

Hokianga Accord

“More fish in the water/Kia maha nga ika i roto i te wai”

24 April 2008

Hon. Jim Anderton
Minister of Fisheries
Parliament Buildings
Wellington
Email: janderton@ministers.govt.nz

HOKIANGA ACCORD

Tena Koe Jim

Nga mihi nui ki a koe me to tahuu e tiaki ana wa tatou ika kia maha atu e waihotia ana ki roto i te wai. Me tahuri o taringa kia rongorongo atu e koe ki te reo uiui a o hoa awhina i a koe ki te tiaki wa tatou ika.

Thank you for your letter dated 18 October 2007 advising of your unavailability to attend the tenth Hokianga Accord hui at Waipapa and your assurance that you would be happy to receive an invitation to address the Accord on another, mutually acceptable occasion. The mid north iwi fisheries forum would like to meet with you as soon as you are available to discuss how the Hokianga Accord can work with you, as Minister of Fisheries, to fulfil the Crown's statutory obligations to mid north iwi and the ongoing relationship between the Ministry of Fisheries and the Hokianga Accord.

We grow tired of waiting for your Ministry to assist you in this role.

On numerous occasions since 2005 the Hokianga Accord has raised concerns about the failure of MFish to give effect to the mandatory obligations in section 12(1)(b) of the Fisheries Act 1996, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and other related legislation. A list of that correspondence is online at http://option4.co.nz/Fish_Forums/hokianga.htm#miy.

At the last hui it was agreed that we would write to you directly so that we, as leaders of our people, can make some progress. This is because there is little evidence of any goodwill towards the Accord or a willingness by MFish to give effect to the Crown's statutory obligations to provide for the input and participation of tangata whenua with a non-commercial interest in fisheries and the aquatic environment while having particular regard to kaitiakitanga in Tai Tokerau.

A simple example of the lack of goodwill is the failure of MFish to pay the outstanding hui fee from the Hokianga Accord hui held at Naumai marae in July 2006 or any subsequent Hokianga Accord hui. Both Jonathan Peacey and Carl Ross attended the latest hui held at Whakamaharatanga marae, Hokianga in early April and again MFish failed to contribute to the costs of hosting the hui.

This is not good enough.

The Vote Fisheries Bid 2004 provided over \$17 million to the Deed of Settlement Implementation Programme (DOSIP) designed to increase the capacity of MFish to meet its settlement obligations, comply with the Treaty principles and facilitate Maori's input and participation in fisheries management processes, including the implementation of customary management measures.

The Hokianga Accord has not directly benefited from this spending and awaits confirmation from MFish on how the funds have been spent on a regional and national scale.

A number of questions related to DOSIP were put to both Jonathan and Carl at the last hui. It was agreed the questions would be forwarded to Jonathan after the hui for formal feedback. That list of questions was sent to Jonathan and Carl on 15 April. (Attached as Appendix One).

As of 24th April no confirmation or response has been received from either official. Unfortunately this is another example of the way MFish senior management treat the Hokianga Accord and is completely contrary to the previously mentioned statutory obligations. It also seems to be a continuation of the obstructive and divisive behaviour of MFish senior managers we described in our letter to Carl Ross on 26 October 2007.

Minister, it is in both your interest, as a Minister of the Crown, and our interest as the iwi fisheries forum representing the largest numbers of Maori non-commercial fishing interests, that we get together as soon as possible to resolve these outstanding issues. Would you please advise a date or dates that you are available to meet?

Mauri Ora

Raniera T (Sonny) Tau
Co-chairman
Hokianga Accord
sonny.tau@ngapuhi.iwi.nz

Naida Glavish
Chairperson
Te Runanga o Ngai Whatua
nglavish@adhb.govt.nz

CC's

Laly Haddon
Chairman
Ngati Wai Trust Board

William Wright
Fisheries Spokesperson
Te Uri O Hau

Stephen Naera
Fisheries Spokesperson
Te Roroa

Richard Baker
President
New Zealand Big Game Fishing Council

Paul Barnes
Project Leader
option4

Keith Ingram
President
New Zealand Recreational Fishing Council

Parekura Horomia
Minister of Maori Affairs
Associate Minister of Fisheries
Labour Party
Email: Parekura.Horomia@parliament.govt.nz

Phil Heatley
Fisheries Spokesperson
National Party
Email: Phil.Heatley@parliament.govt.nz

Metiria Turei
Fisheries and Treaty Spokesperson
Green Party
Email: Metiria.Turei@parliament.govt.nz

Pita Paraone
Fisheries and Maori Affairs Spokesperson
NZ First
Email: pita.paraone@parliament.govt.nz

Tariana Turia
Fisheries Spokesperson
Maori Party
Email: tariana.turia@parliament.govt.nz

Appendix One

Questions for MFish from Hokianga Accord hui

April 2008

Treaty Obligations and Customary Management

1. What is the state of the Mataitai Guidelines?
At the November 2007 Hokianga Accord hui MFish advised these Guidelines had been presented to, and noted, by the Minister of Fisheries in October 2007. We understand the Guidelines are currently being peer reviewed by MFish' Policy Manager Terry Lynch.
 - ⇒ Why is this necessary after the Minister has already noted this document?
 - ⇒ What are the officials doing with it now?
 - ⇒ When can the Hokianga Accord see a copy of the Guidelines?
 - ⇒ Can we have a copy of the original Guidelines, as noted by the Minister in October 2007?

2. It is our understanding that MFish officials recently recommended a mataitai application in the Hawke Bay be declined on the basis that it would have adverse impacts on local commercial fishery. Would MFish confirm the prevent test was triggered by this application and the basis for their recommendations to the Minister?

3. Is the purpose of a mataitai a means to fulfil the Crown's Treaty obligations or on the basis of the information above, to comply with commercial fishing interests?
It is our understanding that part of the Treaty Settlement was to enable the protection and provision for customary fishing practices. Clearly tangata whenua cannot provide for their customary interests or exercise tino rangatiratanga in their rohe if MFish are focussing purely on the effect on commercial fishing interests.

4. It is our understanding that there are at least 16, possibly 20, mataitai applications and commercial fishing closures from Ngai Tahu. The Minister has advised there are currently six mataitai and eight taiapure in place nationwide. These have taken ten years to come to fruition.
 - ⇒ At this rate what chance have other iwi got to successfully implement customary area management tools?
 - ⇒ How long will Ngapuhi and Ngati Whatua have to wait to see some tangible outcomes from the Deed of Settlement implementation programme?
 - ⇒ How is MFish planning to resolve this increasing demand for local area management? Clearly increasing staff numbers and establishing the Pou Hononga and Pou Takawaenga teams four years ago has done little for mid-north iwi fishing interests.

5. A Mataitai may sound like an inviting local seafood basket, but if empty it is useless. This fraud is being perpetrated right around the coastline, and particularly so North of Auckland.
 - ⇒ How does MFish intend to raise abundance of species important to customary fishers, and in particular, species that would make a Mataitai effective?
 - ⇒ Or is it MFish' intention that Mataitai are shellfish-gathering areas alone?

- ⇒ Does MFish have intent or a strategy to make more fish available to non-commercial fishers?
- ⇒ Or does MFish consider that current fishing success for non-commercial fishers is adequate, or in some cases even generous?

Deed of Settlement Spending

6. In November 2007 the Hokianga Accord hui put a list of ten questions to MFish and expected some straight answers. No straight answers were received on where \$17Million has been spent. What we got instead was a series of benign statements and worse still, a response to some of our concerns by way of an article to the *NZ Fishing News* magazine from the Minister himself.
 - ⇒ The Minister is being poorly advised if he thinks that is an appropriate way to respond to the largest collective of Maori commercial and non-commercial fishing interests in the country, through the Hokianga Accord.
 - ⇒ The Hokianga Accord wants a spreadsheet format explaining how the \$17.045 million from the Deed of Settlement Implementation Programme has been spent. Included in this should be a breakdown of how much has been spent regionally and more specifically in Tai Tokerau.
7. We note Carl Ross, MFish' Customary Relationship Manager, has been appearing on the ITM Fishing Show, on TV.
 - ⇒ Would MFish confirm that Deed of Settlement funding has been spent on this programme?
 - ⇒ Would MFish confirm how much has been spent and how much is due to be spent on this involvement?
 - ⇒ Would MFish please explain how this spending fits in with the Deed of Settlement programme?

Foreshore and Seabed Settlements

8. Will these new Foreshore and Seabed Settlements, such as that negotiated with Ngati Porou, circumnavigate or invalidate customary regulations?
9. If these agreements are good enough for East Coast Maori then can Ngapuhi and Ngati Whatua have the same? Can we have it now?
10. What do Ngapuhi and Ngati Whatua have to do to achieve a similar agreement?
11. Mid-north iwi have achieved little through the implementation of the customary regulations and don't want to be messing around with nonsense if there is a better way to achieve our aspirations.

Impacts of the Orange Roughy 1 Decision

12. Has the Orange Roughy 1 (ORH1) Appeal Court decision has thrown doubt on other TACC decisions already made?
13. Does this decision throw open all MFish advice to the Minister since the introduction of the Quota Management System or does this purely apply to Adaptive Management Programmes?
14. If so, how far back does MFish envisage TACC decisions will need to be reviewed?
15. Is Bmsy a target or a reference point?