of TOKM Allocation	Estimated PRESA income to Iwi.
01 Chathams		n/a	1,121	0.20%	\$ 20,065,255	\$ 940,667
02 Hauraki iwi (total)	395.375	6.21%	8,982	1.57%	\$ 13,269,428	\$ 920,602
03 Muaupoko	2.400	0.04%	1,596	0.28%	\$ 448,120	\$ 26,071
04 Ngai Tahu	2,347.998	36.88%	33,934	5.95%	\$ 69,531,399	\$ 3,933,159
05 Ngai Tamanuhiri	20.900	0.33%	930	0.16%	\$ 1,041,637	\$ 67,765
06 Ngai Tai (BOP)	15.000	0.24%	1,463	0.26%	\$ 761,161	\$ 49,123
07 Ngai Takoto	5.500	0.09%	313	0.05%	\$ 208,577	\$ 14,093
08 Ngaiterangi	34.100	0.54%	6,962	1.22%	\$ 2,565,458	\$ 157,672
09 Ngapuhi	95.902	1.51%	98,611	17.29%	\$ 24,794,575	\$ 1,402,960
10 Nga Rauru	39.300	0.62%	2,816	0.49%	\$ 1,347,228	\$ 80,099
11 Nga Ruahine	21.600	0.34%	2,256	0.40%	\$ 903,126	\$ 52,984
12 Ngati Apa ki te Waipounamu	71.613	1.12%	129	0.02%	\$ 1,855,130	\$ 115,268
13 Ngati Apa (Manawatu)	12.000	0.19%	1,954	0.34%	\$ 662,655	\$ 38,299
14 Ngati Awa (BOP)	32.900	0.52%	11,536	2.02%	\$ 3,581,927	\$ 213,086
15 Ngati Hauiti	0.000	0.00%	872	0.15%	\$ 200,267	\$ 11,031
16 Ngati Kahu	60.700	0.95%	6,004	1.05%	\$ 2,887,485	\$ 187,789
17 N Kahungunu	515.300	8.09%	47,955	8.41%	\$ 30,253,803	\$ 1,950,014
18 Ngati Koata	71.613	1.12%	542	0.10%	\$ 1,949,981	\$ 120,493
19 Ngati Kuia	71.612	1.12%	838	0.15%	\$ 2,017,937	\$ 124,236
20 Ngati Kuri	7.900	0.12%	2,468	0.43%	\$ 763,150	\$ 45,777
21 Ngati Manawa - Ngati Whare	0.000	0.00%	1,341	0.24%	\$ 307,979	\$ 16,964
22 Ngati Maniapoto	109.300	1.72%	31,144	5.46%	\$ 9,007,982	\$ 517,757
23 Ngati Maru (Taranaki)	0.000	0.00%	1,467	0.26%	\$ 336,917	\$ 18,558
24 Ngati Mutunga (Taranaki)	18.700	0.29%	1,210	0.21%	\$ 611,207	\$ 36,470
25 Ngati Porou	217.300	3.41%	55,455	9.72%	\$ 20,372,865	\$ 1,204,694
26 Ngati Pukenga	0.000	0.00%	811	0.14%	\$ 186,257	\$ 10,260
27 Ngati Ranginui	34.100	0.54%	4,908	0.86%	\$ 2,093,728	\$ 131,688
28 Ngati Rarua (SI)	71.613	1.12%	345	0.06%	\$ 1,904,737	\$ 118,001
29 Ngati Raukawa ki Waikato	0.000	0.00%	9,564	1.68%	\$ 2,196,506	\$ 120,989
30 Ngati Raukawa ki te tonga	58.400	0.92%	15,263	2.68%	\$ 5,160,597	\$ 309,276
31 Ngati Ruanui	38.300	0.60%	4,284	0.75%	\$ 1,666,550	\$ 97,538
32 Ngati Tama (SI)	71.613	1.12%	156	0.03%	\$ 1,861,331	\$ 115,610
33 Ngati Tama (Taranaki)	26.000	0.41%	896	0.16%	\$ 669,210	\$ 40,759
34 Ngati Toa (Wellington)	66.200	1.04%	4,041	0.71%	\$ 3,232,036	\$ 215,814
35 Ngati Toa (SI)	71.613	1.12%	287	0.05%	\$ 1,891,417	\$ 117,267
36 Ngati Wai	298.600	4.69%	3,276	0.57%	\$ 8,412,218	\$ 605,171
38 Ngati Whatua	235.300	3.70%	10,338	1.81%	\$ 6,823,033	\$ 441,153
39 Rangitane Te Tau Ihu	71.612	1.12%	779	0.14%	\$ 2,004,387	\$ 123,489
41 Rangitane (Manawatu)	67.300	1.06%	2,638	0.46%	\$ 2,833,656	\$ 189,247
42 Rongowhakaata	25.100	0.39%	3,016	0.53%	\$ 1,687,119	\$ 105,408
43 Taranaki	64.700	1.02%	3,840	0.67%	\$ 2,035,141	\$ 121,798
44 Te Aitanga a Mahaki	36.300	0.57%	3,185	0.56%	\$ 2,169,671	\$ 137,555
45 Te Arawa Iwi	53.900	0.85%	38,372	6.73%	\$ 10,340,418	\$ 595,437
46 Te Atiawa (Taranaki)	43.000	0.68%	11,534	2.02%	\$ 3,415,388	\$ 194,573
47 Te Atihaunui (Whanganui)	25.400	0.40%	7,275	1.28%	\$ 2,123,542	\$ 120,777
48 Te Atiawa (SI)	71.613	1.12%	761	0.13%	\$ 2,000,278	\$ 123,263
49 Te Atiawa (Wellington)	62.800	0.99%	1,131	0.20%	\$ 2,571,904	\$ 176,398
50 Te Aupouri	259.600	4.08%	7,316	1.28%	\$ 7,109,608	\$ 479,053
51 Te Rarawa	84.100	1.32%	8,394	1.47%	\$ 3,441,989	\$ 209,430
52 Tuhoe	6.800	0.11%	26,450	4.64%	\$ 6,267,352	\$ 348,485
53 Tuwharetoa	15.300	0.24%	25,677	4.50%	\$ 6,330,748	\$ 356,055
54 Waikato	139.100	2.18%	37,954	6.65%	\$ 10,979,569	\$ 637,733
55 Whakatohea	26.300	0.41%	7,501	1.32%	\$ 2,468,162	\$ 148,571
56 Te Whanau a Apanui	113.800	1.79%	8,135	1.43%	\$ 5,072,987	\$ 330,827
57 Whaingaroa	61.200	0.96%	372	0.07%	\$ 1,606,444	\$ 117,462

PUTEA

POSA Income retained

TOTAL	6,366.677	100.00%	570,398	100.00%	\$ 320,301,231	\$ 19,084,720
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Te Pataka Model

POSA

% OF DIVIDEND TO IWI 0.00%

ASSET VALUE

POSA Quota \$ 23,064,983

POSA Shares \$ 290,253,754

POSA Cash \$ 22,809,751

Dev Putea

POSA Cash \$ 22,809,751

\$ 336,128,488

ESTIMATED POSA INCOME \$ 12,409,031

Iwi Equity in POSA Trust by Affiliation	Dividend from POSA to Iwi by Population	PRESA ownership and Equity in POSA	% of Settlement	Estimated Total Income to Iwi	% of Total Estimated Income
\$ 660,591		\$ 20,725,846	3.16%	\$ 940,667	2.99%
\$ 5,292,982		\$ 18,562,410	2.83%	\$ 920,602	2.92%
\$ 940,503		\$ 1,388,623	0.21%	\$ 26,071	0.08%
\$ 19,996,887		\$ 89,528,286	13.64%	\$ 3,933,159	12.49%
\$ 548,037		\$ 1,589,675	0.24%	\$ 67,765	0.22%
\$ 862,128		\$ 1,623,289	0.25%	\$ 49,123	0.16%
\$ 184,447		\$ 393,024	0.06%	\$ 14,093	0.04%
\$ 4,102,621		\$ 6,668,078	1.02%	\$ 157,672	0.50%
\$ 58,110,243		\$ 82,904,818	12.63%	\$ 1,402,960	4.45%
\$ 1,659,434		\$ 3,006,662	0.46%	\$ 80,099	0.25%
\$ 1,329,433		\$ 2,232,559	0.34%	\$ 52,984	0.17%
\$ 76,018		\$ 1,931,148	0.29%	\$ 115,268	0.37%
\$ 1,151,468		\$ 1,814,123	0.28%	\$ 38,299	0.12%
\$ 6,798,022		\$ 10,379,950	1.58%	\$ 213,086	0.68%
\$ 513,859		\$ 714,126	0.11%	\$ 11,031	0.04%
\$ 3,538,083		\$ 6,425,568	0.98%	\$ 187,789	0.60%
\$ 28,259,288		\$ 58,513,092	8.91%	\$ 1,950,014	6.19%
\$ 319,394		\$ 2,269,375	0.35%	\$ 120,493	0.38%
\$ 493,823		\$ 2,511,760	0.38%	\$ 124,236	0.39%
\$ 1,454,362		\$ 2,217,512	0.34%	\$ 45,777	0.15%
\$ 790,235		\$ 1,098,214	0.17%	\$ 16,964	0.05%
\$ 18,352,774		\$ 27,360,756	4.17%	\$ 517,757	1.64%
\$ 864,485		\$ 1,201,402	0.18%	\$ 18,558	0.06%
\$ 713,038		\$ 1,324,246	0.20%	\$ 36,470	0.12%
\$ 32,678,946		\$ 53,051,811	8.08%	\$ 1,204,694	3.83%
\$ 477,912		\$ 664,170	0.10%	\$ 10,260	0.03%
\$ 2,892,224		\$ 4,985,951	0.76%	\$ 131,688	0.42%
\$ 203,304		\$ 2,108,042	0.32%	\$ 118,001	0.37%
\$ 5,635,947		\$ 7,832,453	1.19%	\$ 120,989	0.38%
\$ 8,994,297		\$ 14,154,894	2.16%	\$ 309,276	0.98%
\$ 2,524,508		\$ 4,191,059	0.64%	\$ 97,538	0.31%
\$ 91,929		\$ 1,953,260	0.30%	\$ 115,610	0.37%
\$ 528,002		\$ 1,197,212	0.18%	\$ 40,759	0.13%
\$ 2,381,311		\$ 5,613,347	0.86%	\$ 215,814	0.69%
\$ 169,126		\$ 2,060,542	0.31%	\$ 117,267	0.37%
\$ 1,930,506		\$ 10,342,725	1.58%	\$ 605,171	1.92%
\$ 6,092,056		\$ 12,915,088	1.97%	\$ 441,153	1.40%
\$ 459,055		\$ 2,463,442	0.38%	\$ 123,489	0.39%
\$ 1,554,541		\$ 4,388,196	0.67%	\$ 189,247	0.60%
\$ 1,777,292		\$ 3,464,410	0.53%	\$ 105,408	0.33%
\$ 2,262,865		\$ 4,298,005	0.65%	\$ 121,798	0.39%
\$ 1,876,881		\$ 4,046,552	0.62%	\$ 137,555	0.44%
\$ 22,612,145		\$ 32,952,563	5.02%	\$ 595,437	1.89%
\$ 6,796,844		\$ 10,212,232	1.56%	\$ 194,573	0.62%
\$ 4,287,068		\$ 6,410,610	0.98%	\$ 120,777	0.38%
\$ 448,448		\$ 2,448,725	0.37%	\$ 123,263	0.39%
\$ 666,484		\$ 3,238,388	0.49%	\$ 176,398	0.56%
\$ 4,311,228		\$ 11,420,836	1.74%	\$ 479,053	1.52%
\$ 4,946,480		\$ 8,388,469	1.28%	\$ 209,430	0.66%
\$ 15,586,658		\$ 21,854,010	3.33%	\$ 348,485	1.11%
\$ 15,131,139		\$ 21,461,886	3.27%	\$ 356,055	1.13%
\$ 22,365,823		\$ 33,345,392	5.08%	\$ 637,733	2.02%
\$ 4,420,247		\$ 6,888,408	1.05%	\$ 148,571	0.47%
\$ 4,793,855		\$ 9,866,842	1.50%	\$ 330,827	1.05%
\$ 219,215		\$ 1,825,659	0.28%	\$ 117,462	0.37%
			0.00%		
	\$ 12,409,031			\$ 12,409,031	39.40%
\$ 336,128,488	\$ 12,409,031	\$ 656,429,719	100.00%	\$ 31,493,751	100.00%

Actual Dividend will depend on decisions by the Trustees. All proceeds from POSA business activities will be placed in a contestable fund.

NOTE

The information on this sheet is for comparative purposes only. The values given are not absolute and are not the actual value that may be allocated.

The coastline lengths used are those used by Tainui in their submission dated March 2000. These have been used on the clear understanding that many Iwi have yet to agree with their neighbours on their coastal boundary points for Fisheries matters only.

Variables that will change in the future are:

- TACCs set annually by the Minister of Fisheries
- Quota Trading Prices
- Quota lease prices (now ACE prices)
- Coastline lengths after agreement between neighbouring Iwi.
- Iwi Affiliations when 2001 census information becomes available

Te Ohu Kai Moana will continue to trade until Allocation. Share prices and Cash will therefore change.

Commission policy regarding allocation of quota related to harbours has not been implemented in these spreadsheets.

Annual POSA dividend placed in a contestable fund. Trustees decide priorities annually which could be:

- Purchases of assets
- Dividends to Iwi
- Business development grants
- Distribution to other Maori organisations.

POSA Income retained for purchases, business grants or distribution to other Maori organisations.

SUMMARY ESTIMATED IWI ALLOCATION OF PRESA ASSETS, POSA INSHORE QUOTE AND INCOME FROM POSA TRUST

	PRESA	CHATHAMS % SPLIT	OVERALL % SPLIT
	COASTLINE	50.00 %	50.00 %
	Affiliations	50.00 %	50.00 %
			ASSET VALUE
PRESA Quota up to 10% of TACC		\$ 252,916,101	
Cash Adjustment for i/s quota shortfalls		\$ 3,492,039	
Cash Adjustment for d/w quota shortfalls		\$ 4,272,068	
Total Quota Value			\$ 260,680,208
Value of Shares			
Cash		\$ 68,671,281	
Investment in Development Putea			
PRESA Cash			\$ 68,671,281
Total Asset Value – excluding Development Putea			\$ 329,351,489
	ESTIMATED PRESA INCOME		\$ 19,717,455

	C/line (km)	% of Coastline	Afflins	% of Affilins	Estimated Value of TOKM Allocation	Estimated PRESA income to Iwi.
01 Chathams		n/a	1,121	0.20%	\$ 20,106,285	\$ 941,066
02 Hauraki iwi (total)	395.375	6.21%	8,982	1.57%	\$ 13,528,297	\$ 926,958
03 Muaupoko	2.400	0.04%	1,596	0.28%	\$ 448,125	\$ 25,618
04 Ngai Tahu	2,347.998	36.88%	33,934	5.95%	\$ 74,433,567	\$ 4,527,008
05 Ngai Tamanuhiri	20.900	0.33%	930	0.16%	\$ 1,060,453	\$ 68,375
06 Ngai Tai (BOP)	15.000	0.24%	1,463	0.26%	\$ 770,982	\$ 49,046
07 Ngai Takoto	5.500	0.09%	313	0.05%	\$ 215,626	\$ 14,248
08 Ngaiterangi	34.100	0.54%	6,962	1.22%	\$ 2,587,784	\$ 156,463
09 Ngapuhi	95.902	1.51%	98,611	17.29%	\$ 24,873,968	\$ 1,377,707
10 Nga Rauru	39.300	0.62%	2,816	0.49%	\$ 1,347,313	\$ 79,305
11 Nga Ruahine	21.600	0.34%	2,256	0.40%	\$ 903,173	\$ 52,346
12 Ngati Apa ki te Waipounamu	71.613	1.12%	129	0.02%	\$ 2,090,354	\$ 128,142
13 Ngati Apa (Manawatu)	12.000	0.19%	1,954	0.34%	\$ 662,681	\$ 37,746
14 Ngati Awa (BOP)	32.900	0.52%	11,536	2.02%	\$ 3,603,469	\$ 210,551
15 Ngati Hauiti	0.000	0.00%	872	0.15%	\$ 200,267	\$ 10,784
16 Ngati Kahu	60.700	0.95%	6,004	1.05%	\$ 2,965,287	\$ 188,774
17 N Kahungunu	515.300	8.09%	47,955	8.41%	\$ 30,717,714	\$ 1,957,937
18 Ngati Koata	71.613	1.12%	542	0.10%	\$ 2,185,205	\$ 133,249
19 Ngati Kuia	71.612	1.12%	838	0.15%	\$ 2,253,161	\$ 136,908
20 Ngati Kuri	7.900	0.12%	2,468	0.43%	\$ 773,276	\$ 45,426
21 Ngati Manawa – Ngati Whare	0.000	0.00%	1,341	0.24%	\$ 307,979	\$ 16,583
22 Ngati Maniapoto	109.300	1.72%	31,144	5.46%	\$ 9,009,287	\$ 508,972
23 Ngati Maru (Taranaki)	0.000	0.00%	1,467	0.26%	\$ 336,917	\$ 18,142
24 Ngati Mutunga (Taranaki)	18.700	0.29%	1,210	0.21%	\$ 611,248	\$ 36,129
25 Ngati Porou	217.300	3.41%	55,455	9.72%	\$ 20,568,494	\$ 1,198,029
26 Ngati Pukenga	0.000	0.00%	811	0.14%	\$ 186,257	\$ 10,029
27 Ngati Ranginui	34.100	0.54%	4,908	0.86%	\$ 2,116,055	\$ 131,062
28 Ngati Rarua (SI)	71.613	1.12%	345	0.06%	\$ 2,139,961	\$ 130,813
29 Ngati Raukawa ki Waikato	0.000	0.00%	9,564	1.68%	\$ 2,196,506	\$ 118,273
30 Ngati Raukawa ki te tonga	58.400	0.92%	15,263	2.68%	\$ 5,160,723	\$ 304,949
31 Ngati Ruanui	38.300	0.60%	4,284	0.75%	\$ 1,666,633	\$ 96,327
32 Ngati Tama (SI)	71.613	1.12%	156	0.03%	\$ 2,096,555	\$ 128,476
33 Ngati Tama (Taranaki)	26.000	0.41%	896	0.16%	\$ 669,267	\$ 40,508
34 Ngati Toa (Wellington)	66.200	1.04%	4,041	0.71%	\$ 3,249,243	\$ 215,467
35 Ngati Toa (SI)	71.613	1.12%	287	0.05%	\$ 2,126,641	\$ 130,096
36 Ngati Wai	298.600	4.69%	3,276	0.57%	\$ 8,760,721	\$ 616,287
38 Ngati Whatua	235.300	3.70%	10,338	1.81%	\$ 6,853,015	\$ 439,286
39 Rangitane Te Tau Ihu	71.612	1.12%	779	0.14%	\$ 2,239,611	\$ 136,179
41 Rangitane (Manawatu)	67.300	1.06%	2,638	0.46%	\$ 2,878,707	\$ 190,591
42 Rongowhakaata	25.100	0.39%	3,016	0.53%	\$ 1,709,715	\$ 105,601
43 Taranaki	64.700	1.02%	3,840	0.67%	\$ 2,035,281	\$ 120,716
44 Te Aitanga a Mahaki	36.300	0.57%	3,185	0.56%	\$ 2,202,351	\$ 138,168
45 Te Arawa Iwi	53.900	0.85%	38,372	6.73%	\$ 10,375,708	\$ 585,754
46 Te Atiawa (Taranaki)	43.000	0.68%	11,534	2.02%	\$ 3,415,481	\$ 191,304
47 Te Atihaunui (Whanganui)	25.400	0.40%	7,275	1.28%	\$ 2,123,597	\$ 118,715
48 Te Atiawa (SI)	71.613	1.12%	761	0.13%	\$ 2,235,501	\$ 135,957
49 Te Atiawa (Wellington)	62.800	0.99%	1,131	0.20%	\$ 2,628,441	\$ 178,702
50 Te Aupouri	259.600	4.08%	7,316	1.28%	\$ 7,347,595	\$ 485,250
51 Te Rarawa	84.100	1.32%	8,394	1.47%	\$ 3,461,978	\$ 207,757
52 Tuhoe	6.800	0.11%	26,450	4.64%	\$ 6,271,805	\$ 341,127
53 Tuwharetoa	15.300	0.24%	25,677	4.50%	\$ 6,340,765	\$ 349,108
54 Waikato	139.100	2.18%	37,954	6.65%	\$ 10,982,361	\$ 627,077
55 Whakatohea	26.300	0.41%	7,501	1.32%	\$ 2,485,381	\$ 147,033
56 Te Whanau a Apanui	113.800	1.79%	8,135	1.43%	\$ 5,149,838	\$ 331,264
57 Whaingaroa	61.200	0.96%	372	0.07%	\$ 1,684,887	\$ 120,069

PUTEA

POSA Income retained

TOTAL	6,366.677	100.00%	570,398	100.00%	\$ 329,351,492	\$ 19,717,455
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POSA DEEPWATER, CASH AND SHARES

Te Mana Orite Model

% OF DIVIDEND TO IWI 100.00%
n/a
n/a

ASSET VALUE
POSA Quota \$ 14,014,722

POSA Shares \$ 326,872,421
POSA Cash \$ (13,808,916)
Dev Putea \$ 20,000,000
POSA Cash \$ (33,808,916)
\$ 307,078,227

NOTE – This requires a loan to finance the purchase of MPFL by POSA

ESTIMATED POSA INCOME \$ 9,632,652

Iwi Equity in POSA Trust by Affiliation	Dividend from POSA to Iwi by Population	PRESA ownership and Equity in POSA	% of Settlement	Estimated Total Income to Iwi	% of Total Estimated Income
\$ 603,499	\$ 18,931	\$ 20,709,784	3.15%	\$ 959,997	3.27%
\$ 4,835,530	\$ 151,684	\$ 18,363,827	2.80%	\$ 1,078,643	3.68%
\$ 859,219	\$ 26,953	\$ 1,307,344	0.20%	\$ 52,570	0.18%
\$ 18,268,634	\$ 573,064	\$ 92,702,201	14.12%	\$ 5,100,072	17.38%
\$ 500,673	\$ 15,705	\$ 1,561,126	0.24%	\$ 84,080	0.29%
\$ 787,617	\$ 24,707	\$ 1,558,600	0.24%	\$ 73,752	0.25%
\$ 168,506	\$ 5,286	\$ 384,132	0.06%	\$ 19,534	0.07%
\$ 3,748,047	\$ 117,571	\$ 6,335,831	0.97%	\$ 274,035	0.93%
\$ 53,088,003	\$ 1,665,303	\$ 77,961,972	11.88%	\$ 3,043,010	10.37%
\$ 1,516,016	\$ 47,555	\$ 2,863,329	0.44%	\$ 126,860	0.43%
\$ 1,214,535	\$ 38,098	\$ 2,117,708	0.32%	\$ 90,445	0.31%
\$ 69,448	\$ 2,179	\$ 2,159,802	0.33%	\$ 130,320	0.44%
\$ 1,051,951	\$ 32,998	\$ 1,714,632	0.26%	\$ 70,744	0.24%
\$ 6,210,496	\$ 194,815	\$ 9,813,964	1.50%	\$ 405,367	1.38%
\$ 469,448	\$ 14,726	\$ 669,715	0.10%	\$ 25,510	0.09%
\$ 3,232,300	\$ 101,393	\$ 6,197,587	0.94%	\$ 290,167	0.99%
\$ 25,816,949	\$ 809,845	\$ 56,534,663	8.61%	\$ 2,767,782	9.43%
\$ 291,790	\$ 9,153	\$ 2,476,995	0.38%	\$ 142,402	0.49%
\$ 451,144	\$ 14,152	\$ 2,704,305	0.41%	\$ 151,060	0.51%
\$ 1,328,667	\$ 41,679	\$ 2,101,943	0.32%	\$ 87,104	0.30%
\$ 721,938	\$ 22,646	\$ 1,029,917	0.16%	\$ 39,230	0.13%
\$ 16,766,616	\$ 525,947	\$ 25,775,903	3.93%	\$ 1,034,919	3.53%
\$ 789,771	\$ 24,774	\$ 1,126,688	0.17%	\$ 42,916	0.15%
\$ 651,413	\$ 20,434	\$ 1,262,661	0.19%	\$ 56,563	0.19%
\$ 29,854,633	\$ 936,502	\$ 50,423,127	7.68%	\$ 2,134,531	7.27%
\$ 436,608	\$ 13,696	\$ 622,866	0.09%	\$ 23,725	0.08%
\$ 2,642,260	\$ 82,884	\$ 4,758,315	0.72%	\$ 213,947	0.73%
\$ 185,733	\$ 5,826	\$ 2,325,694	0.35%	\$ 136,639	0.47%
\$ 5,148,854	\$ 161,513	\$ 7,345,360	1.12%	\$ 279,786	0.95%
\$ 8,216,955	\$ 257,755	\$ 13,377,679	2.04%	\$ 562,705	1.92%
\$ 2,306,325	\$ 72,346	\$ 3,972,958	0.61%	\$ 168,673	0.57%
\$ 83,984	\$ 2,634	\$ 2,180,538	0.33%	\$ 131,110	0.45%
\$ 482,369	\$ 15,131	\$ 1,151,635	0.18%	\$ 55,639	0.19%
\$ 2,175,504	\$ 68,243	\$ 5,424,747	0.83%	\$ 283,710	0.97%
\$ 154,509	\$ 4,847	\$ 2,281,149	0.35%	\$ 134,942	0.46%
\$ 1,763,660	\$ 55,324	\$ 10,524,381	1.60%	\$ 671,611	2.29%
\$ 5,565,543	\$ 174,584	\$ 12,418,558	1.89%	\$ 613,870	2.09%
\$ 419,381	\$ 13,155	\$ 2,658,991	0.41%	\$ 149,334	0.51%
\$ 1,420,188	\$ 44,549	\$ 4,298,895	0.65%	\$ 235,140	0.80%
\$ 1,623,687	\$ 50,933	\$ 3,333,403	0.51%	\$ 156,534	0.53%
\$ 2,067,294	\$ 64,848	\$ 4,102,575	0.62%	\$ 185,565	0.63%
\$ 1,714,670	\$ 53,787	\$ 3,917,021	0.60%	\$ 191,955	0.65%
\$ 20,657,866	\$ 648,011	\$ 31,033,575	4.73%	\$ 1,233,765	4.20%
\$ 6,209,419	\$ 194,782	\$ 9,624,900	1.47%	\$ 386,085	1.32%
\$ 3,916,553	\$ 122,857	\$ 6,040,150	0.92%	\$ 241,572	0.82%
\$ 409,690	\$ 12,851	\$ 2,645,192	0.40%	\$ 148,809	0.51%
\$ 608,883	\$ 19,100	\$ 3,237,324	0.49%	\$ 197,802	0.67%
\$ 3,938,626	\$ 123,550	\$ 11,286,220	1.72%	\$ 608,800	2.07%
\$ 4,518,976	\$ 141,754	\$ 7,980,954	1.22%	\$ 349,511	1.19%
\$ 14,239,564	\$ 446,677	\$ 20,511,369	3.12%	\$ 787,803	2.68%
\$ 13,823,414	\$ 433,623	\$ 20,164,179	3.07%	\$ 782,730	2.67%
\$ 20,432,833	\$ 640,952	\$ 31,415,193	4.79%	\$ 1,268,029	4.32%
\$ 4,038,222	\$ 126,674	\$ 6,523,603	0.99%	\$ 273,707	0.93%
\$ 4,379,541	\$ 137,381	\$ 9,529,379	1.45%	\$ 468,645	1.60%
\$ 200,269	\$ 6,282	\$ 1,885,156	0.29%	\$ 126,352	0.43%
\$ 20,000,000		\$ 20,000,000	3.05%		
\$ 327,078,227	\$ 9,632,652	\$ 656,429,719	100.00%	\$ 29,350,107	100.00%

NOTE
The information on this sheet is for comparative purposes only. The values given are not absolute and are not the actual value that may be allocated.

The coastline lengths used are those used by Tainui in their submission dated March 2000. These have been used on the clear understanding that many Iwi have yet to agree with their neighbours on their coastal boundary points for Fisheries matters only.

Variables that will change in the future are:

- TACCs set annually by the Minister of Fisheries
- Quota Trading Prices
- Quota lease prices (now ACE prices)
- Coastline lengths after agreement between neighbouring Iwi.
- Iwi Affiliations when 2001 census information becomes available

Te Ohu Kai Moana will continue to trade until Allocation. Share prices and Cash will therefore change.

Commission policy regarding allocation of quota related to harbours has not been implemented in these spreadsheets.

SUMMARY ALLOCATION OF ALL SETTLEMENT ASSETS

PRESA

	COASTLINE	CHATHAMS % SPLIT	OVERALL % SPLIT
	Affiliations	50.00 %	50.00 %
		50.00 %	50.00 %
			ASSET VALUE
Asset Value			
PRESA Quota up to 10% of TACC		\$ 243,865,840	
Cash Adjustment for i/s quota shortfalls		\$ 3,492,039	
Cash Adjustment for d/w quota shortfalls		\$ 4,272,068	
Total Quota Value			\$ 251,629,947
Value of Shares			36,618,667
Cash		\$ 32,052,614	
Investment in Development Putea		10,000,000	
PRESA Cash			\$ 22,052,614
Total Asset Value – excluding Development Putea			\$ 310,301,228
		ESTIMATED PRESA INCOME	\$ 18,572,730

	C/line (km)	% of Coastline	Afflins	% of Affilins	Estimated Value of TOKM Allocation	Estimated PRESA income to Iwi.
01 Chathams		n/a	1,121	0.20%	\$ 20,045,602	\$ 939,660
02 Hauraki iwi (total)	395.375	6.21%	8,982	1.57%	\$ 13,111,959	\$ 912,540
03 Muaupoko	2.400	0.04%	1,596	0.28%	\$ 420,139	\$ 24,638
04 Ngai Tahu	2,347.998	36.88%	33,934	5.95%	\$ 68,936,481	\$ 3,902,700
05 Ngai Tamanuhiri	20.900	0.33%	930	0.16%	\$ 1,025,333	\$ 66,930
06 Ngai Tai (BOP)	15.000	0.24%	1,463	0.26%	\$ 735,513	\$ 47,810
07 Ngai Takoto	5.500	0.09%	313	0.05%	\$ 203,089	\$ 13,812
08 Ngaiterangi	34.100	0.54%	6,962	1.22%	\$ 2,443,402	\$ 151,423
09 Ngapuhi	95.902	1.51%	98,611	17.29%	\$ 23,065,764	\$ 1,314,446
10 Nga Rauru	39.300	0.62%	2,816	0.49%	\$ 1,297,859	\$ 77,571
11 Nga Ruahine	21.600	0.34%	2,256	0.40%	\$ 863,575	\$ 50,959
12 Ngati Apa ki te Waipounamu	71.613	1.12%	129	0.02%	\$ 1,852,868	\$ 115,152
13 Ngati Apa (Manawatu)	12.000	0.19%	1,954	0.34%	\$ 628,398	\$ 36,545
14 Ngati Awa (BOP)	32.900	0.52%	11,536	2.02%	\$ 3,379,683	\$ 202,732
15 Ngati Hauiti	0.000	0.00%	872	0.15%	\$ 184,979	\$ 10,249
16 Ngati Kahu	60.700	0.95%	6,004	1.05%	\$ 2,782,225	\$ 182,400
17 N Kahungunu	515.300	8.09%	47,955	8.41%	\$ 29,413,075	\$ 1,906,970
18 Ngati Koata	71.613	1.12%	542	0.10%	\$ 1,940,479	\$ 120,006
19 Ngati Kuia	71.612	1.12%	838	0.15%	\$ 2,003,246	\$ 123,484
20 Ngati Kuri	7.900	0.12%	2,468	0.43%	\$ 719,882	\$ 43,561
21 Ngati Manawa – Ngati Whare	0.000	0.00%	1,341	0.24%	\$ 284,469	\$ 15,761
22 Ngati Maniapoto	109.300	1.72%	31,144	5.46%	\$ 8,461,977	\$ 489,802
23 Ngati Maru (Taranaki)	0.000	0.00%	1,467	0.26%	\$ 311,198	\$ 17,242
24 Ngati Mutunga (Taranaki)	18.700	0.29%	1,210	0.21%	\$ 589,994	\$ 35,384
25 Ngati Porou	217.300	3.41%	55,455	9.72%	\$ 19,400,649	\$ 1,154,917
26 Ngati Pukenga	0.000	0.00%	811	0.14%	\$ 172,039	\$ 9,532
27 Ngati Ranginui	34.100	0.54%	4,908	0.86%	\$ 2,007,683	\$ 127,283
28 Ngati Rarua (SI)	71.613	1.12%	345	0.06%	\$ 1,898,689	\$ 117,691
29 Ngati Raukawa ki Waikato	0.000	0.00%	9,564	1.68%	\$ 2,028,834	\$ 112,405
30 Ngati Raukawa ki te tonga	58.400	0.92%	15,263	2.68%	\$ 4,893,012	\$ 295,576
31 Ngati Ruanui	38.300	0.60%	4,284	0.75%	\$ 1,591,445	\$ 93,693
32 Ngati Tama (SI)	71.613	1.12%	156	0.03%	\$ 1,858,596	\$ 115,470
33 Ngati Tama (Taranaki)	26.000	0.41%	896	0.16%	\$ 653,502	\$ 39,954
34 Ngati Toa (Wellington)	66.200	1.04%	4,041	0.71%	\$ 3,161,190	\$ 212,187
35 Ngati Toa (SI)	71.613	1.12%	287	0.05%	\$ 1,886,385	\$ 117,009
36 Ngati Wai	298.600	4.69%	3,276	0.57%	\$ 8,354,785	\$ 602,231
38 Ngati Whatua	235.300	3.70%	10,338	1.81%	\$ 6,641,791	\$ 431,873
39 Rangitane Te Tau Ihu	71.612	1.12%	779	0.14%	\$ 1,990,730	\$ 122,790
41 Rangitane (Manawatu)	67.300	1.06%	2,638	0.46%	\$ 2,787,407	\$ 186,880
42 Rongowhakaata	25.100	0.39%	3,016	0.53%	\$ 1,634,243	\$ 102,701
43 Taranaki	64.700	1.02%	3,840	0.67%	\$ 1,967,819	\$ 118,351
44 Te Aitanga a Mahaki	36.300	0.57%	3,185	0.56%	\$ 2,113,833	\$ 134,697
45 Te Arawa Iwi	53.900	0.85%	38,372	6.73%	\$ 9,667,694	\$ 560,994
46 Te Atiawa (Taranaki)	43.000	0.68%	11,534	2.02%	\$ 3,213,179	\$ 184,220
47 Te Atihaunui (Whanganui)	25.400	0.40%	7,275	1.28%	\$ 1,996,000	\$ 114,247
48 Te Atiawa (SI)	71.613	1.12%	761	0.13%	\$ 1,986,936	\$ 122,580
49 Te Atiawa (Wellington)	62.800	0.99%	1,131	0.20%	\$ 2,552,076	\$ 175,383
50 Te Aupouri	259.600	4.08%	7,316	1.28%	\$ 6,981,347	\$ 472,486
51 Te Rarawa	84.100	1.32%	8,394	1.47%	\$ 3,294,828	\$ 201,896
52 Tuhoe	6.800	0.11%	26,450	4.64%	\$ 5,803,641	\$ 324,743
53 Tuwharetoa	15.300	0.24%	25,677	4.50%	\$ 5,880,588	\$ 333,007
54 Waikato	139.100	2.18%	37,954	6.65%	\$ 10,314,174	\$ 603,665
55 Whakatohea	26.300	0.41%	7,501	1.32%	\$ 2,336,657	\$ 141,838
56 Te Whanau a Apanui	113.800	1.79%	8,135	1.43%	\$ 4,930,367	\$ 323,525
57 Whaingaroa	61.200	0.96%	372	0.07%	\$ 1,599,922	\$ 117,128
PUTEA					\$ 10,000,000	
TOTAL	6,366.677	100.00%	570,398	100.00%	\$ 320,301,231	\$ 18,572,730

TABLES THAT SHOW PRESAs ALLOCATION FOR DIFFERENT DEEPWATER FORMULA

	Coastline km	% of NZ Coastline	Millions (1990 Census)	% of Activities	TE PUTAHI MODEL					PATAKA MODEL				
					100% by Population	75% by Population	50% by Population	25% by Population	0% by Population	100% by Population	75% by Population	50% by Population	25% by Population	0% by Population
81 Chatham	395.375	0.21%	1,121	0.03%	\$12,861,937	\$8,613,896	\$5,764,263	\$3,716,416	\$2,396,666	\$11,798,129	\$15,912,162	\$20,866,258	\$24,216,317	\$28,371,389
82 Hauraki Gulf (Heta)	2,400	0.04%	1,562	1.57%	\$11,824,818	\$3,002,811	\$14,083,004	\$15,158,797	\$16,238,760	\$11,577,028	\$2,623,216	\$12,262,428	\$14,115,036	\$14,961,808
83 Manapoto	2,400	0.04%	1,562	0.28%	\$578,782	\$485,687	\$391,487	\$297,487	\$203,402	\$603,827	\$523,973	\$448,728	\$370,266	\$282,412
84 Ngai Tahu	2,347.939	15.88%	33,534	5.93%	\$53,545,538	\$5,421,710	\$7,297,659	\$9,174,529	\$10,109,234	\$49,878,478	\$9,170,459	\$69,317,399	\$79,299,289	\$85,387,179
85 Ngai Tamateahi	20,900	0.03	600	0.16%	\$885,388	\$1,021,647	\$1,164,241	\$1,312,644	\$1,460,538	\$863,746	\$1,072,689	\$1,241,637	\$1,418,532	\$1,609,532
86 Ngai Tai (BOF)	15,000	0.24%	1,403	0.03%	\$813,703	\$700,843	\$545,246	\$412,724	\$274,664	\$702,582	\$712,372	\$781,164	\$792,741	\$799,532
87 Ngai Takoto	5,000	0.09%	313	0.03%	\$287,933	\$209,886	\$127,080	\$74,686	\$37,182	\$205,583	\$207,680	\$208,977	\$210,074	\$211,571
88 Ngai Tekeo	34.000	0.54%	6,662	1.22%	\$3,070,428	\$2,702,358	\$2,344,245	\$2,006,156	\$1,748,065	\$3,495,593	\$2,693,525	\$2,165,458	\$2,300,360	\$2,475,322
89 Ngai Tekeo	96,900	0.015	66,611	17.29%	\$23,364,329	\$7,392,228	\$14,858,168	\$16,858,957	\$18,858,957	\$24,813,643	\$29,858,168	\$26,794,575	\$19,728,061	\$14,675,908
90 Ngai Tekeo	30,000	0.62%	2,816	0.49%	\$1,340,412	\$1,357,604	\$1,368,197	\$1,374,589	\$1,382,081	\$1,340,875	\$1,343,052	\$1,347,228	\$1,346,044	\$1,345,581
91 Ngai Tekeo	21,000	0.34%	2,286	0.40%	\$969,883	\$927,240	\$884,798	\$842,358	\$799,912	\$951,428	\$943,276	\$931,728	\$920,076	\$908,828
92 Ngai Tekeo	71,613	1.12%	120	0.02%	\$1,221,934	\$1,697,762	\$2,173,699	\$2,659,377	\$3,000,185	\$1,175,946	\$1,499,148	\$1,855,149	\$2,219,712	\$2,584,294
93 Ngai Tekeo (Marowatu)	12,000	0.002	1,664	0.34%	\$4,465,519	\$3,628,156	\$2,824,027	\$2,064,329	\$1,307,246	\$4,619,389	\$4,100,958	\$3,602,623	\$3,127,912	\$2,643,895
94 Ngai Tekeo (BOF)	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
95 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
96 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
97 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
98 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
99 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
100 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
101 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
102 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
103 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
104 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
105 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
106 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
107 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
108 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
109 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
110 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
111 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
112 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
113 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
114 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
115 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
116 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
117 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
118 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
119 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
120 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
121 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
122 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
123 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
124 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
125 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
126 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
127 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
128 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
129 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
130 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
131 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
132 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
133 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
134 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
135 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
136 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
137 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
138 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
139 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
140 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
141 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718	\$2,222,718
142 Ngai Tekeo	40,000	0.66%	4,000	0.16%	\$2,222,718	\$2,2								

PRESA ASSET ALLOCATION

TABLES THAT SHOW PRESA ALLOCATION FOR DIFFERENT DEEPWATER FORMULA

Country	km	% of NZ Coastline	Aflanders (10000 Citizens)	% of Aflanders	MANA ORITE MODEL (Includes POSA Inshore Quota)					TOHATCHA MODEL				
					100% by Population	75% by Population	50% by Population	25% by Population	0% by Population	100% by Population	75% by Population	50% by Population	25% by Population	0% by Population
01 Chatham	395.375	0.21%	1,321	0.20%	\$ 11,896,199	\$ 15,963,222	\$ 26,198,265	\$ 24,756,348	\$ 28,412,410	\$ 11,799,476	\$ 16,994,539	\$ 20,645,692	\$ 24,198,664	\$ 28,351,797
02 Hauraki Bay (Fovea)	2,470	0.04%	8,662	1.31%	\$ 11,823,877	\$ 12,682,887	\$ 13,524,297	\$ 14,370,271	\$ 15,212,717	\$ 11,410,529	\$ 12,263,749	\$ 13,111,929	\$ 13,958,169	\$ 14,804,379
03 Manukau	2,347	0.04%	1,596	0.20%	\$ 683,832	\$ 526,979	\$ 448,125	\$ 370,207	\$ 292,418	\$ 575,847	\$ 497,993	\$ 420,139	\$ 342,286	\$ 264,432
04 Ngai Tahu	2,147,998	36.69%	33,134	5.05%	\$ 64,777,798	\$ 65,651,917	\$ 74,431,907	\$ 84,361,457	\$ 94,099,347	\$ 49,290,751	\$ 58,193,991	\$ 68,916,481	\$ 79,354,371	\$ 85,992,291
05 Ngai Tahu (BCP)	35,900	0.00%	930	0.16%	\$ 1,862,556	\$ 1,651,584	\$ 1,468,453	\$ 1,288,603	\$ 1,118,360	\$ 907,435	\$ 998,394	\$ 925,333	\$ 854,261	\$ 783,230
06 Ngai Tahu (BCP)	15,000	0.24%	1,453	0.20%	\$ 825,493	\$ 600,183	\$ 776,302	\$ 741,772	\$ 712,562	\$ 703,333	\$ 764,723	\$ 725,513	\$ 706,262	\$ 677,092
07 Ngai Tahu (BCP)	9,900	0.09%	313	0.05%	\$ 212,632	\$ 213,129	\$ 218,608	\$ 213,323	\$ 218,608	\$ 200,895	\$ 203,992	\$ 203,989	\$ 204,988	\$ 206,083
08 Ngaiterangi	14,100	0.15%	6,942	1.22%	\$ 3,117,429	\$ 3,650,819	\$ 4,387,704	\$ 5,257,716	\$ 6,187,649	\$ 2,973,570	\$ 3,739,470	\$ 4,443,637	\$ 5,178,335	\$ 5,913,267
09 Kaipara	95,902	0.01%	60,611	0.29%	\$ 24,983,037	\$ 29,833,982	\$ 24,873,068	\$ 19,814,344	\$ 14,754,960	\$ 33,184,833	\$ 28,125,299	\$ 22,085,764	\$ 19,006,230	\$ 12,946,996
10 Ngai Tahu	35,300	0.62%	2,816	0.47%	\$ 1,348,290	\$ 1,346,137	\$ 1,346,489	\$ 1,346,489	\$ 1,346,666	\$ 1,209,456	\$ 1,234,003	\$ 1,287,833	\$ 1,327,035	\$ 1,376,212
11 Ngai Tahu	21,600	0.34%	2,346	0.40%	\$ 881,473	\$ 842,323	\$ 853,173	\$ 864,933	\$ 874,873	\$ 941,875	\$ 932,726	\$ 953,679	\$ 974,429	\$ 985,279
12 Ngai Tahu	21,600	1.12%	1,126	0.02%	\$ 1,361,990	\$ 2,094,354	\$ 2,094,354	\$ 2,094,354	\$ 2,094,354	\$ 1,123,765	\$ 1,484,286	\$ 1,852,848	\$ 2,127,460	\$ 2,542,032
13 Ngai Tahu (Marine)	12,000	0.00%	1,854	0.34%	\$ 782,744	\$ 729,712	\$ 683,681	\$ 602,648	\$ 542,617	\$ 748,461	\$ 688,430	\$ 628,388	\$ 568,366	\$ 508,335
14 Ngai Tahu (BCP)	32,900	0.50%	11,536	2.02%	\$ 4,641,339	\$ 4,122,499	\$ 3,604,439	\$ 3,084,438	\$ 2,563,407	\$ 4,417,744	\$ 3,991,714	\$ 3,575,693	\$ 3,159,145	\$ 2,741,621
15 Ngai Tahu (BCP)	6,000	0.00%	872	0.16%	\$ 295,932	\$ 287,919	\$ 289,387	\$ 286,884	\$ 284,381	\$ 280,286	\$ 279,692	\$ 279,098	\$ 278,504	\$ 277,910
16 Ngai Tahu	65,700	0.90%	6,004	1.07%	\$ 3,216,845	\$ 3,068,946	\$ 2,915,287	\$ 2,762,588	\$ 2,609,889	\$ 3,027,783	\$ 2,915,004	\$ 2,802,225	\$ 2,689,446	\$ 2,576,666
17 Ngai Tahu	915,300	0.00%	47,255	8.41%	\$ 32,141,290	\$ 31,420,852	\$ 30,717,714	\$ 29,020,436	\$ 27,323,158	\$ 30,837,351	\$ 30,123,213	\$ 29,410,075	\$ 28,700,937	\$ 27,988,798
18 Ngai Tahu	71,613	1.12%	542	0.10%	\$ 1,501,179	\$ 1,643,188	\$ 1,785,203	\$ 2,527,222	\$ 3,269,239	\$ 1,296,445	\$ 1,594,462	\$ 1,940,479	\$ 2,382,496	\$ 2,824,513
19 Ngai Tahu	71,613	1.12%	836	0.16%	\$ 1,661,482	\$ 1,803,491	\$ 1,945,500	\$ 2,087,509	\$ 2,229,518	\$ 1,561,847	\$ 1,877,406	\$ 2,020,248	\$ 2,162,090	\$ 2,303,932
20 Ngai Tahu	7,900	0.12%	2,468	0.43%	\$ 989,532	\$ 861,464	\$ 773,276	\$ 665,148	\$ 557,020	\$ 936,138	\$ 828,010	\$ 716,892	\$ 601,754	\$ 503,626
21 Ngai Tahu	0,000	0.00%	1,341	0.24%	\$ 454,513	\$ 381,246	\$ 307,979	\$ 254,712	\$ 181,445	\$ 431,853	\$ 357,736	\$ 284,489	\$ 211,203	\$ 137,958
22 Ngai Tahu	397,300	1.72%	31,144	0.56%	\$ 11,698,959	\$ 10,359,119	\$ 9,019,287	\$ 7,709,455	\$ 6,409,624	\$ 11,071,640	\$ 9,761,909	\$ 8,451,977	\$ 7,151,145	\$ 5,852,314
23 Ngai Tahu (Taranaki)	0,000	0.00%	1,487	0.26%	\$ 487,219	\$ 417,868	\$ 336,917	\$ 256,764	\$ 176,618	\$ 471,580	\$ 391,349	\$ 311,188	\$ 231,047	\$ 150,896
24 Ngai Tahu (Taranaki)	18,700	0.29%	1,210	0.21%	\$ 597,434	\$ 674,240	\$ 751,046	\$ 828,856	\$ 906,662	\$ 576,560	\$ 653,207	\$ 730,056	\$ 806,701	\$ 883,403
25 Ngai Tahu	217,300	0.03%	56,456	3.25%	\$ 24,989,623	\$ 22,769,959	\$ 20,558,494	\$ 18,347,329	\$ 16,136,164	\$ 23,801,779	\$ 21,693,214	\$ 19,480,649	\$ 17,269,084	\$ 15,057,519
26 Ngai Tahu	0,000	0.00%	811	0.14%	\$ 274,877	\$ 230,447	\$ 184,267	\$ 141,948	\$ 97,638	\$ 360,459	\$ 274,369	\$ 172,039	\$ 127,776	\$ 83,420
27 Ngai Tahu	34,100	0.64%	4,646	0.86%	\$ 2,421,745	\$ 2,366,966	\$ 2,312,055	\$ 2,257,269	\$ 2,202,483	\$ 2,313,373	\$ 2,258,528	\$ 2,203,687	\$ 2,148,846	\$ 2,093,992
28 Ngai Tahu (SI)	71,613	1.12%	345	0.06%	\$ 1,434,499	\$ 1,787,181	\$ 2,139,267	\$ 2,492,742	\$ 2,846,217	\$ 1,193,128	\$ 1,543,908	\$ 1,894,689	\$ 2,245,469	\$ 2,596,250
29 Ngai Tahu (SI)	0,000	0.00%	8,664	1.68%	\$ 3,241,584	\$ 2,710,484	\$ 2,179,384	\$ 1,648,284	\$ 1,117,184	\$ 3,073,812	\$ 2,542,712	\$ 2,011,612	\$ 1,480,512	\$ 949,412
30 Ngai Tahu	54,000	0.92%	15,253	2.68%	\$ 6,373,732	\$ 5,167,238	\$ 4,054,739	\$ 3,042,238	\$ 2,029,738	\$ 6,106,571	\$ 5,094,076	\$ 4,081,576	\$ 3,069,076	\$ 2,047,576
31 Ngai Tahu	38,300	0.60%	4,284	0.79%	\$ 1,836,489	\$ 1,751,257	\$ 1,666,033	\$ 1,581,718	\$ 1,496,503	\$ 1,761,281	\$ 1,676,066	\$ 1,591,851	\$ 1,506,636	\$ 1,421,421
32 Ngai Tahu (SI)	71,613	1.12%	756	0.13%	\$ 1,378,241	\$ 1,735,448	\$ 2,092,652	\$ 2,450,856	\$ 2,809,060	\$ 1,152,383	\$ 1,494,599	\$ 1,836,814	\$ 2,179,028	\$ 2,520,242
33 Ngai Tahu (SI)	28,000	0.04%	886	0.16%	\$ 844,699	\$ 616,918	\$ 391,267	\$ 211,585	\$ 117,813	\$ 948,826	\$ 691,214	\$ 436,602	\$ 170,780	\$ 15,079
34 Ngai Tahu (SI)	66,200	1.04%	4,641	0.71%	\$ 3,183,297	\$ 3,170,281	\$ 3,157,265	\$ 3,144,249	\$ 3,131,233	\$ 3,065,244	\$ 3,052,228	\$ 3,039,212	\$ 3,026,196	\$ 3,013,180
35 Ngai Tahu (SI)	71,613	1.12%	287	0.05%	\$ 1,414,742	\$ 1,710,281	\$ 2,005,820	\$ 2,301,359	\$ 2,596,898	\$ 1,174,487	\$ 1,539,436	\$ 1,894,385	\$ 2,249,334	\$ 2,594,284
36 Ngai Tahu	233,600	4.07%	3,276	0.51%	\$ 7,899,279	\$ 7,850,360	\$ 7,801,441	\$ 7,752,522	\$ 7,703,603	\$ 6,993,343	\$ 7,243,084	\$ 7,492,825	\$ 7,742,566	\$ 8,092,307
37 Ngai Tahu	238,900	0.03%	10,398	1.81%	\$ 6,347,295	\$ 6,660,186	\$ 6,973,077	\$ 7,285,968	\$ 7,598,859	\$ 1,194,891	\$ 6,389,911	\$ 6,699,802	\$ 7,009,693	\$ 7,319,584
38 Rangitikei To Taupo	71,613	1.12%	776	0.14%	\$ 1,511,435	\$ 1,910,548	\$ 2,309,661	\$ 2,708,774	\$ 3,107,887	\$ 1,332,624	\$ 1,691,677	\$ 2,050,739	\$ 2,409,791	\$ 2,768,843
39 Rangitikei (Marine)	47,300	1.00%	2,638	0.46%	\$ 2,681,085	\$ 2,779,896	\$ 2,878,707	\$ 2,977,517	\$ 3,076,328	\$ 2,569,786	\$ 2,668,596	\$ 2,767,407	\$ 2,866,218	\$ 2,965,029
40 Rangitikei	25,100	0.39%	3,016	0.53%	\$ 1,847,793	\$ 1,778,789	\$ 1,709,785	\$ 1,640,782	\$ 1,571,778	\$ 1,772,231	\$ 1,703,227	\$ 1,634,223	\$ 1,565,219	\$ 1,496,216
41 Rangitikei	64,700	0.10%	3,840	0.67%	\$ 1,851,011	\$ 1,860,146	\$ 1,869,281	\$ 1,878,416	\$ 1,887,551	\$ 1,803,549	\$ 1,812,684	\$ 1,821,819	\$ 1,830,954	\$ 1,840,089
42 Rangitikei	36,300	0.57%	3,185	0.56%	\$ 2,273,321	\$ 2,237,836	\$ 2,202,351	\$ 2,166,866	\$ 2,131,381	\$ 2,104,870	\$ 2,140,310	\$ 2,175,750	\$ 2,211,190	\$ 2,246,630
43 Rangitikei	53,900	0.89%	38,372	6.70%	\$ 14,284,174	\$ 12,389,941	\$ 10,495,708	\$ 8,601,475	\$ 6,707,242	\$ 13,496,160	\$ 11,591,927	\$ 9,687,694	\$ 7,783,462	\$ 5,879,230
44 Rangitikei	43,000	0.68%	11,534	2.02%	\$ 4,341,948	\$ 3,716,714	\$ 3,091,481	\$ 2,466,248	\$ 1,841,015	\$ 4,138,645	\$ 3,513,412	\$ 2,888,179	\$ 2,262,946	\$ 1,647,712
45 Rangitikei	25,400	0.00%	7,275	1.30%	\$ 2,726,760	\$ 2,429,168	\$ 2,131,567	\$ 1,834,966	\$ 1,537,365	\$ 2,593,142	\$ 2,294,571	\$ 1,996,000	\$ 1,697,428	\$ 1,398,857
46 Rangitikei	71,613	1.12%	781	0.13%	\$ 1,575,297	\$ 1,805,449	\$ 2,035,601	\$ 2,265,753	\$ 2,495,905	\$ 1,326,832	\$ 1,556,984	\$ 1,787,136	\$ 2,012,288	\$ 2,242,440
47 Rangitikei	42,800	0.99%	1,331	0.20%	\$ 2,289,852	\$ 2,459,147	\$ 2,628,447	\$ 2,797,745	\$ 2,967,043	\$ 2,213,487	\$ 2,382,784	\$ 2,552,082	\$ 2,721,380	\$ 2,890,684
48 Rangitikei	84,000	0.00%	7,316	1.20%	\$ 6,357,694	\$ 6,652,444	\$ 6,947,194	\$ 7,241,944	\$ 7,536,694	\$ 5,991,446	\$ 6,484,197	\$ 6,976,947	\$ 7,470,697	\$ 7,963,447
49 Rangitikei	29,100	0.13%	8,394	1.47%	\$ 3,791,477	\$ 3,626,728	\$ 3,461,978	\$ 3,297,229	\$ 3,132,480	\$ 3,626,326	\$ 3,459,577	\$ 3,294,828	\$ 3,130,079	\$ 2,965,330
50 Rangitikei	6,900	0.11%	26,452	4.64%	\$ 1,116,953	\$ 1,063,934	\$ 1,010,915	\$ 957,896	\$ 904,877	\$ 1,647,850	\$ 1,594,831	\$ 1,541,812	\$ 1,488,793	\$ 1,435,774
51 Rangitikei	35,300	0.56%	26,377	4.60%	\$ 9,443,072	\$ 7,691,818	\$ 6,040,563	\$ 4,389,308	\$ 2,738,053	\$ 8,682,886	\$ 7,231,162	\$ 5,880,948	\$ 4,530,734	\$ 3,187,522
52 Rangitikei	139,100	2.16%	20,664	3.60%	\$ 14,157,575	\$ 12,660,948	\$ 10,163,321	\$ 7,666,695	\$ 5,170,068	\$ 13,469,388	\$ 11,961,761	\$ 10,464,134	\$ 8,966,507	\$ 7,469,880
53 Rangitikei	28,300	0.41%	7,801	1.32%	\$ 3,127,099	\$ 2,806,274	\$ 2,485,449	\$ 2,164,624	\$ 1,843,800	\$ 2,978,441	\$ 2,657,609	\$ 2,336,777	\$ 2,015,945	\$ 1,695,113
54 Rangitikei	113,800	1.70%	8,135	1.51%	\$ 5,285,939	\$ 4,594,332	\$ 3,898,726	\$ 3,198,119	\$ 2,497,512	\$ 5,041,379	\$ 4,349,672	\$ 3,648,065	\$ 2,946,458	\$ 2,244,851
55 Rangitikei	81,200	0.96%	372	0.07%	\$ 1,311,644	\$ 1,486,265	\$ 1,660,886	\$ 1,835,507	\$ 2,009,128	\$ 1,226,679	\$ 1,413,300	\$ 1,598,922	\$ 1,784,544	\$ 1,9

TABLES THAT SHOW POSA ALLOCATION FOR DIFFERENT DEEPWATER FORMULA

POSA ASSET ALLOCATION TOHATOHA MODEL

Well	Cilbre (m)	% of Coastline	Affix	% of Affix	Deepwater quota 100% by Affiliations		Deepwater quota 50/50		Deepwater quota 100% by coastline			
					Inshore Quota by coastline	Deepwater quota 100% by Affiliations	Inshore Quota by coastline	Deepwater quota 50/50	Inshore Quota by coastline	Deepwater quota 100% by coastline	Shares	Cash
01 Chautauque	11.87	0.07	1,125	0.20%	\$43,826	\$27,543	\$180,686	\$320,434	\$41,038	\$266,488	\$1,676,434	\$3,35,376
02 Huerfano (Total)	392,376	0.24%	0,062	1.57%	\$2,548,869	\$4,573,507	\$4,573,507	\$4,573,507	\$250,869	\$4,322,638	\$20,717,144	\$20,717,144
03 Huerfano	2,400	0.00%	1,096	0.20%	\$5	\$30,214	\$30,214	\$30,214	\$5	\$25,199	\$12,140	\$3,842
04 North Taha	2,367,666	0.04%	33,034	0.93%	\$4,962,180	\$3,531,741	\$17,287,718	\$792,679	\$4,962,180	\$3,531,741	\$17,287,718	\$792,679
05 North Taha (Total)	28,800	0.00%	368	0.30%	\$18,816	\$23,261	\$23,261	\$23,261	\$3,816	\$19,445	\$9,381	\$3,886
06 North Taha (LOP)	15,800	0.02%	1,451	0.20%	\$9,871	\$35,946	\$144,465	\$32,655	\$9,871	\$25,652	\$74,465	\$32,655
07 North Taha	9,000	0.00%	313	0.07%	\$7,890	\$7,890	\$7,890	\$7,890	\$7,890	\$7,890	\$7,890	\$7,890
08 North Taha	34,900	0.04%	0,092	1.2%	\$22,327	\$17,079	\$3,542,698	\$196,330	\$22,327	\$17,079	\$3,542,698	\$196,330
09 North Taha	66,800	0.10%	86,011	17.20%	\$19,393	\$2,625,886	\$3,907,371	\$2,214,883	\$19,393	\$2,625,886	\$3,907,371	\$2,214,883
10 North Taha	39,300	0.02%	2,013	3.67%	\$35	\$1,431,955	\$3,341	\$5,441	\$35	\$1,431,955	\$3,341	\$5,441
11 North Taha	21,800	0.04%	2,256	4.07%	\$47	\$5,458	\$1,147,392	\$50,664	\$47	\$5,458	\$1,147,392	\$50,664
12 North Taha	11,800	0.02%	1,129	0.52%	\$23,274	\$3,179	\$5,643	\$2,897	\$23,274	\$3,179	\$5,643	\$2,897
13 North Taha (Blowdown)	12,800	0.00%	1,664	0.35%	\$36	\$48,918	\$94,318	\$43,882	\$36	\$48,918	\$94,318	\$43,882
14 North Taha (Blowdown)	32,800	0.02%	17,536	3.2%	\$1,541	\$24,648	\$5,219,238	\$248,870	\$1,541	\$24,648	\$5,219,238	\$248,870
15 North Taha	8,000	0.00%	872	0.05%	\$21,462	\$21,462	\$443,727	\$19,883	\$21,462	\$21,462	\$443,727	\$19,883
16 North Taha	65,200	0.05%	0,004	1.07%	\$77,802	\$147,519	\$3,555,208	\$154,835	\$77,802	\$147,519	\$3,555,208	\$154,835
17 North Taha	919,300	0.01%	47,069	0.41%	\$693,911	\$1,738,298	\$5,482,488	\$3,879,993	\$693,911	\$1,738,298	\$5,482,488	\$3,879,993
18 North Taha	11,800	0.02%	641	0.57%	\$23,274	\$3,179	\$5,643	\$2,897	\$23,274	\$3,179	\$5,643	\$2,897
19 North Taha	11,800	0.02%	641	0.57%	\$23,274	\$3,179	\$5,643	\$2,897	\$23,274	\$3,179	\$5,643	\$2,897
20 North Taha	7,800	0.02%	2,269	0.52%	\$11,106	\$1,253,871	\$5,242	\$5,442	\$11,106	\$1,253,871	\$5,242	\$5,442
21 North Taha	8,000	0.00%	1,241	0.26%	\$32,848	\$1,662,364	\$30,138	\$1,662,364	\$32,848	\$1,662,364	\$30,138	\$1,662,364
22 North Taha	18,800	0.02%	1,141	0.6%	\$18,816	\$13,818	\$3,674,182	\$338,418	\$18,816	\$13,818	\$3,674,182	\$338,418
23 North Taha (Total)	18,200	0.02%	1,241	0.4%	\$40	\$25,778	\$45,732	\$2,154	\$40	\$25,778	\$45,732	\$2,154
24 North Taha	217,300	0.03%	89,688	0.4%	\$188,679	\$1,962,824	\$3,510,017	\$3,540,314	\$188,679	\$1,962,824	\$3,510,017	\$3,540,314
25 North Taha	8,000	0.00%	811	0.4%	\$48	\$1,828	\$4,488	\$1,123	\$48	\$1,828	\$4,488	\$1,123
26 North Taha	34,500	0.04%	4,588	0.86%	\$23,274	\$3,179	\$5,643	\$2,897	\$23,274	\$3,179	\$5,643	\$2,897
27 North Taha (LOP)	71,800	0.02%	345	0.90%	\$15,224	\$15,224	\$1,148	\$1,148	\$15,224	\$15,224	\$1,148	\$1,148
28 North Taha	8,000	0.00%	9,264	0.90%	\$126	\$24,908	\$2,048,311	\$24,784	\$126	\$24,908	\$2,048,311	\$24,784
29 North Taha (Blowdown)	68,200	0.02%	35,702	2.80%	\$126	\$24,908	\$2,048,311	\$24,784	\$126	\$24,908	\$2,048,311	\$24,784
30 North Taha (Blowdown)	38,300	0.04%	4,264	0.50%	\$83	\$18,228	\$2,133,364	\$96,288	\$83	\$18,228	\$2,133,364	\$96,288
31 North Taha	11,800	0.02%	154	0.13%	\$215,224	\$79,555	\$79,555	\$1,362	\$215,224	\$79,555	\$79,555	\$1,362
32 North Taha (LOP)	28,200	0.04	666	0.90%	\$56	\$2,015	\$455,048	\$20,122	\$56	\$2,015	\$455,048	\$20,122
33 North Taha (Total)	68,200	0.04%	4,041	0.71%	\$17,207	\$95,149	\$90,715	\$19,291	\$17,207	\$95,149	\$90,715	\$19,291
34 North Taha	11,800	0.02%	287	0.20%	\$238,224	\$7,092	\$148,043	\$3,448	\$238,224	\$7,092	\$148,043	\$3,448
35 North Taha	204,600	0.16%	3,276	0.17%	\$348,563	\$1,667,817	\$1,667,817	\$1,667,817	\$348,563	\$1,667,817	\$1,667,817	\$1,667,817
36 North Taha	205,300	0.037	30,338	0.15%	\$38,863	\$254,065	\$5,280,813	\$238,186	\$38,863	\$254,065	\$5,280,813	\$238,186
37 North Taha	11,800	0.02%	779	0.14%	\$235,224	\$19,148	\$396,403	\$17,484	\$235,224	\$19,148	\$396,403	\$17,484
38 North Taha	87,300	0.08%	2,658	0.80%	\$48,891	\$4,818	\$1,342,377	\$8,243	\$48,891	\$4,818	\$1,342,377	\$8,243
39 North Taha	55,700	0.04%	3,076	0.17%	\$22,497	\$1,163	\$1,234,727	\$7,172	\$22,497	\$1,163	\$1,234,727	\$7,172
40 North Taha	64,200	0.10	3,046	0.17%	\$190	\$8,348	\$1,658,828	\$6,237	\$190	\$8,348	\$1,658,828	\$6,237
41 North Taha	36,200	0.02%	3,165	0.90%	\$32,858	\$9,129	\$1,029,725	\$1,527	\$32,858	\$9,129	\$1,029,725	\$1,527
42 North Taha	10,800	0.00%	30,372	0.77%	\$18,291	\$42,803	\$81,742	\$81,742	\$18,291	\$42,803	\$81,742	\$81,742
43 North Taha	42,800	0.04%	11,034	2.5%	\$93	\$28,619	\$3,048,212	\$29,628	\$93	\$28,619	\$3,048,212	\$29,628
44 North Taha	28,400	0.04	7,015	1.20%	\$35	\$3,747	\$3,747	\$3,747	\$35	\$3,747	\$3,747	\$3,747
45 North Taha	62,800	0.09%	761	0.17%	\$215,224	\$15,090	\$17,090	\$17,090	\$215,224	\$15,090	\$17,090	\$17,090
46 North Taha	203,800	0.09%	1,719	0.20%	\$18,816	\$27,789	\$578,533	\$29,489	\$18,816	\$27,789	\$578,533	\$29,489
47 North Taha	64,300	0.13%	6,364	0.42%	\$237,857	\$178,758	\$3,727,833	\$74,300	\$237,857	\$178,758	\$3,727,833	\$74,300
48 North Taha	8,000	0.11%	26,453	4.45%	\$18,896	\$28,241	\$4,271,368	\$18,386	\$18,896	\$28,241	\$4,271,368	\$18,386
49 North Taha	15,300	0.04%	20,077	4.90%	\$18,816	\$30,868	\$1,036,044	\$70,643	\$18,816	\$30,868	\$1,036,044	\$70,643
50 North Taha	10,100	0.01%	17,664	0.90%	\$2,790	\$32,331	\$19,313,341	\$12,344	\$2,790	\$32,331	\$19,313,341	\$12,344
51 North Taha	28,800	0.04	7,667	1.26%	\$17,208	\$184,308	\$3,028,832	\$88,448	\$17,208	\$184,308	\$3,028,832	\$88,448
52 North Taha	11,800	0.02%	1,135	0.4%	\$18,851	\$19,052	\$4,138,591	\$52,682	\$18,851	\$19,052	\$4,138,591	\$52,682
53 North Taha	61,200	0.06%	302	0.17%	\$78,443	\$5,148	\$189,267	\$3,354	\$78,443	\$5,148	\$189,267	\$3,354
PO/CA							\$18,890,890				\$18,890,890	
TOTAL			\$3,356,281	\$14,914,722	\$290,353,754	\$12,896,151			\$3,356,281	\$14,914,722	\$290,353,754	\$12,896,151

All Assets Retained. Dividends by Affiliations.

	Affilia	% of Affilia	PUTEA \$0			PUTEA \$10 million			PUTEA \$20 million		
			Dividend Policy 0%	Dividend Policy 50%	Dividend Policy 100%	Dividend Policy 0%	Dividend Policy 50%	Dividend Policy 100%	Dividend Policy 0%	Dividend Policy 50%	Dividend Policy 100%
81	Chatham	1,121	0.20%	\$ 12,194	\$ 24,387	\$ 11,858	\$ 23,700	\$ 11,586	\$ 23,812		
82	Hauraki Iwi (Iotui)	5,982	1.57%	\$ 97,702	\$ 195,404	\$ 94,948	\$ 189,892	\$ 92,190	\$ 184,381		
83	Misaupeko	1,596	0.28%	\$ 17,361	\$ 34,721	\$ 16,871	\$ 33,742	\$ 16,381	\$ 32,762		
84	Ngai Tahu	3,934	5.95%	\$ 368,118	\$ 738,236	\$ 358,707	\$ 717,413	\$ 348,296	\$ 696,591		
85	Ngai Tamamohuri	930	0.16%	\$ 18,116	\$ 20,232	\$ 9,831	\$ 19,662	\$ 9,545	\$ 19,891		
86	Ngai Tai (BOP)	1,463	0.26%	\$ 15,914	\$ 31,828	\$ 15,465	\$ 30,930	\$ 15,016	\$ 30,032		
87	Ngai Takoto	313	0.05%	\$ 3,405	\$ 6,809	\$ 3,309	\$ 6,617	\$ 3,213	\$ 6,425		
88	Ngaiterangi	6,962	1.22%	\$ 75,729	\$ 151,459	\$ 73,593	\$ 147,187	\$ 71,457	\$ 142,915		
89	Ngapuhi	98,611	17.28%	\$ 1,072,643	\$ 2,145,286	\$ 1,042,389	\$ 2,084,778	\$ 1,012,135	\$ 2,024,278		
10	Nga Rauiri	2,816	0.49%	\$ 30,631	\$ 61,261	\$ 29,767	\$ 59,534	\$ 28,903	\$ 57,806		
11	Nga Ruahine	2,256	0.40%	\$ 24,540	\$ 49,079	\$ 23,848	\$ 47,695	\$ 23,155	\$ 46,311		
12	Ngati Apa ki te Waipounamu	129	0.02%	\$ 1,403	\$ 2,806	\$ 1,364	\$ 2,727	\$ 1,324	\$ 2,648		
13	Ngati Apa (Manawatu)	1,954	0.34%	\$ 21,255	\$ 42,509	\$ 20,855	\$ 41,710	\$ 20,056	\$ 40,111		
14	Ngati Awa (BOP)	11,536	2.02%	\$ 125,483	\$ 250,966	\$ 121,844	\$ 243,688	\$ 118,405	\$ 236,809		
15	Ngati Hauiti	872	0.15%	\$ 9,485	\$ 18,970	\$ 9,218	\$ 18,435	\$ 8,950	\$ 17,900		
16	Ngati Kohu	5,004	0.85%	\$ 65,399	\$ 130,797	\$ 63,467	\$ 126,933	\$ 61,625	\$ 123,249		
17	Ni Kahungunu	47,955	8.41%	\$ 521,631	\$ 1,043,263	\$ 508,919	\$ 1,017,837	\$ 492,206	\$ 984,412		
18	Ngati Koia	542	0.10%	\$ 5,898	\$ 11,791	\$ 5,729	\$ 11,459	\$ 5,563	\$ 11,128		
19	Ngati Kulis	838	0.15%	\$ 8,115	\$ 16,231	\$ 7,858	\$ 15,717	\$ 7,691	\$ 15,382		
20	Ngati Kuri	2,468	0.43%	\$ 26,846	\$ 53,691	\$ 26,069	\$ 52,137	\$ 25,331	\$ 50,663		
21	Ngati Manawa - Ngati Whare	1,341	0.24%	\$ 14,597	\$ 29,194	\$ 14,175	\$ 28,351	\$ 13,764	\$ 27,528		
22	Ngati Maniapoto	31,144	5.46%	\$ 338,769	\$ 677,539	\$ 329,214	\$ 658,429	\$ 319,659	\$ 639,319		
23	Ngati Manu (Taranaki)	1,467	0.26%	\$ 15,957	\$ 31,915	\$ 15,507	\$ 31,014	\$ 15,057	\$ 30,114		
24	Ngati Mutunga (Taranaki)	1,210	0.21%	\$ 13,162	\$ 26,324	\$ 12,791	\$ 25,581	\$ 12,419	\$ 24,839		
25	Ngati Porou	55,455	9.72%	\$ 603,213	\$ 1,206,426	\$ 586,199	\$ 1,172,398	\$ 569,185	\$ 1,138,371		
26	Ngati Pukenga	811	0.14%	\$ 8,822	\$ 17,643	\$ 8,573	\$ 17,146	\$ 8,324	\$ 16,648		
27	Ngati Rangitahi	4,908	0.86%	\$ 53,587	\$ 107,174	\$ 51,881	\$ 103,762	\$ 50,375	\$ 100,751		
28	Ngati Raua (SI)	345	0.07%	\$ 3,753	\$ 7,505	\$ 3,647	\$ 7,294	\$ 3,541	\$ 7,082		
29	Ngati Rauawa ki Waikato	9,564	1.68%	\$ 104,033	\$ 208,065	\$ 101,698	\$ 203,397	\$ 98,164	\$ 196,328		
30	Ngati Rauawa ki te tonga	15,263	2.68%	\$ 166,034	\$ 332,067	\$ 161,341	\$ 322,682	\$ 156,658	\$ 313,316		
31	Ngati Ruairua	4,284	0.79%	\$ 46,598	\$ 93,199	\$ 45,285	\$ 90,570	\$ 43,971	\$ 87,941		
32	Ngati Tama (SI)	156	0.03%	\$ 1,697	\$ 3,394	\$ 1,649	\$ 3,298	\$ 1,591	\$ 3,202		
33	Ngati Tama (Taranaki)	896	0.16%	\$ 9,746	\$ 19,493	\$ 9,471	\$ 18,943	\$ 9,196	\$ 18,393		
34	Ngati Teo (Wellington)	4,041	0.71%	\$ 43,956	\$ 87,912	\$ 42,716	\$ 85,433	\$ 41,476	\$ 82,953		
35	Ngati Teo (SI)	287	0.05%	\$ 3,122	\$ 6,244	\$ 3,034	\$ 6,068	\$ 2,946	\$ 5,891		
36	Ngati Wai	3,276	0.57%	\$ 35,635	\$ 71,270	\$ 34,630	\$ 69,260	\$ 33,625	\$ 67,249		
38	Ngati Whata	10,338	1.81%	\$ 112,452	\$ 224,904	\$ 109,280	\$ 218,560	\$ 106,100	\$ 212,217		
39	Rangitane Te Teu Ihu	778	0.14%	\$ 8,474	\$ 16,947	\$ 8,235	\$ 16,469	\$ 7,996	\$ 15,991		
41	Rangitane (Manawatu)	2,638	0.46%	\$ 28,695	\$ 57,390	\$ 27,898	\$ 55,771	\$ 27,076	\$ 54,152		
42	Rongowhaka	3,016	0.53%	\$ 32,807	\$ 65,613	\$ 31,801	\$ 63,763	\$ 30,956	\$ 61,912		
43	Taranaki	3,840	0.67%	\$ 41,770	\$ 83,539	\$ 40,592	\$ 81,183	\$ 39,413	\$ 78,827		
44	Te Atihanga a Mahaki	3,185	0.56%	\$ 34,645	\$ 69,290	\$ 33,668	\$ 67,335	\$ 32,691	\$ 65,381		
45	Te Arara Iwi	36,372	6.73%	\$ 417,292	\$ 834,784	\$ 405,620	\$ 811,239	\$ 393,847	\$ 787,694		
46	Te Atihanga (Taranaki)	11,534	2.02%	\$ 125,481	\$ 250,962	\$ 121,823	\$ 243,645	\$ 118,364	\$ 236,768		
47	Te Atihanga (Whanganui)	7,275	1.28%	\$ 78,134	\$ 156,268	\$ 76,802	\$ 153,604	\$ 74,670	\$ 149,340		
48	Te Atihanga (SI)	761	0.13%	\$ 8,278	\$ 16,556	\$ 8,044	\$ 16,089	\$ 7,811	\$ 15,622		
49	Te Atihanga (Wellington)	1,131	0.20%	\$ 12,202	\$ 24,405	\$ 11,895	\$ 23,791	\$ 11,608	\$ 23,217		
50	Te Aupouri	7,316	1.28%	\$ 79,580	\$ 159,160	\$ 77,335	\$ 154,671	\$ 75,091	\$ 150,182		
51	Te Rauawa	8,394	1.47%	\$ 91,306	\$ 182,612	\$ 88,731	\$ 177,461	\$ 86,155	\$ 172,311		
52	Tuhoe	26,450	4.64%	\$ 287,710	\$ 575,421	\$ 279,595	\$ 559,191	\$ 271,481	\$ 542,961		
53	Tueharetua	25,677	4.50%	\$ 279,382	\$ 558,804	\$ 271,424	\$ 542,849	\$ 263,547	\$ 527,093		
54	Waikato	37,954	6.65%	\$ 412,845	\$ 825,691	\$ 401,201	\$ 802,402	\$ 389,457	\$ 778,913		
55	Whakarohoa	7,601	1.32%	\$ 81,692	\$ 163,385	\$ 79,291	\$ 158,582	\$ 76,990	\$ 153,979		
56	Te Wharua a Aperua	8,135	1.43%	\$ 88,499	\$ 176,977	\$ 85,993	\$ 171,986	\$ 83,497	\$ 166,994		
57	Whangara	372	0.07%	\$ 4,046	\$ 8,093	\$ 3,932	\$ 7,865	\$ 3,818	\$ 7,638		
PUTEA											
POSA Income retained				\$ 6,204,516	\$ 12,409,031	\$ 6,029,516	\$ 12,059,031	\$ 5,854,516	\$ 11,709,031	\$ 11,709,031	\$ 11,709,031
TOTAL			570,396	100.00%	\$ 12,409,031	\$ 24,818,062	\$ 12,059,031	\$ 24,118,062	\$ 11,709,031	\$ 23,418,062	\$ 23,418,062

Appendix 9

Summary of Iwi Representation Policies – September 2001

Iwi organisations must be accountable to their members. The purpose of these kaupapa and aratohu (policies) is to provide a constitutional framework for accountable representation of Iwi members on their Iwi organisation. Each of these kaupapa and aratohu must be expressed in the constitution of the Iwi organisation.

Kaupapa 1: The constitution must acknowledge the Iwi organisation's obligation to act for all members of the Iwi.

Kaupapa 2: Membership, expressed as the right to participate in choosing representatives on the Iwi organisation, is a right open to all those who affiliate to the Iwi by whakapapa.

Kaupapa 3: Voting rights in Iwi elections and matters relating to constitutional amendments are confined to those who affiliate to the Iwi by whakapapa

- *Kaupapa 3 (a)* issues relating to whangai should be determined according to the tikanga of each Iwi. Accordingly the matter of whangai voting rights remains at the discretion of each Iwi organisation.

Kaupapa 4: Individual Iwi members shall have the right to request and exercise a postal vote in any process which elects representatives to the Iwi organisation, or considers amendments to the constitution.

Kaupapa 5: All Iwi organisations shall establish and maintain a register of Iwi members.

Kaupapa 6: The Iwi organisation must have an Annual General Meeting at which it will provide to Iwi members:

- an annual plan;
- an annual report;
- annual audited accounts.

Kaupapa 7: Constitutional amendments to change any of the Kaupapa and Aratohu (Policies) set by Te Ohu Kai Moana require at least a seventy five per cent [75%] majority of votes cast to be carried.

Note: the full panui on these policies, *He Tohu Arahi* is available from Te Ohu Kai Moana, phone 04-499 5199; or PO Box 3277 Wellington.

Aratohu to Give Effect to the Kaupapa

These aratohu must be included in the constitution.

Aratohu 1: A recommended **minimum of 15 working days notice** in the appropriate media must be given before Iwi AGMs, and elections or hui to consider constitutional amendments;

- details should be published in the public notice or be readily available on request by individual Iwi members.

Aratohu 2: Notice of elections shall call for **nominations** in writing to be received at the Iwi office at least **five working days** before the hui or election;

- any Iwi member who wishes to exercise a **postal vote** shall make that request, in writing, to be received at the Iwi office at least **five working days** before the hui and/or election is due to take place

Aratohu 3: Iwi organisations are required to advertise any processes involving elections or proposed constitutional amendments, and all AGMs, in any area containing **significant concentrations** of their members.

Aratohu 4: Constitutions shall state the period of office of elected representatives, that period not to exceed five years.

Aratohu 5: If an Iwi organisation decides to provide for alternates to the elected representatives, each alternate must be elected by, and as part of, the same process which elected the particular representative onto the Iwi organisation.

Aratohu 6: Iwi organisations shall make a copy of their constitution available for viewing by Iwi members at their Iwi office in normal office hours, and available by post on request, on a cost recovery basis if necessary.

Appendix 10

Structural Requirements for Iwi: Key Policy Elements

1. The representative Iwi organisation and its asset management body must establish appropriate structures so that they are *accountable* to Iwi members. Those comprehensive structures developed by the representative Iwi organisation must demonstrate separation of key functions with transparency between various groups.
2. The representative Iwi organisation must establish a discrete legal entity to manage PRESA assets.
 - The representative Iwi organisation's role to provide strategic governance over this separate asset management body must be included in the Iwi organisation's constitution.
 - Elected representatives to the Iwi organisation shall comprise no more than one third of directors on the asset management body, although the preferred option is 25% or less.
 - The representative Iwi organisation must have the power to amend the constitution of the asset management body with the 75% majority as set out in the representation policy.
3. The asset management body's constitution is to set out that it must:
 - report annually to the representative Iwi organisation;
 - present an annual statement of corporate intent to the representative Iwi organisation;
 - have its accounts audited.
4. A separation must exist between *asset management and distribution*.
5. A separation must exist between *asset management and daily fishing management*.

Note: a full explanatory panui on these policies will be printed in the near future.

