



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

Phil Heatley
Minister of Fisheries
PO Box 1020
Wellington
Phil.Heatley@parliament.govt.nz

Cc:
Wayne McNee, MFish Acting Chief Executive
Ben Dalton, MFish Treaty Partnership and Obligations to Maori

Hone Harawira, Mana Party
Kelvin Davis, Labour Party
Metiria Turei, Green Party
Shane Jones, Labour Party
Pita Sharples, Maori Party

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Tena Koe Phil

Delay in approval for Te Puna Mataitai application

Nga mihi rangatira ki a koe e mahi kaha ana i te Upoko o te ika kia tutuki ai nga moemoea a te hunga e hii ika ana mo te kai me te hokohoko. Anei ta matou tono ki a koe kia mohio ai matou e anga pehea ana te tono a te Komiti Whakature i nga taonga a Tangaroa i te Pe Ote Whairangi.

The Hokianga Accord and its constituent organisations are deeply concerned at the lack of progress in implementing Te Puna Mataitai. The delay in achieving Ministerial approval for this application by Te Komiti Whakature i nga taonga a Tangaroa is unacceptable. The Accord requests an explanation as to why there has been no progress and an expected date of approval.

Te Puna Mataitai application

Participants in the Hokianga Accord, the mid north iwi fisheries forum, represent a wide spectrum of constituents that includes the commercial and non-commercial interests of Ngapuhi, Ngati Whatua and other northern iwi and hapu, environmental and fishing interest groups.

We fully tautoko [support] Te Komiti in their sincere endeavour to give effect to their sacred obligations to practice kaitiakitanga [guardianship] within their rohe moana in the northern Bay of Islands.

The 14 marae/hapu represented by Te Komiti spent over ten years researching the options that would enable them to implement customary management. A previous Taiapure application, lodged in the 1990s, has since lapsed. Rohe moana was gazetted in 2002 and a formal application for Te Puna Mataitai was submitted in April 2008. Two consultation rounds were held in 2008 gaining strong community support and attracting a

lone objector. After considering all the submissions Te Komiti advised MFish in March 2009 that they did not wish to amend their Mataitai application.

In June 2009 MFish advised they had 33 Mataitai applications to process. *“We envisage that the assessment of the Te Puna Mataitai reserve application should occur within the next few months. At this time, the Ministry anticipates completing this assessment and advising the Minister of Fisheries within the next year”.*

Te Komiti provided MFish with updated kaitiaki contact details and a copy of their draft management plan in mid 2010, since then there has been silence.

Minister, after 10 years of effort we are sure you would agree that this process has failed both Te Komiti and the community in which they live.

MFish Double standard

The Accord is also concerned at the apparent double standard being applied to this process.

Despite earnest negotiations by Te Komiti there was only one objection, from a commercial cray fisherman, that could not be resolved locally, after which MFish officials took responsibility for the process.

In comparison, the Accord is not aware of any other process where the Ministry of Fisheries is expected to achieve 100 percent consensus before it implements its own initiatives.

The Crown is obliged to fulfil its ongoing, statutory duties pursuant to Te Tiriti O Waitangi 1840, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Fisheries Act 1996. Notwithstanding these legal obligations, tangata whenua are expected to achieve consensus beyond what an entire Crown Ministry is obliged to attain. This expectation on tangata whenua reeks of inconsistency and obstruction.

The passing of our co-chairman and the Mataitai main proponent, Judah Heihei, has heightened the Accord's awareness of the need for the Crown to enable tangata whenua to fulfil their role as kaitiaki, provide for their traditional, customary and amateur fishing needs, and to protect their broad interests in coastal fisheries.

MFish has previously recognised the Crown's obligations. There are three main requirements, that:

- ⇒ The Crown acts reasonably and in good faith in its dealings with Maori;
- ⇒ The Crown makes informed decisions; and
- ⇒ The Crown avoids impediments to providing redress, and avoids creating new grievances¹.

Clearly these obligations have not been met in the process to implement Te Puna Mataitai.

The Hokianga Accord acknowledges and appreciates the sincere effort of MFish Pou Hononga Natasha Clarke and Pou Takawaenga Bevan Hunter to assist Te Komiti in their Mataitai application process.

The Accord reiterates that the Minister must recognise and give effect to the kaitiakitanga aspirations and obligations of Te Komiti Whakature i nga taonga a Tangaroa.

We look forward to your prompt response and indication of when this application will be approved, and ultimately to the designation this year of Te Puna Mataitai - a testament and tribute to the work of Judah Heihei.

George Riley
Co-chairman Hokianga Accord

¹ Occasional Papers: Obligations to Maori, Ministry of Fisheries, December 2002, p6, section 82.