

Ka pu te ruha, ka hao te rangatahi

THE PASSING OF the Maori Fisheries Act in Parliament on 16 September 2004 was greeted with considerable relief from those who have been associated with the allocation debate.

Commission chairman Shane Jones says while the journey has been volatile, a new era has been ushered in.

"The vast majority of young Maori know very little about the history of the Maori fisheries settlement. Indeed almost an entire generation has passed away since the original court injunction of 1987, although we still have Sir Tipene O'Regan and Sir Graham Latimer."

Shane Jones, who worked behind the scenes as an official when the Maori Fisheries Settlement was signed in 1992, says the negotiators thought it would take around 90 days after the Sealord deal to get agreement on an acceptable allocation model.

"Talk about taking the long way home! The allocation issue has consumed so much of our time and energies. The time has well and truly passed for Maori to move out of grievance mode and into a more progressive mind-set."

The Maori Fisheries Act was passed 102-15 in Parliament, with only Act, Independent MP Donna Awatere-Huata and the Green Party opposing it.

The legislation establishes a methodology for dividing up around \$750 million worth of Maori fisheries assets including quota, cash and company shares. (You can read more about the allocation model on pages 8 to 12).

Fisheries Minister David Benson-Pope said during the third reading of the debate that the legislation "paves the way for economic growth that will benefit all New Zealanders".

Maori Affairs Minister Parekura Horomia declared the day as a great moment for Maoridom. "We've waited a long time for this day. Paternalism is over. We don't need to be told how to run things. The way is clear for our people to manage their own assets."

Labour MP John Tamihere said the passing of the legislation and the ensuing handover of assets would spark "calls for great scrutiny in our communities".



TWELVE YEARS ON: The 1992 negotiators gather with Ministers Horomia and Benson-Pope to celebrate the passing of the Maori Fisheries Act 2004. Left to right – Sir Tipene O'Regan, Sir Graham Latimer, Hon. Doug Graham, Hon. Doug Kidd, former PM Jim Bolger, Hon. David Benson-Pope, Hon. Parekura Horomia with Commission Chairman Shane Jones and CEO Peter Douglas in the background.

Maoridom had to ensure it had a leadership "beyond reproach" when it came to the use of the assets, which could have a critical impact on the future. "If you look at our population base in the next 10 years, we make or break it. I keep saying this because 75 percent are under 35 and 55 percent are under 18."

Although all the parties in Parliament wished Maori well in developing the assets, some had reservations about how successful the management model would be.

ACT MP Ken Shirley said "patronising bureaucracies" would be set up under the legislation and the model did not make commercial sense.

On the day that the Act was passed by Parliament, all the surviving architects of the 1992 Sealord deal gathered in the Government caucus room to mark the occasion.

Former National Prime Minister Jim Bolger recalled the period around the Sealord deal with clarity and said he considered it as one of the crowning achievements of his administration.

"There was an opportunity if we were



Shane Jones and Jim Bolger, PM at the time of the 1992 settlement, share the moment.

bold enough on both sides, the Crown and Maoridom, which may never appear again. If the quota had been sold on to some independent organisation then how would we get the quota to meet the requirement that had been mandated by the courts?

"So we grabbed that opportunity. I'd have

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EDITORIAL

BY CEO PETER DOUGLAS

The new net goes fishing



WHEN THE MAORI Fisheries Act was finally passed on 16 September 2004, many MPs during the parliamentary debate quoted the well known proverb "Ka pu te ruha, ka hao te rangatahi – The old net is cast aside and the new net goes fishing".

Indeed, the passing of the Act does mark the end of an era. It was fitting that the surviving architects of the Sealord deal gathered together on that occasion to look back on their achievements.

It was also appropriate to have Lady Raiha Mahuta and Nellie Rata attend alongside the negotiators in memory of their late husbands, who both had a tremendous impact on the contemporary Maori world.

The day provided a moment to reflect on the courage of those leaders and the work of the many individuals, iwi, Commissioners and Commission staff who have toiled long and hard to reach this point in the settlement process. The ground has been laid for allocation to proceed and a new phase of work is about to begin.

The Commission is now in transition mode. While the Maori Fisheries Bill has been passed, the Commission remains intact until December this year. Our primary role in this phase is to establish Aotearoa Fisheries Limited, Te Ohu Kai Moana Trust and Te Ohu Kai Moana Trustee Limited. This involves the drawing up of deeds and constitutions, the transfer of assets and a lot of planning around the work programme for Te Ohu Kai Moana Trustee Limited.

Te Ohu Kai Moana Trustee Limited (Te Ohu) will be the entity that will administer, allocate and transfer the settlement assets on behalf of Te Ohu Kai Moana Trust. Te Ohu staff will also be working with iwi to advance their interests in the development of fisheries, fishing and fisheries-related activities.

During this transition period, we urge iwi to become familiar with the new Act and to continue preparing their organisations for allocation. It is important to note that the ACE round for the fishing year commencing on 1 October 2004 has already begun and, in accordance with the new legislation, will continue under the rules already established and announced.

This issue of *Tangaroa* features stories on the new species that have been introduced into the quota management system (QMS) this fishing season including two important species for Maori – scampi and North Island eels.

We also look at the aquaculture reforms and the progress that the Government is making on this important piece of legislation. The Commission is generally supportive of the Government's proposal and has been working with iwi and the marine farming industry to ensure that the Bill before Parliament provides a workable framework for all parties.

With a new era on the horizon, it is appropriate that we celebrate two of our rangatahi who are keen to become leaders in the New Zealand fishing industry. (See the back cover) Francene Wineti and Joseph Butterworth are this year's recipients of an elite scholarship which gives them the opportunity to learn on the job at Nissui in Japan. We wish them every success and look forward to the contributions they will make on their return. 🐟

Bill passing greeted with relief

◀ Continued from front page

to say once we'd crossed the original line, the rest fell into place."

Jim Bolger praised the courage and vision of all the Maori negotiators, in particular the late Sir Robert Mahuta for promising he would get Maoridom behind the deal.

Sir Tipene O'Regan who despite his misgiving about the allocation model attended the gathering, joked that the event was "not so much a reunion but an exhumation".

He told the story of how the Sealord deal was first proposed to the then Minister of Maori Affairs Doug Kidd during a smoke break at a state function. Sir Tipene made the point that while he supported the deal he only restricted himself to promising to deliver Ngai Tahu.

Sir Douglas Graham said the two weeks of negotiations had regularly stretched late into the night and there were a lot of tears, partly because of exhaustion but also because of the burden on the Maori negotiators.

"The Maori negotiators were carrying the whole thing on their shoulders and they knew whatever they did they were going to get criticised. I admired their leadership. But it took its toll."

Sir Graham Latimer who was a principal negotiator and later a Commissioner on the Fisheries Commission said that, while they have all paid a high personal price for brokering the deal, it was a one-off.

"There was an American company waiting to pick it all up and take it away. We managed to retain that fish and quota in Maori hands. That's something of a landmark that we will never forget."

Tributes to all the negotiators were paid on the day including the vision and work of the late Matiu Rata and Sir Bob Mahuta.

Commission Chairman Shane Jones says that, while the allocation model may not equate to everything that the Maori negotiators wanted, the asset value of the original settlement has increased more than three-fold since 1992 and the final allocation model represents a sound compromise.

"We have a system where quota and other resources are being allocated out directly to iwi and we have created a very large Maori fishing company. Iwi will choose the Commissioners in the future. I believe we've got the balance right and the passing of this legislation is a very significant achievement." 🐟



LOOKING BACK: Two former Ministers of Maori Affairs – Hon. Koro Wetere (Labour) and Hon. Doug Kidd (National) witnessed the third reading of the Maori Fisheries Bill from the debating chamber. Both men played an important role in the 1989 and 1992 settlements.

ALLOCATION TIMELINE

1987 - 2004

1987: Muriwhenua, Ngai Tahu, Tainui and the New Zealand Maori Council challenge the Government's attempts to establish a quota management system (QMS) to manage Aotearoa's commercial fisheries that would extinguish Maori fishing rights in the High Court.

1989: Maori fishing rights are recognised and a 10 percent quota and \$10 million are handed over through an interim agreement that allows the Government to fully implement the QMS. The Maori Fisheries Commission begins extensive consultation process to develop an allocation model for these assets.

1992: The 'full and final' Sealord deal involves Maori relinquishing commercial fishing rights for a 50 percent shareholding in Sealord, ownership of three other seafood companies and 20 percent of all new species brought into the QMS. The Treaty of Waitangi Fisheries Commission is established to hold fisheries assets on behalf of Maori until an allocation model is agreed to.

1992-2002: Over this decade, the Commission seeks agreement between various lobby groups. The key issues include:

- Whether quota should be allocated based on an iwi's population or a tribe's coastline.
- Entitlements for 'urban Maori' who are disassociated from their iwi authorities.
- Those who want the entire settlement to be distributed out and those that want the assets consolidated in a central organisation.

Successive legal challenges delay the allocation process and influence the final model. Over this hectic 10 year period the Commission releases a series of discussion documents and consults widely with iwi and Maori.

In June 2004, the Court of Appeal noted that "The level of consultation and the length of the consultation process, spanning as it did over 10 years has been unprecedented in New Zealand."

2003: The allocation report – supported by 93.1 percent of iwi representing 96.7 per cent of iwi-affiliated Maori called 'He Kawai Amokura' – is presented to former Fisheries Minister Pete Hodgson. The Maori Fisheries Bill is introduced into Parliament.

2004: The Fisheries and Other Sea-related Legislation Select Committee consider around 50 submissions on the Maori Fisheries Bill and makes no substantial changes to the model. The Maori Fisheries Bill receives its third reading in September 2004.

"Time to get on with it," June says



BOWING OUT: June Mariu with her Te Atatu neighbour Carl Ross who came along for her poroporoaki.

WHILE WIRA GARDINER, Rangimarie Parata and Georgina Kirby attended their first Commission meeting in September, Commissioner June Mariu attended her last.

June Mariu, QSM, JP, was appointed to the Commission in 2000 and officially resigned last year to devote more of her time to other activities. She is a trustee of Te Whanau o Waipareira, the National Co-ordinator of Aotearoa Maori Netball and Kaiwhakahaere of Te Atatu Tu Tangata programme.

June says she enjoyed her time on the Commission and learnt "heaps about ourselves". June believes with the passing of the Maori Fisheries Act – Maori have a wonderful opportunity before them. "We've had enough fighting. We need to get over it and get on with it. I want to see all Maori eventually benefit from this settlement."

The Commission wishes June all the best in her future endeavours.

E te koka ka nui te mihi mo nga mahi i oti i a koe i nga tau kua hipa.

Four New Commissioners Appointed

MAORI AFFAIRS MINISTER Parekura Horomia recently announced the appointment of four new Commissioners onto the Treaty of Waitangi Fisheries Commission.

Wira Gardiner, Dame Georgina Kirby, Rangimarie Parata and Rob McLeod will join Shane Jones, Craig Ellison, Ken Mason, Naida Glavish, June Jackson, Archie Tairaoa, Hon Koro Wetere, Maui Solomon and Toro Waaka.

"The role of the Treaty of Waitangi Fisheries Commission will largely be to ensure that there is effective transition to Te Ohu Kai Moana Trustee Limited," says Parekura.

The commissioners will be in place until around December 2004 when the Minister will appoint up to seven for Te Ohu Kai Moana Trustee Limited (Te Ohu).

Parekura says that the appointments have been made now to ensure there is a full suite of commissioners to consider for the new trust. The appointments to Te Ohu will be the last appointments made by the Minister. The Electoral College (Te Kawai Taumata) which was also established by the Bill will make all future appointments.

Te Kawai Taumata will be made up of representatives from the 10 iwi regional groupings plus one representative on behalf of national Maori organisations.

Hoki cuts no surprise to industry



HOKI CUTS: Fillets like these are the basis of New Zealand's largest commercial fishery, but action has been taken recently to reduce the take to combat depleting stocks.

HOKI IS NEW ZEALAND'S largest commercial fishery. In 2002 it was worth more than \$300 million – but last year that figure dropped by almost \$100 million.

The recent reduction in Total Allowable Commercial Catch (TACC) from 180,000 to 100,000 tonnes for the next hoki season has come as no surprise to the industry which has been supportive of the reduction and has already begun voluntary cuts to help combat depleting stocks.

Minister of Fisheries David Benson-Pope announced the measures late September in a bid to rebuild New Zealand's valuable deepwater hoki fishery. The Minister says 2004 stock estimates shows that it is imperative urgent action be taken to reduce the catch.

Within the TACC, allowances will be split between the western and eastern fishing grounds – 40,000 tonnes and 60,000 tonnes respectively.

Sealord Chief Executive Doug McKay had earlier called for other companies to follow the Sealord lead when Sealord pulled out of key hoki fisheries off the West Coast of the South Island.

Hoki makes up about one-third of the companies business and the voluntary withdrawal will have a big impact on the company's financial performance this year.

Doug says West Coast hoki numbers have been poor for several years and the fish there must be allowed to spawn undisturbed. "I take the view that we need to protect the long-term value of the asset."

Estimates for hoki on the western spawning grounds have the species at only

13 to 22 percent of its original, unfished size.

Hoki stocks on the eastern side of the South island are judged to be at sustainable levels, estimated at or above 40 percent of the original hoki biomass.


However, scientists believe that mixing of juvenile hoki from both eastern and western populations occurs on the Chatham Rise, so increased harvest from the Chatham Rise fishing grounds may have affected recruitment of juveniles to the pressured western stocks.

The industry, led by the Hoki Management Company, had also imposed other voluntary measures to address hoki sustainability concerns within an agreed industry code of practice.

Hoki Fishery Management Company Chief Executive Richard Cade says the industry expected the TACC for hoki to be reduced to between 100,000 to 140,000 tonnes.

The Minister acknowledged the work the Hoki Fishery Management Company had done to mitigate juvenile mortality on the Chatham Rise, and also its efforts to reduce harvest pressure on certain spawning stocks.

"Having made the decision to reduce the TACC I now look forward to the hoki industry complying with its own code of practice to assist in the rebuild of the stock, so that the TACC can be increased in the future and regulatory action can be avoided.

"The gradual reductions in catch allowances made in recent years have not arrested its decline, and therefore, a more significant cut is needed now." 

HMS species to come under New Zealand's quota management system

COMMISSION CHAIRMAN Shane Jones is pleased that an amendment to the Fisheries Act (Fisheries Amendment Bill [No.3]) will allow for the introduction of highly migratory species (HMS) such as tuna into the quota management system.

The amendment will ensure that Maori will receive 20 percent of any HMS species that are brought into New Zealand's quota management system as agreed to in the 1992 Sealord settlement.

"The Sealord deal did not confine or fossilise Maori to a particular location in the fishing industry or in the ocean. So if the Crown extends its QMS zone, that automatically entitles Maori to 20 percent. It's as simple as that," Shane says.

The Commission presented its submission to the Primary Production Select Committee on this issue earlier this year.

Some submitters from the seafood industry voiced their opposition to Maori receiving 20 percent of the HMS quota because they believed that the Sealord deal was not intended to include migratory fish like tuna.

Shane says that opposition to the 20 percent allocation is a continuation of historic objections to any rights Maori have in fisheries.

"We recommended that the Crown establish a framework to firmly remind the industry of the Crown's obligations under the 1992 settlement."

Marine farming reforms will add assets to iwi



FARMING THE SEA:
Growing, harvesting and processing oysters by Pacific Marine Farms Ltd—Maori in the business of fishing.

IWI STAND TO gain further fisheries assets under the Government's proposal to settle claims to coastal space.

The Aquaculture Reform Bill that includes a proposal to settle iwi claims to marine farming space passed its first reading in Parliament on 27 August 2004.

The new legislation will also lift the current moratorium on the establishment of marine farms by the end of this year.

Fisheries Minister David Benson-Pope says the proposal is an important step in "settling Maori interests and finalising the reforms" and to allow the industry to move into the future with certainty.

"The Bill provides a full and final settlement of Maori interests in commercial marine farming space by providing iwi, where possible, with 20 percent of marine farming space allocated since 1992 and 20 percent of any future new space.

"This is an important step. Settling contemporary commercial claims removes a major impediment to progress and certainty.

"This is in line with the Maori Fisheries Settlement – aquaculture being the unfinished business of the 1992 settlement," says the Minister.

The Commission has taken an active interest in the aquaculture reforms ever since they began in the late 1990s.

"The Commission agrees there is a need for reform as the current set of laws doesn't work


together very well," says Senior Policy Analyst Kirsty Woods.

"In addition, we have continued to support calls from iwi to the Crown to address Treaty rights in marine farming, for example in the Waitangi Tribunal and through the Crown consultation processes that followed the Tribunal's report – *Ahu Moana*."

In that report, the Tribunal said that Maori have a broad relationship with the coastal marine area and that, as an incidence of that relationship, Maori have an interest in marine farming. They also found that this interest forms part of the bundle of Maori rights in the coastal marine area that represent a taonga protected by the Treaty of Waitangi.

"To be successful, the legislation will need to ensure a good match between incentives for aquaculture development and the ability of iwi to take an active role in promoting new aquaculture management areas alongside other members of the industry," says Kirsty.

Submissions on the Bill closed on 27 September. The Primary Production Select Committee has now begun to hear submissions and is due to report back to Parliament towards the end of November 2004. The Government intends to enact the Bill by the end of this year, in order to lift the moratorium on new aquaculture development implemented in March 2002.

The Commission has lodged a submission and is due to present it to the select committee this month. 

Summary of aquaculture settlement proposals

- The proposals are intended to reflect the principles of the 1992 Maori Fisheries Settlement.

- The proposals address post-September 1992 claims and any historical marine farming claims (that is, that relate to marine farming space allocated before 21 September 2004) would be addressed through the historical Treaty claims process.

- The Crown will provide 20 percent of marine space allocated since 1992, purchase existing space in a particular region or provide the financial equivalent.

- All marine farming space allocated to iwi is still subject to the Resource Management Act process.

- The Resource Management Act 1991 only applies out to 12 nautical miles and therefore the 12 nautical mile zone will still apply to this allocation.

- Councils will still hold the ability to amend coastal management over time. If the 20 percent allocated to iwi is reduced, then further allocation will apply.

- Te Ohu Kai Moana Trustee Limited (Te Ohu) will hold all marine farming space allocated to Maori until direct allocation to iwi.

- Iwi for the purposes of this allocation will be those entitled to inshore fisheries quota.

- The general approach to allocation is that all iwi within a regional council area will share 20 percent of new space allocated to them under the settlement, or other assets allocated to them in lieu of existing space.

- Provisions of the Maori Fisheries Act 2004 will also apply to iwi marine farming.

- Te Ohu will be able to apply for resource consents for the marine farming space in the interim until iwi governance and mandating requirements are met, but only with the agreement of relevant iwi.

Bill passing gives Maori impetus to pursue affiliation

WITH THE PASSING of the Maori Fisheries Act, Maori are being urged to complete and return their iwi affiliation forms for the Maori affiliation service, Tuhono.

Tautoko Maori Trust Chief Executive Dan Te Kanawa says 102,000 have responded so far and they now want respondents to confirm that the details provided on their forms are correct.

"Through their iwi, whanau have a valuable stake in iwi assets, entitlements and benefits but their iwi can't keep in touch with them if they don't have a current address — so we're urging all voters of Maori electors to complete and return their Tuhono forms."

More than 353,000 Maori electors were sent the affiliation forms at the beginning of May seeking their consent to pass on their name, address and iwi affiliation to their iwi and any other Maori organisations they specify on the form.

Dan says while only 30 percent replied to the initial campaign, he is not too disappointed or surprised as that is in line with the number of voters who participated in the recent Te Tai Hauauru by-election.

Dan says a reminder postcard was sent to households where no resident elector has returned a consent form to date.

"The mail out addresses 10 key concerns that have emerged about the Maori affiliation service, including privacy issues, lost forms and individuals already registered with their iwi," Dan says.

The Tautoko Maori Trust is the only body empowered by legislation to pass the electoral information of a Maori elector onto authorised iwi organisations, subject to the consent of the individual elector.

Koro Wetere, the deputy chairman of the Tautoko Maori Trust which manages Tuhono, is also a commissioner with the Treaty of Waitangi Fisheries Commission.

"The fisheries settlement is worth close to a billion dollars and iwi will each share a portion of those assets, benefits and entitlements," Koro says.

"Tuhono is the most effective and convenient way for any Maori to connect with their iwi organisation which is then accountable to its members for the wise and prudent management of these valuable assets."

For more information visit www.maori.org e-mail tuhono@maori.org or write to PO Box 9540, Hamilton or phone 07 838 2565.



SPREADING THE WORD: Commissioner Koro Wetere explains the benefits of the Maori Affiliation Service, Tuhono, to Te Karere reporter Joe Glen.

Sealord wins gold for mussel dish

SEALORD'S INNOVATION WITH vacuum packed Greenshell Mussels in white wine and garlic sauce has been recognized worldwide.

The product has won the SIAL D'Or seafood product gold award as part of the buildup to the October food fair in Paris.

The Salon International de L'Alimentation (SIAL) is held every second year in Paris.

It's a major event for the world's grocery supermarket and food service trade attracting more than 5000 exhibitors and 130,000 trade buyers.

Sealord Chief Executive Doug McKay says development of new products for New Zealand and international markets is one of the keys to the company's success.

"It's great to achieve this kind of recognition on the world stage," he says.

This product uses fresh Greenshell Mussels placed in a plastic pouch with a white wine and garlic sauce concentrate.

The pouch is sealed and steamed. It cooks the mussels, releasing the natural juices, and mixes with the concentrate to form a rich broth.

The result is a frozen

ready to heat and eat seafood meal. After heating, the product can be poured into a bowl and eaten with bread, rice or noodles.

It was created by the Sealord marketing and product development team and launched last year in the United States. Sealord Greenshell Mussels are sold in more than 1000 supermarkets in North America.

GREEN GOLD: Sealord's Greenshell Mussels in White Wine Garlic Sauce.



New customary fisheries qualification



FIRST CERTIFICATE AWARDED: Inaugural recipient of the National Certificate in Seafood Maori (Customary Fishing) (Level 3) Ben Potaka with Commissioner June Mariu and Advisory member Stan Pardoe at the Waikanae launch, 21 July 2004.

BEN POTAKA FROM Whanganui is the first person in the country to receive a National Certificate in Seafood Maori (Customary Fishing) (Level 3).

New Zealand Greenshell Mussels "ocean friendly"

THE US-BASED BLUE Ocean Institute has listed New Zealand Greenshell mussels at the top of their ocean friendly seafood guide this month.

Greenshell mussels, gained a score of 3.45 out of 4.0 following a rigorous evaluation by the institute's leading environmental scientists.

Five key criteria used were operational risks, ecological 'footprint' of feed, pollution, risk to other species and effects on sensitive coastal habitats. This rating is the highest rating for any seafood listed in their guide. New Zealand Mussel Industry Council Executive Officer, Rebecca Clarkson, says this is a great result for New Zealand mussels.

"We have some of the highest environmental hurdles to overcome in order to grow mussels in New Zealand and the industry has invested heavily in environmental research and good farm management practices. To have this recognised worldwide is a major coup for this industry."

His qualification was presented to him at the official launch of two customary fishing qualifications at Whakarongotai marae in Waikanae.

It was fitting that a man who had knowledge passed on to him by his kaumatua should receive such an honour. Ben has put that knowledge to good use by helping his hapu develop a mataitai reserve and a management plan for the Whanganui River.

Ben said the qualification brought back all the memories he has of the kaumatua who generously shared their knowledge with him. "They taught me how our old people fished, how they cooked their fish and how they looked after the sustainability of the fish."

Ben has also been the driving force on the Maori industry advisory group that has been

- The National Certificate in Seafood Maori (Customary Fishing) (Level 3) focuses on the 'doing' of customary fishing, from making and repairing traditional nets to traditional utilisation of fish and customary methods of conservation.

- The National Certificate in Seafood Maori (Customary Fishing Management) (Level 4) covers the origin of the customary right and requires trainees to put together a management plan for a river, lake or saltwater species. That plan must be endorsed by the trainee's hapu or iwi.

working with the Seafood Industry Training Organisation (SITO) and the Maori caucus to get these qualifications registered on the National Qualifications Framework.

SITO Maori Sector Manager Ngahiwi Apanui says the members of the caucus have responded to approaches from iwi and individuals to establish qualifications that recognise customary skills and knowledge and can also assist iwi to manage their own customary fisheries.

Damian Parata, General Manager of Te Runanga o Atiawa ki Whakarongotai, says they were happy to host the launch because he sees a great deal of benefit for his people in the new qualifications.

"It will provide our iwi with new tools to recognise the customary skills and knowledge that we already have and offer new skills that will assist us to manage our traditional fishing grounds more effectively," he says.

If you want to find out more about the qualifications, contact Ngahiwi Apanui at apanuin@seafood.co.nz 🐟



FIRST IN LINE: These men from Ati Awa ki Whakarongotai in Waikanae will be assessed for their local skills and knowledge of customary fishing. Ati Awa ki Whakarongotai are active guardians of the Kaiti coastline and believe the new qualification will have a long-term benefit for their iwi.



Allocation model

The model contained within the Maori Fisheries Act 2004 is a finely balanced set of compromises that was supported by more than 90 percent of iwi. It covers both the assets provided to Maori in 1989 as an interim settlement and those assets contained in the 1992 'full and final' Sealord deal.

QUOTA AND CASH

All fishing quota and the majority of cash held directly by the Treaty of Waitangi Fisheries Commission will be transferred to mandated iwi organisations who will manage these assets on behalf of all of their iwi members. These assets represent around half of the settlement assets estimated at \$350 million.

Quota is generally allocated as either inshore or deepwater quota. The formula for inshore quota is based solely on the proportion of an iwi's coastline to the total coastline in each quota management area. The formula for deepwater quota will see 25 percent transferred using the coastline formula and 75 percent transferred using the proportion of the tribe's population to the overall Maori population.

An exception has been made for the Chatham Islands. A special 200 nautical mile zone around the Chathams has been created for allocation purposes. All inshore quota within that zone is allocated to Chatham Islands iwi. The allocation formula for deepwater quota within the zone will see 50 percent transferred to Chatham Islands iwi on the basis of their coastline and 50 percent transferred to all iwi on the basis of each tribe's population.

Cash is allocated based on the proportion of an iwi's population to the overall Maori population. Some iwi will receive a 'top-up' of cash to ensure that each iwi organisation receives a minimum allocation of \$1 million in 'capital' from the settlement.

The iwi that are likely to receive the largest parcel of assets represent a mix of coastal and populous iwi. They are Ngai Tahu, Ngati Kahungunu, Ngapuhi, Ngati Porou, Chathams iwi (Mori and Ngati Mutunga) and Waikato.

COMPANY SHARES

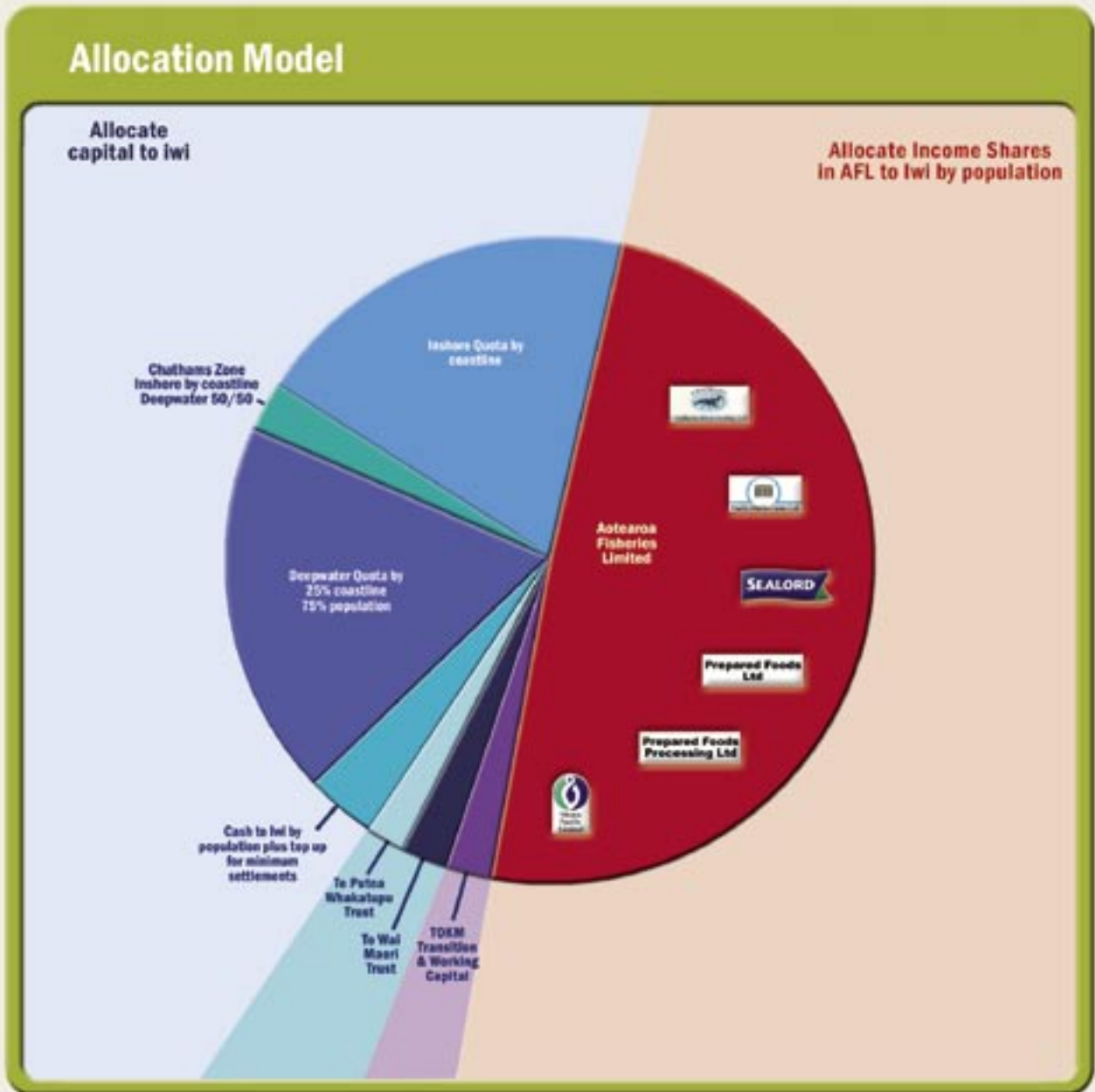
A new company called Aotearoa Fisheries Limited (AFL) will consolidate into one group the current shareholdings in Sealord (50 percent), Prepared Foods (50 percent) and 100 percent ownership of Moana Pacific, Chathams Processing, Pacific Marine Farms and Prepared Foods Processing.

AFL will manage those companies and their assets for Te Ohu Kaimoana on behalf of all iwi. AFL will be a substantial business by New Zealand standards and particularly within the New Zealand fishing industry. The value of the company is estimated at \$350 million.

AFL will have both voting and income shares. Te Ohu Kaimoana will initially hold both the voting and income shares but 80 percent of the income shares will be allocated to iwi based on the proportion of an iwi's population to the overall Maori population. Iwi will receive dividends from AFL based on the income shares they hold.

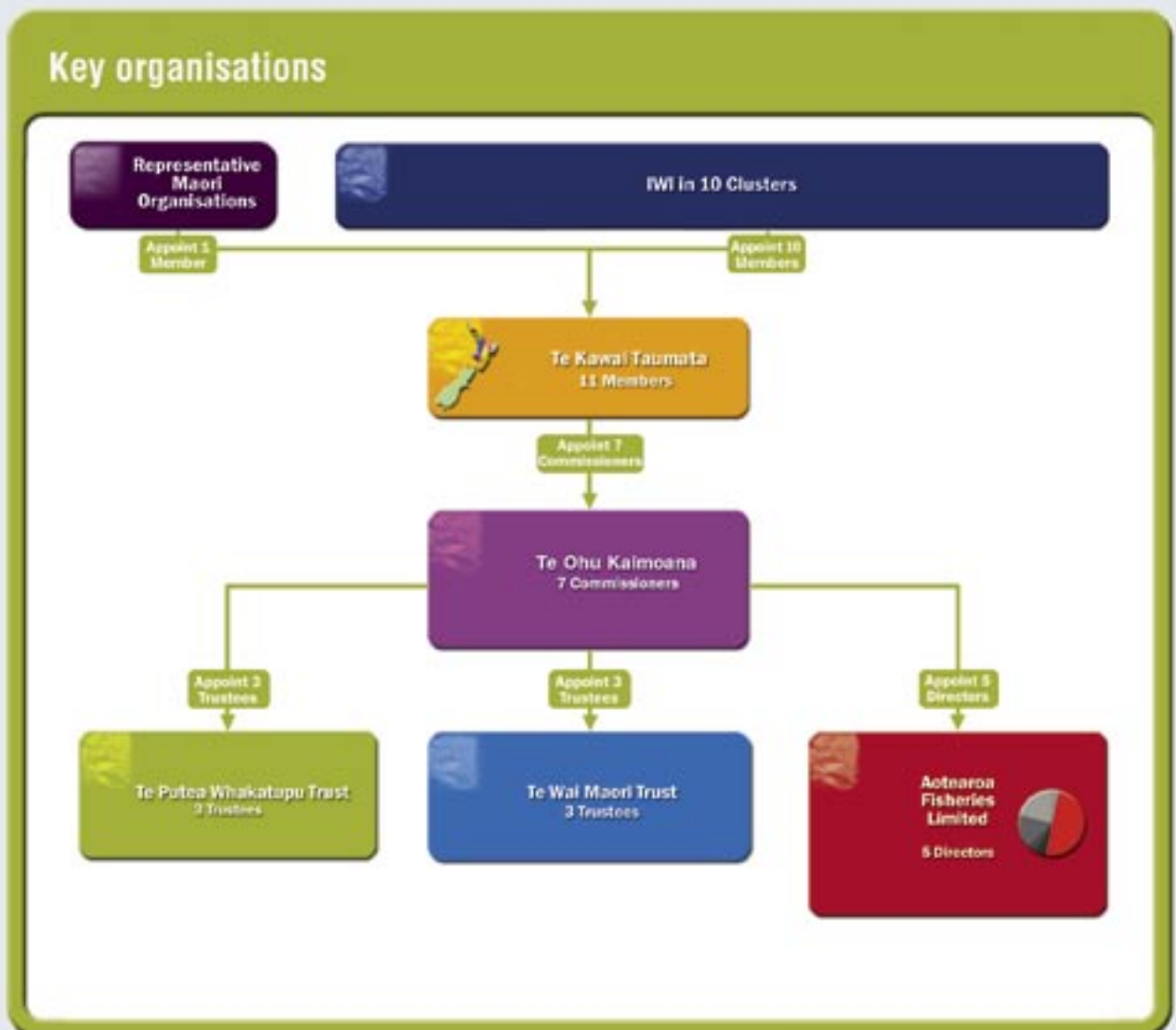


Allocation model





Key organisations





Key organisations

Iwi will be the primary agencies through which benefits from the Maori Fisheries settlement flow to their iwi members. Anyone of Maori descent can also apply for education and training scholarships from Te Putea Whakatupu Trust.

The Maori Fisheries Act places a number of legislative requirements on all organisations that will be responsible for managing part of the Maori fisheries settlement.

IWI ORGANISATIONS

Before any quota, cash or income shares are transferred, iwi organisations are required to meet governance, structural and representational requirements including a register of iwi members as specified in the Maori Fisheries Act 2004.

Iwi will need to reach agreements with neighbouring iwi on coastline entitlements and, where relevant, freshwater stocks and harbour boundaries.

Te Ohu Kaimoana can only transfer assets when iwi have met the key requirements in the legislation. Te Ohu does have discretion to transfer some assets if iwi organisations can show that they have met all of the criteria except for the agreements on all coastline and other boundaries.

CENTRAL ORGANISATIONS

A Maori electoral college, called Te Kawai Taumata, will be established to appoint Commissioners on to Te Ohu Kaimoana. The electoral college will be made up of representatives from each of the 10 iwi regional groupings and one on behalf of specified Maori organisations.

Te Ohu Kaimoana will hold assets on behalf of iwi in the form of cash and quota until they are ready to receive them. It will have a governance role over Aotearoa Fisheries Limited, Te Putea Whakatupu Trust and Te Wai Maori Trust. It will also continue to provide policy advocacy and advice on fisheries management.

Aotearoa Fisheries Limited is a commercial company that will manage assets transferred to it by Te Ohu Kaimoana. It will be run by a board of five directors who will be appointed by Te Ohu Kaimoana for their expertise. As part of its accountability to its income shareholders it will provide an annual report, along with unaudited half year accounts and audited yearly financial statements.

Te Putea Whakatupu Trust will receive \$20 million at the end of the five-year transition period so it can fund and promote the training and education of Maori individuals, including those who are interested in entering into the business and activity of fishing. Te Putea Whakatupu will receive assistance from Te Ohu Kaimoana during the transition.

Te Wai Maori Trust will receive \$10 million at the end of the five-year transition period and a further \$10 million over the next 10 years to advance Maori interests in freshwater fisheries. It will also receive assistance during the transition phase from Te Ohu.

Te Ohu Kaimoana, Aotearoa Fisheries Limited, Te Putea Whakatupu Trust and Te Wai Maori Trust will all participate in regular audits and be part of the substantive review of the entire allocation model during the 11th year.

Accountability urged as kahawai enters QMS

KAHAWAI IS AN important species for Maori and has been introduced into the QMS from 1 October 2004.

Historically, kahawai has been a recreational fish as either bait or sport. However for Maori it remains an important food source.

Under the QMS Maori are entitled to 20 percent of the TACC. Recreational fishers have voiced concern at its introduction into the QMS, saying the species is already on the decline.

However Commission spokesperson Tania McPherson says one of the big problems for the sustainable management of kahawai is that there is no formal feedback on the amounts of fish being caught by recreational fishers.

"It has been very difficult to determine how much fish is caught for consumption and how much is caught for sport.

"Charter boat operators catching for entertainment don't have to provide any information on the amounts they are catching.

"That makes it difficult to determine the health of the fishery and to be able to implement sustainable management programmes.

Tania adds "If we want to ensure a healthy kahawai fishery for everyone, there needs to be more accountability from recreational and customary users to provide information feedback for sustainability in the same way that commercial fishers have to report their catches."

Scampi introduction opens up valuable new industry

MAORI NOW HAVE a chance to enter a multi-million dollar industry with the introduction of scampi into the QMS.

Like most crustacea, scampi are valuable – being worth at least \$20 a kilogram at the wharf and much more when exported – and Maori have been trying to get access to the fishery since 1992.

Commission Manager of Fisheries Operations Tom Norris says entry of the scampi fishery into the quota management system was delayed until 1 October this year after a long wrangle of litigation.

Under the 1992 Maori Fisheries Settlement, Maori are entitled to 20 percent of all species that enter the QMS, and that now includes scampi.

Tom says "Various operators pursued court and then parliamentary cases against the Minister and Ministry of Fisheries (MAF) for failures in the earlier access arrangement processes. The fishery continues to be dominated by those firms lucky enough to escape the MAF tangles of the early 1990s. However Sealord which is 50 percent Maori owned, is not among the lucky few".

Scampi live in burrows in the sediment on the sea bottom in depths from 200 to 500 metres. They come out of their burrows to scavenge for food but probably spend a considerable



BOTTOM DWELLERS: Scampi may be scavengers of the deep but are considered gourmet seafood.

portion of each day in their burrows, making them difficult to catch.

Fishing is by very light multiple nets towed behind smaller trawlers mainly of 20 to 40 metres in length.

The fishery is concentrated in the Bay of Plenty and Wairarapa areas, although a number of other locations are also fished.



DON'T CALL ME BAIT: A recreational resource for some – but a valued food source for Maori.

Eels entry is milestone for Maori

Shortfin and longfin North Island eels have been introduced in the QMS from 1 October 2004. Aotearoa Fisheries Limited CEO Robin Hapi says that the entry of North Island eels into the QMS is a significant milestone that will provide iwi with greater opportunities to have a substantive say in management of the fishery.

HISTORICALLY EELS, often dried or smoked, have been a major source of protein for many Maori communities and are still highly valued today.

Robin Hapi says with the introduction of North Island eels into the QMS, iwi (through the Commission) will receive 20 percent of commercial quota.

Aotearoa Fisheries Limited (AFL) has also recently announced that it had taken a cornerstone investment in the eel industry with the acquisition of the Thomas Richards and Co eel processing and marketing operation which is based at Whenuapai.

This business includes a significant block of eel quota. An important benefit from the purchase is the opportunity it gives AFL to now participate with iwi in the effective management of this important species.

The Commission raised concerns earlier this year, in a submission to the Ministry of Fisheries Initial Position Paper on the Introduction of North Island eels into the QMS, that customary fishing (for both customary and marae use) had not been properly estimated and that a flexible management regime is needed where fisheries collectives are working to enhance the fishery.

The Commission also recommended that TAC and TACC limits set for each quota management area take greater account of a combination of the enhancement work and area closures to be implemented within each of them.

Commission spokesperson Tania McPherson says that "better estimates of marae and customary use still needs to be addressed – research is needed on this. After those needs are better quantified allocations could then be reviewed and fine tuned within each quota

management area."

The Minister of Fisheries has prohibited all commercial fishing from four areas of significance to Maori for the purpose of customary food gathering. These areas are:

- The inter-connected Lakes Taharoa, Numiti, Rotorua and Lake Harihari south of Kawhia.
- Whakaki Lagoon east of Wairoa
- Lake Poukawa, Te Hauke, inland from Hastings
- Lake Kohangapiripiri and Lake Kohangatera (Pencarrow Lakes) and their respective tributaries, Wellington.

Tania says while important to the people of these specific and very small isolated areas they hardly make a dent in the overall improvement of customary fishing, use and management of Maori rights.

In addition to these areas closed for customary food gathering, three large river systems have been closed to commercial fishing to allow adult migrating eels to escape to the deep sea where they can spawn. These river systems are:

- Most of the Wanganui River
- The Motu River
- The Mohaka.

"With the Minister's decision to bring eels into the QMS Maori are now in a better position to consider the best way to give effect to both their commercial and customary rights using the Fisheries Plan framework. This will require customary and commercial interests to work together to determine more precisely what those needs are and how they should and can be addressed.


"There are already iwi working with commercial fishers to determine how best to manage the eel populations in their quota



PROTEIN PACKED: The introduction of North Island eels into the QMS gives Maori a voice in this rich industry.

management areas and how the needs of both commercial and customary fishers can be met," Tania says.

"For example Ngati Kahungunu in the Hawkes Bay region has been working with commercial fishers in the area to undertake restoration and enhancement programmes that should mean the fishery can satisfy the needs of all sector groups.

"There appears to be a lot of enhancement potential in this fishery but achieving that and managing harvest in a manner that sustains the enhanced fishery means that there is also a lot of work to do." 

Funds held in trust

THE COMMISSION has distributed approximately 70 percent of funds held on trust to iwi organisations valued at around \$6.5 million.

The funds held on trust arise from ongoing disputes between iwi relating to the annual ACE distributions or previous lease-rounds. Extra impetus to settle these disputes was given by the introduction of the new tax laws relating to Maori Authorities which kicked in on 1 October 2004. If the funds on trust hadn't been settled, those iwi would have potentially lost 25 percent of the funds as tax.

Legal Manager, Tamarapa Lloyd says of the approximately 6.5 million the Commission held it now only holds approximately \$800,000. He says the change in the tax laws for Maori Authorities gave the Commission and iwi a strong incentive to resolve these disputes.

The iwi who have had funds distributed on their behalf are Ngati Kahungunu, Rangitane, Ngaruahine, Ngati Mutunga, Ngati Maru and Taranaki.

He Kupu Kaimoana

IN THIS EDITION we're looking specifically at the eel – or tuna – as it is more commonly known amongst Maori. We found lots of different words for the same species and there are bound to be a few more – kei tena iwi, kei tena iwi ona ake kupu. Here are a few to add to your vocabulary:

CONGER EEL (Conger verreauxi)
koiero, koiro, koriro, ngoingoi (Ngai Tahu), ngoio, ngoiro (Ngati Raukawa), totoke

SHORTFINNED EEL (Anguilla australis) tuna

LONGFINNED EEL (Anguilla dieffenbachia) tuna



COMINGS AND GOINGS AT TE OHU KAI MOANA AND AFL

Aotearoa Fisheries Ltd

Tom McClurg

General Manager of Strategy and Planning

TOM McCLURG (Ngati Mutunga) is the General Manager of Strategy and Planning and has been onboard AFL since March 2004.

Tom has held executive management positions in the policy divisions for the Ministry of Fisheries and the Treaty of Waitangi Fisheries Commission. In his previous job as a Principal of the Corporate Finance Division at Ernst and Young he provided financial advice to a range of primary production companies including those in the fishing industry.



Tom holds a First Class Honours Masters of Science in Natural Resource Management from Lincoln University and a Bachelor of Agricultural Science from Massey. He has been a director on Maori-owned fishing companies and he was a founding director of the Seafood Industry Council (SeaFIC) and the New Zealand Paua Management Company.

Chief Executive Robin Hapi says Tom has had a critical role in the establishment phase of AFL. "He has an intimate knowledge of the quota management system, an in-depth understanding of the fishing industry and a reputation for providing sound strategic and economic advice."

Danny McComb

Chief Financial Officer

DANNY MCCOMB is the Chief Financial Officer for Aotearoa Fisheries Limited (AFL) and brings to the job 15 years of financial experience.

Danny was previously the Project Manager for the establishment of AFL and was also employed at the Treaty of Waitangi Fisheries Commission managing key



commercial projects. That included being involved in the sale of Brierley's 50 percent stake hold in Sealord to Nissui.

"I saw the Chief Financial Officer's position as an opportunity to take on a huge challenge and having project managed the establishment of AFL, I wanted to be part of making it happen," says Danny.

Danny has worked as a financial professional within complex and high quality organisations including eight years with UK-based company Cereal Industries Limited that turned over 960 million pounds per annum.

"My priorities over the next 12 months will be getting AFL firmly established, integrating the various businesses within AFL, developing the information and reporting systems within the business and placing a big emphasis on performance and accountability," he says.

Beck Waihape

Personal Assistant to the CEO

BECK WAIHAPE (Rongowhakaata, Ngati Kahungunu) is one of the Commission's longest serving staff members and has been personal assistant to former CEO Robin Hapi for the past four years.

And while the current staff won't see as much of her anymore, Beck hasn't actually gone very far-in fact she's moved just next door to Aotearoa Fisheries Limited (AFL) to continue as personal assistant to Robin in his role as AFL's new Chief Executive.



In 1995 Beck started at the Commission as the receptionist. "It was a real eye-opener for an urban bred Maori to be part of such a Maori orientated organisation," says Beck. She then moved across to the Quota Management section as Fisheries Administrator, assisting in the administration of quota held by the Commission.

"It's been a great privilege working in a Maori organisation that is non-government funded and set up solely for the benefit of all Maori."

Robin Hapi says Beck is a key member of the AFL team providing support services to the executive team as well as being the key person for communicating with external parties.

"Beck was encouraged to transfer across to AFL because of her organising ability,

administrative skills and general industry experience and knowledge of the process through which AFL has been established," says Robin.

Tony Craig

Quota Manager

TONY CRAIG is AFL's Quota Manager, a highly specialised role that requires him to improve the value of the quota that the AFL Group holds collectively for the benefit of its Maori shareholders.

Tony comes to the position with a strong history in fisheries management. He was the founding Chief Executive of the Commercial Fisheries Services, now known as FishServe, which



delivers an administrative service that underpins the quota management system.

He was also the CEO of the New Zealand Federation of Commercial Fishermen from 1993 to 1997 and the General Manager of the Business Policy Unit for the New Zealand Seafood Industry Council from 1997 to 1999.

"I think there is huge potential for Maori in the fishing industry. Maori are better placed than traditional industry participants because they are not yet influenced by fishing 'paradigms' of the past, and they have effectively grown up with the QMS. This means they can take a more long-term and lateral approach to the business and activity of fishing and have a sound resource base from which to launch active development programmes."

Grant Shuker

Planning Manager

GRANT SHUKER has joined AFL as the Planning Manager. He is a qualified Chartered Accountant and member of the Institute of Chartered Accountants of New Zealand.

"I've spent the last eight years with Ernst and Young, and most of that time in the corporate finance area with a large emphasis on business valuation and financial



modelling. During that time I've had some involvement with the Commission companies, including Moana Pacific and Sealord. This has given me a broad insight into the issues facing the seafood industry.

"One of the main reasons I applied for this position was to move away from a consulting focus to a hands-on commercial role. I strongly believe that many of the skills I have can be put to good use at AFL where delivery of shareholder value is a fundamental reason for being in business. I've really enjoyed my time here so far, trying to put an economic framework around the business environment such as the relationship between quota value and ACE."

Te Ohu Kai Moana

Connie Hui Solicitor

CONNIE HUI (Ngati Raukawa ki Wharepungu, Ngati Toa, Te Arawa) has recently joined the TOKM team as a solicitor.

While her last job as a lawyer was with the Tauranga District Chambers, Connie also has a background in management. This includes a senior management position in the Department of Social Welfare and a position working with the Ministry of Health leading a number of key projects.



"In the late 1990s I decided on a career change from management to law. I studied full-time whilst also holding down a full-time job."

"I applied for this position as I saw entering the fishing industry as a huge challenge. With the passing of the Maori Fisheries Act and the allocation of assets to Maori it is going to be exciting times."

Connie is chair of her marae committee, is a follower of the Ratana faith and is married with two adult sons and a mokopuna.

Like another of the organisation's new staff, Connie is a reformed smoker and has now set another personal goal. "That's to get exercise on a regular basis."

Tamarapa Lloyd Legal Manager

*Ko Tongariro te maunga
Ko Taupo nui a tia te moana
Ko Te Heuheu te tangata*

SINCE APRIL of this year Tamarapa Lloyd

(Te Arawa, Ngati Tuwharetoa) has been the Legal Manager at the Treaty of Waitangi Fisheries Commission.

Prior to being appointed he was a solicitor legal team at the Commission for two years.

Tamarapa brings a wide range of experience to this position having been a practising solicitor for six years. He worked as a solicitor for Youth Law, a community law centre for young people before moving to a small law firm in Auckland prior to joining the Commission.

Tamarapa has a passion for Maori development which has been fostered through some of the exciting projects he has worked on since joining the Commission. These include the Marlborough Sounds Court of Appeal case, the foreshore and seabed issue, aquaculture reforms, the allocation report *He Kawai Amokura* and the Maori Fisheries Act.

Sam Cruickshank Training & Development Co-ordinator

SAM CRUICKSHANK (Ngati Whatua, Nga Puh) is some of the new blood to join the Commission recently.

"As the Training and Development Co-ordinator I will be helping re-brand the scholarship programmes brochures. This includes creating a funky new website to make Commission scholarships more accessible to younger Maori. Plus I'll also be helping develop a new online database so that potential scholars can apply directly online for future training study. It's all very exciting and just tonnes of fun."

Sam has a Masters with honours in Film, TV and Media Studies and is also studying toward a doctorate, however he wasn't always that interested in school.

"I went to university when I was 25, prior to this I was a 15-year-old high school drop out, so I know how important it is for Maori to be given second chance learning opportunities in order to succeed.

That's one of the attractions of working for the Training and Development Team. We look for smart, onto-it Maori with an interest in fishing to take up a scholarship to further their careers in a range of areas such as business management and marine studies."

Sam has previously worked for Maori Televi-



sion writing and co-directing a cooking show called *Kai Ora*, which has a strong focus on kaimoana.

Charlie Mackey Personal Assistant to the CEO

*Ko Hikurangi te maunga
Ko Waiapu te awa
Ko Ngati Porou te iwi*

CHARLIE MACKEY is one of the newest staff members to join the Commission as Personal Assistant to Chief Executive Peter Douglas.

Charlie was born and bred in Ruatoria and attended Manutahi Primary before going on to St Joseph's Maori Girls College in Napier. She has a Diploma in Maoritanga from Victoria University.



"I am the youngest of six children to John and Wahine Mackey. I am married to Shane Pasene and we have three children – Arapeta, Hone and Hinematererangi.

Charlie brings with her a wealth of administrative and financial support experience in government departments.

"I've worked with the National Film Unit, the Ministry of Foreign Affairs and the Department of Internal Affairs. However most of my career in the public service has been with Treasury where I spent 18 years working in a variety of directorates in the corporate services branch.

"Why did I apply for a job here – I felt it was time to work for Maori in a Maori environment – and getting a position here at the Commission is the best thing that has ever happen to me."

Charlie's interests include kapahaka, weaving harakeke and taaniko. One of Charlie's personal achievements includes giving up a heavy smoking habit.

POROPOROAKI

COMMISSION AND AFL staff join with the Sealord Group to express their deepest sympathies to the family of Hugh Hope, a Sealord crew member who tragically lost his life on 7 September 2004 while on board the Sealord vessel *Aoraki*.

A Sealord spokesperson described Hugh as a "loyal crew member" who had been with Sealord for over 10 years.

We pay our deepest sympathies to Hugh's wife Jenny and their family. We would also like to pay tribute to the courage and dedication of members of the rescue and emergency team and Sealord staff who fought hard to save Hugh's life.

Haere atu ra kia wheturangitia ki te rangi mo ake tonu atu.

Scholarship winners to work and study in Tokyo

ACADEMIC EXCELLENCE, ability to learn a new language and willingness to adapt to a different culture has won Francene Wineti and Joseph Butterworth the prestigious Global Scholarship.

The scholarship is worth \$250,000 and is a partnership between the Treaty of Waitangi Fisheries Commission and Sealord's co-owner Nippon Suisan Kaisha Limited (Nissui).

The scholarship supports two students



AQUACULTURE SPECIALIST:
Scholarship recipient Francene Wineti.

through an intensive 12-month programme in Tokyo. Francene and Joseph will work closely with Nissui to develop a range of skills such as research and development, marketing, management, sales, technology and marine biology. At the end of the year, both Francene and Joseph are required to present a one hour seminar in Japanese.

Francene Wineti (Te Ati Hau Nui a Paparangi, Ngati Kahungunu) has experience working in the aquaculture industry working in both New Zealand and in Australia. She previously worked for the New Zealand King Salmon Company in Blenheim as a Fish Health Performance specialist.

"My position here involved fish health and performance assessments, feed research trials and tests, and different routine hatchery and grow-out techniques," she says.

Francene (24 years old) is a former Te Ohu Kai Moana scholarship student and graduated from Deakin University in Australia with a Masters

in Aquaculture. Francene grew up in Tauranga and spent four years learning Japanese at high school.

"I feel that if I can do well with communicating and understanding Japanese language and culture I will be able to absorb a lot more training at Nissui," says Francene.

Francene wants to enhance her skills in aquaculture before establishing ventures with her iwi. In the next 10 to 15 years she hopes to complete a PhD qualification and become a CEO of a seafood fishing company. She has always had an interest in marine sciences and has also worked in Australia as a dive instructor.

Joseph Butterworth (Ngati Porou, Te Arawa) has also set his sights on a career in senior management. He is currently completing a Masters in Science at Waikato University. In the short-term, he wants to pursue a science career focusing on fisheries management before helping develop iwi fishing ventures.

Joseph (22 years old) credits his father with the positive attitude he has toward marine life and protecting the environment.

"My dad's love for fishing and enthusiasm for protecting the fishing environment was passed on to me when he started taking me out on the boat at a young age," he says.

Joseph's worked for Forest Research (Rotorua) and as a technician for NIWA in Hamilton undertaking work such as processing sediment samples with pipi and cockle respiration experiments.

Joseph was raised in Rotorua and is looking forward to the challenge of Tokyo where there are over 11 million people.

"It will be interesting to experience how another culture works and lives and will give me a broader view of people in general. I'm expecting life over there to be very fast and advanced."

Commissioner Naida Glavish (Ngati Hine, Ngati Whatua) says both recipients impressed the selection panel with their ability to take on board a new language in readiness for their year in Japan.

"They also demonstrated discipline and showed tremendous potential for leadership, and were well supported by the fishing industry and their families."

Naida says that the Japanese members on the selection panel were very impressed with the calibre of the two recipients.

"They know what qualities are required to be able to live in Japan and both Francene and Joseph were able to demonstrate they will be able to cope living and working in a country with a different language and culture."



A CAREER IN SCIENCE:
Scholarship recipient Joseph Butterworth.

This is the third year that the Commission and Nissui have offered this prestigious scholarship. All of the Global Scholars were employed with Sealord on their return and one has furthered her own career by becoming a consultant to the industry in quality assurance and training. 🐟



**Who is this little fishy fullah?
What are Francene and Joseph
up to in Japan?**

**Find the answers out and check out the
tumeke Te Ohu scholarships at**

www.fishfingers.maori.nz

Mohio Maori can now apply directly online.