

# HI IKA

## CUSTOMARY FISHERIES still thriving

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KA PU TE RUHA, KA HAO TE RANGATAHI

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Fisheries New Zealand

Tini a Tangaroa





E ngā maunga whakahi, e ngā marae maha huri noā i te motu, tenā koutou katoā. Welcome to our second edition of Hi Ika. This magazine is an important way for us to communicate our key activities and priorities to tangata whenua. Fisheries New Zealand is now in its second year since it was established as a business unit within the Ministry for Primary Industries. Our work ensures that fisheries resources are managed in a way that provides the greatest overall benefit to all New Zealanders, and this is a responsibility that we take very seriously.

The meaningful involvement of tangata whenua in the management of our fisheries resources is of particular importance to us, to ensure that we have sustainable fisheries that meet the needs of our present and future generations. This issue of Hi Ika highlights our efforts to ensure that the full range of customary rights and interests of tangata whenua are actively protected and promoted. We currently support over 600 Tangata Tiaki (or Kaitiaki) who directly manage customary fisheries activities in their tribal regions. Over 40 fisheries areas of special significance have been established as mātaihai reserves to ensure that tangata whenua can access kaimoana

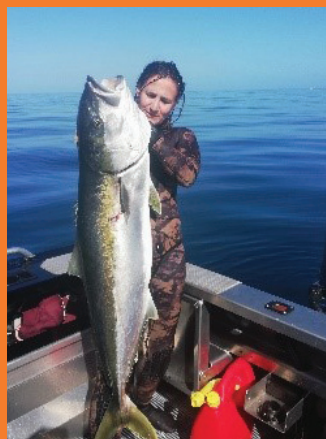
according to their needs. Over 62% of our coastline is currently operating under the Customary Fisheries regulations, with more regions to follow. Freshwater fisheries such as the Waikato River and some central North Island lakes are also operating under bespoke customary regulations.

We will continue to work closely with tangata whenua, both to help them realise their aspirations and to ensure that our fisheries management decisions reflect the rights and interests of Māori. The time given by many of you to support the Iwi Fisheries Forums is appreciated, and I look forward to receiving your feedback when I am next visiting your region; nāku te rourou nāu te rourou ka ora ai te iwi.

## Stuart Anderson

Director Fisheries Management.

# WOMAN FROM TE TAI TOKERAU REPRESENTS NZ IN PACIFIC FORUM



Born in Tāmaki Makaurau and hailing from Whirinaki in the far north, Hilary Ayrton is a proud Te Hikutu of Ngāpuhi Tonu. She grew up spearfishing for Tamure or snapper at Te Ngaere, and unlike many of her classmates, always wanted to work in the Seafood industry. Hilary studied at Waikato University, gaining a Bachelor in Marine Biology, starting her working life at the Cook Islands Ministry of Marine Resources. She then went on to complete her Master's Degree in Maritime Policy at the Australian National Centre for Ocean Resources and Security. Upon graduating, she came knocking on the door of Fisheries New

Zealand in 2016 for a job in fisheries management. Hilary also works for a programme called Te Pātuitanga Ahumoana a Kiwa as a fisheries advisor to Pacific Island Fisheries agencies.

For the past two years, Hilary has been employed in the Highly Migratory Species Team as a fisheries analyst. She has gained considerable experience on sustainability strategies for a range of species like Tuna (southern bluefin, albacore, skipjack and yellowfin tuna), billfish like marlin and swordfish, and taonga species such as the Mako. Moving through international waters, their arrival in New Zealand waters create sustainability challenges, requiring our participation in international fisheries management forums.

In July of 2019, Hilary attended the Central Pacific Fisheries Commission Scientific Committee meeting held in Pohnpei, in the Federated States of Micronesia. She was the sole representative of the New Zealand Government. Also present at the meeting were 32 other countries including Australia, China, the United States of America, Korea, Japan, and of course all of our Pacific Island neighbours.

This was the first time that a Māori staff member of Fisheries New Zealand has represented New Zealand in an international forum. Hilary is an example of a growing number of young, exceptionally talented Māori staff working within Fisheries New Zealand, and she is passionate about bringing other Rangatahi Māori into the Fisheries New Zealand whānau - ka pū te ruha ka hao te Rangatahi.

# FISHERIES NEW ZEALAND HUI WITH NEWLY LAUNCHED TĀKITIMU

**Accolades from the wider Hawkes Bay community have flowed in support of the decision by Directors of recently launched Tākitimu Seafoods to offer a discount to registered iwi members on their seafood purchases.**

Aside from the obvious health benefits of a fish diet, members of the country's third largest iwi, Ngāti Kahungunu, are looking forward to the benefits that will flow on from their purchase of the region's largest seafood company. The decision by the leadership of the iwi to invest in a seafood enterprise highlights the significant role Māori interests will play in the future sustainability of our seafood industry. It is thought that close to 40% of the total quota species is now controlled by Māori owned entities, and the rebranded Tākitimu Seafoods will add to that figure.

Tākitimu Seafoods is believed to be the largest single purchase Kahungunu Assets Holding Company has made on behalf of the Iwi. Ownership of the biggest fishing company in their rohe has been the realisation of a 30 year aspiration of Ngāti Kahungunu Iwi to be an active player in the fisheries sector.

Newly appointed General Manager Chrissy Hape confirmed that the naming of the Company after their ancestral waka marks of the significance of this purchase to the Iwi and Marae hapu of the region. The core operating principles for Tākitimu Seafoods are Kounga (quality), Kaitiaki (sustainability) and Kītenga (transparency).

"The new Board takes their role as Kaitiaki seriously and will promote sustainable harvesting and fishing methods. As with every new business there have been teething problems and we have worked steadily through these. We are committed to ensuring Tākitimu Seafoods is a success" Hape added.

The obligation of the Crown to protect Māori rights and interests in fisheries highlights the importance of relationships between Iwi such as Ngāti Kahungunu and Crown agencies such as Fisheries New Zealand. Ngāti Kahungunu Iwi Chair and Chief Executive invited officials from the Ministry for Primary Industries and Fisheries New Zealand to a hui earlier this year to explore some common objectives and strengthen their relationship. Director of Fisheries Management Stuart Anderson also addressed those present, offering the full support of Fisheries New Zealand to ensure Ngāti Kahungunu members and the wider community would derive benefits from the success of Tākitimu Seafoods.

Discussions have been also been underway with leaders of Ngāti Kahungunu for some time to work with other iwi on the lower east coast of the North Island to establish a regional Iwi Fisheries Forum. Iwi Forums operating in other parts of the country have played an important role for Fisheries New Zealand to improve input and participation with tangata whenua. Much of the coastline within the Ngāti Kahungunu region has been operating under the Kaimoana Regulations for some time now. The establishment of a regional forum will enable a more coordinated approach to fisheries planning and implementation of the customary tools available to hapu and iwi under the Kaimoana Customary Fisheries Regulations.



*Stuart Anderson Fisheries New Zealand and Tākitimu Chairperson Ngāhiwi Tomoana.*



*General Manager of Tākitimu Chrissy Hape enjoys a moment with Sandra Mauger of Fisheries New Zealand.*





# ACTIVELY PROTECTING MĀORI RIGHTS AND INTERESTS IN FISHERIES



**This year marks the commemoration of the 250th anniversary of the arrival of Captain James Cook to these shores, and the recognition of Māori customary fisheries rights by representatives of the British Crown.**

Suffering from the effects of a long voyage on a diet of salted pork, Cook's crew quickly set about trying to catch fresh fish, but were unable to catch the quantities of fish needed to feed the entire ship's crew. In the end they gave up trying to catch fish themselves, and traded with local natives for fresh fish, water and native cress.

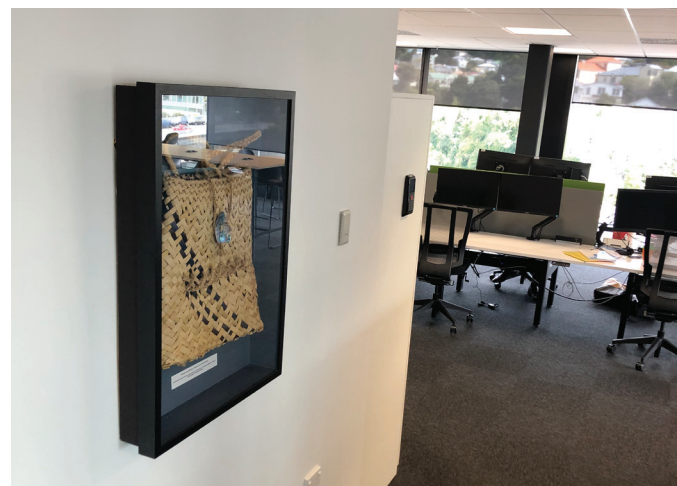
Within 50 years of James Cook's departure, new representatives of the British Crown would arrive and negotiate the Treaty of Waitangi in 1840 with the chiefs of New Zealand. That document acknowledged the wish of the natives of New Zealand to "retain exclusive and undisturbed possession of their lands and estates, forests, fisheries and other possessions". Recognition of the Māori fishing right has persisted in our statutes to the present day.

The Fisheries Act 1983 in s.88 (2), mirrored the treaty articles, stating that nothing in the act should be interpreted to affect any Māori fishing rights. However, two significant events regarding Māori rights and interests in fisheries were played out in the courts, resulting in the statutory obligations to Māori we have today. Firstly in 1986, the Court of Appeal found in favour of Māori customary fisher Tom Te Wehi. Although out of his traditional tribal area, Te Wehi was found by the Court to be exercising a Māori customary fishing right under the common law. The second case in 1988, was in response to the challenge by Māori leaders to the introduction of the Quota Management System. The Court found that the Crown could not create a commercial property right in fisheries without first engaging with Māori. This decision led to the commencement of negotiations between Māori and the Crown, eventually culminating in the transfer of commercial assets to Māori and the development of a new series of Acts and Regulations that would redefine Māori commercial and non-commercial fisheries entitlements.

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 effectively extinguished all Māori commercial fishing claims against the crown, and secured the endorsement of Māori for the introduction of the Quota Management System. This Act also required the Minister of Fisheries to protect the non-commercial customary entitlements of tangata whenua. Special Regulations were to be introduced that would recognise and provide for customary food gathering and the protection of places of importance for customary food gathering. The Minister was able to declare any part of New Zealand waters to be a mātaihai reserve, or empower local communities to make bylaws to restrict or prohibit the taking of fish, aquatic life or seaweed.

These treaty settlement obligations to Maori were finally consolidated in the Fisheries Act 1996, the Kaimoana (Customary Fisheries) Regulations 1998 and the South Island Customary Fisheries Regulations 1999. The 1996 Act sets out a framework to enable the Crown to actively protect the right of tangata whenua to promote their traditional fisheries practices and protect places of significance to them. The act also requires that tangata whenua will have input and participation into fisheries management decisions made by the Minister, and that those decisions shall have special regard for Kaitiakitanga.

As a continual reminder of our Treaty of Waitangi obligations to Māori, the kete containing the final model for the allocation of the commercial assets to Māori is still held in the national office of Fisheries New Zealand to the present day. A network of regional Iwi Fisheries Forums is supported by Fisheries New Zealand, enabling tangata whenua to have input and participation into the sustainable management of their fisheries taonga for the benefit of present and future generations.



# PROTECTING AND ENHANCING MĀORI CUSTOMARY FISHERIES

The phrase that “every fish is a customary fish” underpins the position of most tangata whenua that their commercial settlements occurred largely as a result of recognition of their customary fisheries rights and interests.

It was the recognition of those rights by the Courts that resulted in the Treaty of Waitangi (Fisheries Claims) Settlement Act of 1992. This Act set out a framework for recognising and settling the commercial fisheries claims of Māori, and obligated the Crown to introduce measures that would protect the ability of Māori to continue to enjoy their non-commercial rights and practices.

The passage of the Fisheries Act 1996 reformed the way in which fisheries would be sustainably managed in New Zealand across the commercial, customary and recreational sectors. The Act also provides for tangata whenua to have input and participation into fisheries management decisions. The Minister is required to consult with organisations that are representative of Māori, environmental, commercial, and recreational interests. The Minister also has a range of powers to protect Māori customary fisheries and traditional practices by declaring areas of our coastline as mātaihai reserves, appointing kaitiaki (nominated by tangata whenua) to manage their fisheries according to their own customs and traditional practices, and implementing Māori customary fisheries regulations. The implementation of the customary fisheries regulations has taken slightly longer than imagined. This has been due to the need of Crown officials administering the regulations to have special regard for the customs and traditions relating to parts of coastline that may be of significance to one or more tangata whenua group.

However, significant progress has been made, and customary fisheries regulations have been developed and implemented in many regions around the country. The Kaimoana (Customary Fishing) Regulations 1998 now operate in most parts of the North Island and Chatham Islands. The South Island Customary Fishing Regulations 1999 operate across much of the South Island and Stewart Island. Other examples exist for fresh water fisheries in the Te Arawa Lakes and Waikato Tainui fishing regulations. All of these regulations are administered by tangata tiaki or Kaitiaki, who manage the day to day customary harvest activities within their rohe moana. Fishing areas of special customary significance to tangata whenua, known as mātaihai, operate in many areas of New Zealand managed by kaitiaki appointed by tangata whenua.

As the needs of Māori communities have changed over time, so too has the way in which tangata whenua collect kaimoana to service their marae hui and tangihanga. Pātaka have been established in some regions, where deep-water species are harvested by a commercial vessel, under a customary permit. This practice also has the added bonus of relieving pressure on what could quickly become a seriously depleted inshore fishery.

**62%**  
of coastline  
under Customary  
Regulations



**644**  
KAITIAKI APPOINTED



**4,600t**  
ALLOWED FOR CUSTOMARY HARVESTS



**6**  
REGIONAL IWI FORUMS



**44**  
MATAITAI ESTABLISHED



Māori customary fisheries have come a long way since the 1990s, and are now a part of most communities across New Zealand. Terms like kaitiakitanga, kaimoana, mātaihai, hinaki, and rāhui have become common place, used and understood by most New Zealanders. There is also a growing awareness that the answer to the sustainability of our fisheries resource can be found in the traditional values and practices of tangata whenua - toitū te marae o Tanemahuta, toitū te marae o Tangaroa, toitū te tangata.



# EVIDENCE OF DIVERSITY OR WHANAUNGATANGA IN ACTION?

**Having recently completed the first stages of their treaty settlement negotiations, local iwi, Te Whānau ā Apanui were under the impression that they would have direct input and participation into fisheries management decisions being made in their rohe mōana.**

Imagine their indignation when they found out that the consultation for an activity that happened in their backyard was being held in the rohe of another iwi some three hours away. That the public consultation hui for southern bluefin Tuna was being held in Tauranga, didn't please Whanau a Apanui leaders. The actual fishing activity was taking place in Waihou Bay, where every year hordes of recreational fishers from Tauranga and Auckland drive to the bay to launch their boats. Aside from the congestion of 120 – 150 boats, when the fishers departed for home some left their rubbish and fish carcasses in the river for the Waihou bay residents to clean up.

After a bit of serious dialogue between Fisheries New Zealand officials and the hapu leaders, an invitation was recieved and the Crown officials headed up to Te Maru o Hinemahako Marae just west of Waihou Bay. As always the hau kainga or people of the marae were gracious and respectful to their visitors, and after a warm powhiri and a sumptuous koura dinner, it was back to the wharenui for the input and participation from the hapu and Iwi members present.

Worried about the delivery of his pepeha in his Canadian twanged accent, Dominic Vallieres, Manager of the Highly Migratory Species Team, took the advice of his colleague Judith MacDonald, to introduce himself in his native tongue. Imagine the surprise on the faces of all present when Dominic stood and addressed the hui at some length, in French, before he

carried on with his presentation in English.

Turns out that a French sailor arrived in the Waihou Bay area in the 1860s and many of the people present at the marae had a French whakapapa or genealogy. The lead kaumatua stood and with obvious delight, greeted Dominic with the term “iramutu” (nephew) on behalf of his other “cousins” who were present. On the basis of that distant blood connection, Dominic was able to relate all sorts of technical information about the migratory habits of the Bluefin Tuna passing through the rohe moana of Te Whānau ā Apanui - without interruption.

If nothing else, this episode demonstrates the value Māori place on the practice of Whanaungatanga, or establishing and maintaining relationships. In this case, the existence of a familial relationship, no matter how distant, is still an important factor in unifying people to a common purpose. As for Dominic, he now knows his first born will be uplifted and taken back to Waihou Bay to further cement the relationship between Fisheries New Zealand and the tangata whenua.



# A SMART APPLICATION FOR CUSTOMARY FISHERS

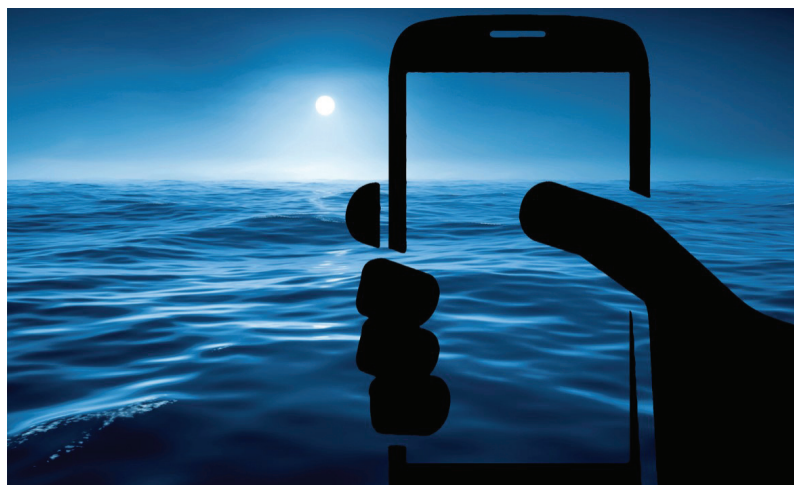
**Designed by kaitiaki to modernise customary fishing management and improve accessibility to their whānau and hapu members, a new online software program is rapidly finding support from kaitiaki in other parts of the country.**

Software developer Keelan Walker who is also a tangata tiaki for Ngāti Kuia, is quick to point out that much of the success of the new innovation was due to the enthusiasm of kaitiaki from both Tē Tauihu and Tauranga Moana Iwi Fisheries Forums. Financial support from Fisheries New Zealand, via their Customary Fisheries Research Fund, assisted the idea to become a reality. Positive feedback from the Fisheries Compliance Division enabled Keelan and his team to develop a robust reliable and compliant product that works in a range of scenarios.

Field trials started in 2017 with the kaitiaki across Tē Tau Ihu and then spread to other parts of the country. After 18 months of rigorous field testing, the aptly named KohiKai software application was officially launched in Nelson in May 2018. The event was attended by Tē Tauihu Iwi leaders, and members of the Mai i Nga Kuri ki Tihirau forum based in Tauranga mōana.

The advantage of this software application (or app), is its compatibility with tablet, iPad or smart phone. All that's needed is an internet connection, as this new system was designed to allow kaitiaki to issue customary fishing permits electronically to an applicant's personal phone or email address. The permit information is able to be received on the applicants tablet or cell-phone, while all the data relating to the permits is held at a secure central database. Under certain conditions, this data can be converted into a real-time visual presentation or report of the customary fishery harvest activity in the region. As an added bonus for reporting purposes, KohiKai also sends automatic reminders to applicants to return their permit catch data once a permit has expired.

The decision to make the app compatible with smartphones was a deliberate one by the kaitiaki. Keelan cites recent studies where it was revealed that 70% of New Zealanders have laptops and smartphones, but now prefer smartphones to update their social media profiles, access internet banking services or reply to their



emails. KohiKai was developed to provide Tangata Whenua with a modern, more reliable process for accessing customary harvest authorisations than the old ad-hoc paper based system.

“We should be able to manage our tāonga species with the same degree of certainty we treat our personal finances, and KohiKai will achieve that” assures Walker.

There are also benefits for Fisheries New Zealand officials, who will now have actual and real time customary fishing data from a modern and reliable system, that's also compatible with other digital programs being used for sustainability planning.





# INCREASED RECOGNITION OF FISHERIES FORUMS

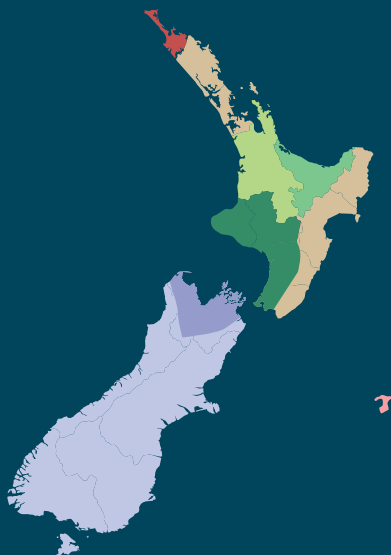
**The opportunity for tangata whenua to put their views directly to the Minister of Fisheries Stuart Nash was seen as a positive move following a recent hui with the Te Waka a Māui regional Fisheries Forum.**

In past years meetings between the iwi of Te Waipounamu and Ministers of the Crown have always been lively but productive. Kaumātua, Veteran Maori Fisheries advocate and representative for Ngāti Tama ki Te Taihū, Fred Te Miha (seated on the Minister's right), was pleased with the outcome of the Hui.

"Meeting with Iwi leaders Rangatira ki Rangatira confirms that the Minister and his officials recognise our rights and interests still exist under the Treaty of Waitangi." Te Miha added.

Regional Iwi Fisheries Forums are recognised as the most appropriate vehicle for promoting more effective input and participation by tangata whenua into fisheries management decisions. Minister of Fisheries Stuart Nash met with the Te Waka a Māui Iwi Fisheries Forum comprising the nine tangata whenua Iwi of Te Wai Pounamu; Ngāti Apa ki Ratō, Ngāti Kōata, Ngāti Kuia, Ngāti Rarua, Ngāti Tama, Ngāti Tōrangatira, Rangitāne ō Wairau, Te Ati Awa, and Ngai Tahu. The coastline of the Te Waka a Māui regional forum spans five of the country's fisheries management areas. Having representatives who can comment on aspects of commercial and non-commercial Māori fisheries has enabled Te Waka a Maui Forum to take a more strategic collaborative approach to sustainability planning.

## NATIONAL DIRECTORY



- **CHATHAM ISLAND** PA TANGAROA
- **NORTHERN NORTHLAND** TE HIKU O TE IKA FISHERIES FORUM
- **WAIKATO** NGA HAPU O TE URU O TAINUI
- **MARLBOROUGH & NELSON** TE TAU IHU
- **BAY OF PLENTY** MAI I NGA KURI A WHAREI KI TIHIRAU
- **MANAWATU/ TARANAKI** TE TAI HAUAUROU
- **SOUTH ISLAND** TE WAKA A MAUI ME ONA TAKA

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