

# Report - Hokianga Accord hui Kohewhata marae, Kaikohe.



20-21 July 2017

*Waiho I te toipoto, kaua I te toiroa  
Let us keep close together, not far apart.*

## 1. Introduction

Since the first hui in July 2005 the Hokianga Accord has continued to break down the barriers between Maori and tauiwi (non-Maori people) through sharing the common objective of 'more fish in the water'. It was pleasing to see many new faces amongst the 63 people in attendance at this event, the 18<sup>th</sup> overnight Hokianga Accord hui.

The Accord brings together the commercial and non-commercial interests of Ngapuhi, Ngati Whatua, other northern iwi and hapu, environmental and fishing interest groups. The intention of this Forum, in part, is to share ideas and knowledge so everyone is better informed of the Crown's ongoing statutory requirements under the Fisheries Act 1996. These statutory obligations require the Minister, before doing anything, to provide for the input and participation of tangata whenua having **a non-commercial interest** in fisheries and an interest in the effects of fishing on the aquatic environment while having particular regard to kaitiakitanga. (Fisheries Act 1996, s12 (1) (b))

Given the broad range of interests and skillset amongst participants people were encouraged to speak frankly and share their experiences so others may learn. Issues discussed over the two days included the obstacles to restoring abundance in inshore waters, the Te Puna Mataitai, a Royal Commission of Inquiry into the Quota Management System, fisheries policy, snapper and crayfish management. Of particular interest was the potential for change emanating from the recent High Court decision confirming regional councils can make rules that apply to the marine environment. Also, the Kai Ika project, a collaboration to share fish between the Outboard Boating Club of Auckland and Papatuanuku Kokiri marae. The hui agreed on several resolutions. After a hearty hakari (feast) people departed Kohewhata marae feeling enlightened and energised.

Wane Wharerau chaired the hui discussions. Acknowledgement was given to those who had sent their apologies, and those past and present who had contributed to the ongoing success of the Accord. This report was commissioned by the Hokianga Accord, written by Trish Rea, and reviewed by the Working Group prior to its publication. Feel free to download a copy of this hui report from [www.hokiangaaccord.co.nz](http://www.hokiangaaccord.co.nz)

## 2. Political representation

Godfrey Rudolph (Greens) and Kelvin Davis (Labour) addressed the hui during their brief attendances. Both were supportive of the Accord and its goal of improving fish abundance for current and future generations. Godfrey advised the Green Party will support the move to get rid of trawlers from inshore waters, agreed there was a need to establish a stand-alone Ministry of Fisheries and a Royal Commission of Inquiry to get a better understanding of current fisheries management. Kelvin reassured the hui that he supports the concept that New Zealanders rank first when it comes to accessing kaimoana. He had no problems with the policies presented in the LegaSea document '2017 Manifesto for New Zealand's marine inshore fisheries'. He was keen to talk with the Accord after the election. The Hokianga Accord appreciated the effort of Godfrey and Kelvin to attend and contribute to the hui.

### **3. Threats to non-commercial fishing**

Barry Torkington is an ex-commercial fisherman and after 40 years of fisheries politics he is now a policy advisor to the New Zealand Sport Fishing Council and LegaSea. In his view, the Hokianga Accord hui were vital to keep the discussions between commercial and non-commercial fishing interests going and the relationships strong.

He is concerned the oceans are being emptied and there are few pathways to restoring the abundance of fisheries. For example, the SNA1 fishery, between North Cape and East Cape was last assessed in 2013, it was estimated to be at half the level it ought to be according to the limits set by the Ministry for Primary Industries (MPI). If we want to rebuild this fishery and others we need to kill less fish.

He had spent two years participating in the Snapper 1 Strategic Plan Working Group for little success because commercial interests were unwilling to forego any catch to rebuild the fishery. The loss of abundance and diversity in the marine ecosystem was concerning and did not bode well for future generation's interests. We need to work together to restore abundance for our mokopuna (grandchildren).

Since the introduction of the Quota Management System in 1986 New Zealanders have spent the last 30 years debating who has the right to take the fish, ignoring the governance issues including what we need to do to maintain our fisheries for now and for those who follow us.

People are suffering because they cannot access adequate numbers of fish inshore. The current system is bankrupt and needs to be reset

Lively debate followed Barry's presentation. Commercial Maori interests could not agree with the proposal to set the minimum management target stock size for fisheries at 50% of original, unfished biomass because that would require significant cuts to catch levels in many fish stocks. While 50-60% might be international best practice, in New Zealand for most stocks the standard management target is around 20-25% of unfished biomass. Maori have significant quota shareholdings and an obligation to their iwi to maximise that investment. Conversely, Maori non-commercial fishers need an abundance of fish inshore so they can feed their whanau. Fisheries management was complex when it comes to Maori interests.

A Royal Commission of Inquiry may be the only way to achieve acknowledgement that minimum management targets need to be increased to improve fish abundance and diversity in the marine environment.

### **4. Te Puna Mataitai**

Hugh Rihari has been the chairman for Te Roopu Kaitiaki Whakature I Nga Taonga o Tangaroa (Te Komiti) since the passing of Judah Heihei in 2010. Nga Hapu o Taiamai ki Te Marangai was one of several hapu established under the Kaimoana Regulations in 1998. Each marae/ hapu is responsible for appointing a representative to the kaitiaki committee, Te Komiti. In 2000 Nga Hapu o Taiamai ki Te Marangai successfully applied to the Ministry to gazette an area traditionally used for harvesting kai moana.

In 2008 Nga Hapu applied to the Ministry of Fisheries to establish Te Puna Mataitai over a well-known food gathering area of approximately 26 sq kms within the gazetted rohe. After much delay and obstruction, the Minister approved the Mataitai for around 20 sq kms, effective from August 2013.

Te Puna Mataitai covers an area from Te Puna Inlet in the northern Bay of Islands, around the Black Rocks and past the Ninepin.

Te Komiti is struggling to get any help from MPI to manage the Mataitai. Hugh is concerned Te Komiti may fold because they have no resources. They recently held their first AGM in seven years. And given that this is the only customary gathering area for Ngapuhi, they are growing increasingly concerned that this Mataitai cannot provide for the customary needs of 132,000 people.

Te Komiti has acknowledged crayfish and scallop numbers are low and need to be conserved so they have decided to not issue customary permits for these species. The recreational limits provide sufficient kai for people's needs. Te Komiti would like to review the regulations allowing the gathering of mussels using scuba. Mussels were harder to find since the rules were changed. Unfortunately, Te Komiti did not have the resources to conduct a public consultation process to measure community support for a regulation change, and to put pressure on the regional councils to limit sedimentation and discharges into the local waterways.

Hugh appreciated the offer to debate a resolution to seek resourcing for Te Komiti to talk with the local community about regulation changes in the Mataitai. However, he needed to talk with his team first and will advise the Accord of the outcome of those discussions, in due course.

## **5. Bay of Islands**

John Booth is a marine ecologist and member of Fish Forever, a community based group in the Bay of Islands. Fish Forever support the implementation of Maori customary local area management tools, but also value setting aside no-take areas. John was disappointed he did not have more time to talk with the hui before his departure. He left behind several documents and encouraged people to go online to [www.fishforever.org](http://www.fishforever.org) and read the reports:

1. [Recreational fishing in the Bay of Islands](#): Intense pressure contributes to stress on fishstocks and to local ecological degradation. John Booth. December 2016.
2. [Commercial fisheries of the Bay of Islands](#): history, present harvesting pressure, and ecological impact. John Booth. October 2016.

## **6. LegaSea's FishCare project**

Sam Woolford is the Fundraising Leader for LegaSea. He has helped secure funding for a new programme called [FishCare](#) – The school of best practice. This project was launched in May and aims to educate the public on how to improve fishing practices and reduce impacts on the marine environment. With around 700,000 people fishing in New Zealand's waters every year subtle changes to the way people fish can have a positive impact. Utilisation was a big part of conserving fish so effort was also going into teaching people how to use all of the fish they catch, and how they can share unwanted parts with people in their community through [www.freefishheads.co.nz](http://www.freefishheads.co.nz).

LegaSea appreciates the trust and support for FishCare from a range of sponsors, including Foundation North, The Guardians of the Sea Charitable Trust, Lou and Iris Fisher Charitable Trust, Spark Foundation, BlueWater Marine Research, The Lion Foundation, the New Zealand Angling & Casting Association, and the New Zealand Sport Fishing Council.

## **7. Kai Ika project**

Valerie Teraitua, Lionel Hotene and their whanau manage a community garden based at Papatuanuku Kokiri marae in Mangere, south Auckland. In the past few years they had turned two acres of wasteland into productive gardens and shared over 80,000 kumara and other vegetables

with needy families in the community. Their philosophy is “Food is life and life is food,” so the latest initiative to share fish, heads and frames with their community was most welcome.

With the help of LegaSea, Papatuanuku has teamed up with the Outboard Boating Club on Tamaki Drive in Orakei, Auckland. Instead of throwing away unwanted parts of the fish they catch OBC members now clean and sort those parts into special bins. Lionel and his team then collect those bins and return to the marae where some of the heads and frames are smoked, the offal is dug into the gardens, and fresh food is delivered to local community groups and families. Since September 2016 over 6000 kgs of fish heads, frames and parts have been recovered, sorted and shared with grateful families in South Auckland.

This partnership, named the Kai Ika project, had brought untold happiness to many families hungry for this ‘rangatira kai’ while giving OBC members the opportunity to respect the fish they harvest. The sharing between disparate communities had been a positive development and is now inspiring other communities to initiate their own conservation and utilisation programmes.

## 8. Crayfish management, northern zone

### ***Crayfish 1 (CRA1)***

Trish Rea works with the LegaSea team and is an integral part of the New Zealand Sport Fishing Council’s fisheries team. Since 2005 she has supported the Hokianga Accord in developing submissions, organising hui and supporting tangata whenua with their needs.

Prior to the hui Trish was asked to present catch figures for crayfish harvested from Northland waters. In this brief presentation Trish explained that commercial catch had been around 131 tonnes per annum since the 1990s.

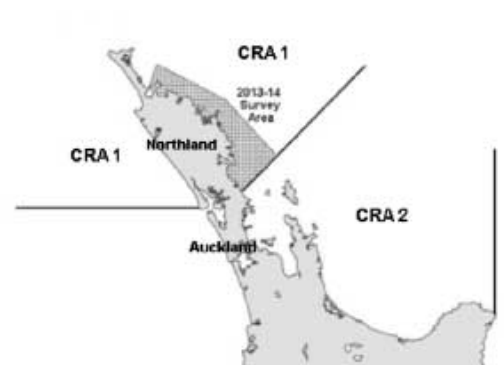
The Northland crayfish management area is called CRA1, and it extends from the north head of the Kaipara Harbour, up around Cape Reinga, including the Three Kings Islands, past North Cape and down to Te Arai Point, south of Whangarei.

In 2015 the Minister set aside, for the first time, annual allowances for non-commercial fishing interests. He set aside 20 tonnes for Maori customary interests and 50 tonnes for recreational interests. The Ministry has no idea about how much customary harvest is actually taken. The last estimate of recreational harvest was in 2011-12, where it was estimated that amateur divers and potters took around 24 tonnes.

Before the 1990s there were more than 30 commercial vessels working in the CRA1 area, since 2007 numbers have dropped to 13. While effort shifts around this vast management area, in the last decade most of the commercial crayfish catch has been taken from the Three Kings Islands and off the west coast. The next Ministry review of the CRA1 stock is due in 2019 so we do not expect any management changes until 2020 at the earliest.

### ***Crayfish 2 (CRA2)***

CRA2, the area between Te Arai Point, Northland and East Cape, is so depleted that recreational fishers now describe the fishery as ‘collapsed’. That is, it cannot replenish itself as there is more going out of the fishery than is coming in, or growing.



**Figure 1:** Crayfish 1 & 2 management areas.

LegaSea recently [surveyed more than 800 recreational divers or potters](#) who fish in the CRA 2 area. Over 55% of respondents said they had fished the area for 20 years or more. In their view, the fishery was decimated, or close to it. There was also strong support for a closure of the fishery to help restore the numbers and size of crayfish.

Commercial catch rates in CRA 2 are the lowest in the country. Comparing all nine CRA stocks, CRA 2 has the worst return for effort. In 2015-16 the Catch Per Unit of Effort (CPUE) was below 0.3 kg per potlift. That means a commercial fisher has to pull up a pot more than three times, on average, to get just 1kg of crayfish. On the west coast of the North Island the catch rate is almost 2kg per potlift, and at the bottom of the South Island they get, on average, almost 3.5kg per potlift.

Despite the poor catch rates, the scientists, managers and even the Minister consider the CRA 2 fishery is okay and well above sustainable limits. However, the Minister has fast forwarded the next review of the stock by a year so we might see some management changes by April 2018.

There was discussion about how good the recreational harvest estimates are for crayfish and other stocks. From a commercial perspective, it was hard to manage a fishery without knowing what recreational fishers took out of the fishery. For specialised fisheries such as crayfish, gathering harvest data is not that easy due to the fewer numbers of people targeting crayfish and the remote locations that many people fish or dive from. For the more popular species there were relatively good estimates of recreational harvest. The last nationwide recreational harvest survey was conducted in 2011-12 and the next survey is due to start soon.

Commercial interests were interested in knowing what MPI officials had said earlier in relation to overall harvest estimates by commercial, customary and recreational fishers. And, that information ought to be included in the hui report. In discussing the 2011-12 National Panel Survey results estimating recreational harvest the chief Ministry scientist advised in 2015 that -

Estimating the number of fishers is now more challenging than estimating catch, lengths and bags of fish.

MPI suggest that in a total removal context, they probably now have better data on recreational harvest than any other sector. That is because there is uncertainty around customary harvest, commercial discards, levels of illegal harvest and fish thieving by all sectors. These uncertainties are greater than the imprecision in the recreational harvest estimate. This concerns total harvest, not total catch or mortality.

[The [survey methodology used by NIWA](#) in 2011-12 has been internationally acclaimed as producing credible recreational harvest estimates. NIWA has since received requests from overseas countries interested in conducting similar surveys.]

## **9. An integrated approach to marine protection in the Bay of Plenty**

Te Atarangi (TA) Sayers and his father, Hugh Sayers, have been part of the Motiti Rohe Moana Trust's legal action clarifying who has jurisdiction over the inshore marine environment in the Bay of Plenty. TA is the technical advisor to the Trust and Hugh is the Trust's Project Manager.

When the Trust tried and failed to get adequate protection for their rohe via the Fisheries Act 1996, they sought relief through the Environment Court and received a favourable judgment. The Crown appealed that decision to the High Court. The High Court ruling, issued in June, clarified that the Resource Management Act (RMA) can be used to look after intrinsic values, taonga (special places), most things except fish. This means regional councils can impose controls on fishing techniques and

methods providing the purpose of doing so was related to the RMA, not designed as a fisheries management control.

There are benefits and opportunities arising from these Court proceedings. Opportunities include:

1. The RMA can address issues and values, including intrinsic and indigenous values, not addressed in the Fisheries Act 1996.
2. To avoid the constraints of the Fisheries Act we need to recognise the environment and restore the complex habitat of the marine environment rather than just focusing on the actual animals/fish.

TA encouraged everyone by saying that every area and community has unique values that can be expressed in a Coastal Plan developed by the Regional Council. Once adopted, these values will need to be taken into account by the Minister for Primary Industries.

Hugh finished with a waiata –

Kei hea nga kopua koura e  
Kua ngaro kua ngaro kua ngaro ra  
Kei hea ra he oranga mo taku iwi e?

Kua riro ra i te Kawana tahae  
Kua riro ra i nga Kaunihera he  
Aue aue ka ngau te mamae  
Aue aue ka ngau te kino  
Kei he ra he turangawaewae  
Mo taku iwi e?

Where are the crayfish holes and nests?  
Disappeared, decimated,  
Where is the sustenance for my people?

Taken by the thieving Government  
Taken by erroneous Councils  
Alas, alas the pain bites  
Again, alas the damage hurts  
Where is left as a standing place  
For our people?

## 10. A Royal Commission of Inquiry

Public confidence in fisheries management and the Ministry for Primary Industries (MPI) seems to be at an all-time low. There is growing support for a Royal Commission of Inquiry into the Quota Management System (QMS) and fisheries management. The public call for an independent inquiry has grown louder since the release of the [Catch Reconstruction Report](#) in 2016. That report, by Auckland University Business School and several overseas universities, revealed the business model commercial fishers are using is flawed.

Widespread dumping and illegal behaviour on commercial trawlers remains unpunished even though the Ministry has evidence of malpractice. There is more information that ought to be made public but it is being withheld by MPI and commercial fishers.

Glenn Simmons is a researcher at the Auckland Business School and was one of the authors of the Catch Reconstruction Report. There are now seven universities involved in ongoing research. In his view, the only way to find out what is really going on is to have a Royal Commission of Inquiry. That

independent inquiry would enable the truth to come out and give people an opportunity to speak freely about their experiences, historic and current fishing practices, without fear of prosecution.

Barry Torkington added that part of the problem was the disconnection between quota owners and the fishermen. Quota owners were demanding rent from the people working on the water, so fishing has become a low-cost exercise with little regard for the resource.

There is currently no pathway to restoring abundance. A Royal Commission of Inquiry would need to look at the reasons why it is impossible to implement change, to deliver abundance. This was an important issue because it was land-based and inshore fishers seeking to feed their families that were affected most by a lack of fish. Industrial fishing with bulk harvesting methods could continue offshore irrespective of the depletion that was occurring inshore.

Given the inability to change things at a management level it was clear that the answer was political. Leading up to the election politicians will be lobbied to see if they support a Royal Commission of Inquiry so we can rebuild inshore fish stocks, and provide food for our people now and in the future.

More than a decade ago Ngapuhi acknowledged the importance of recreational fishing when it comes to Maori feeding the whanau. In 2005 Sonny Tau, Chairman of Te Runanga A Iwi O Ngapuhi, made the following statement,

“99.9 percent of the time that we, Ngapuhi, fish to feed our babies we are categorised as recreational fishers”.

Since then, acceptance has grown and Ngapuhi has been open in sharing this understanding. At a national hui Ngapuhi confirmed that their commercial interests will give way to customary and recreational interests if it means making fish available to feed the whanau.

### ***Allocation***

As part of its discussions, a Royal Commission of Inquiry would need to address allocation. A fresh initiative to promote quota for public fishing is on the horizon. The ongoing thrust to force a fixed allocation onto the public was a means to privatise the fishery for the benefit of commercial interests, and to the detriment of future generations.

Ngapuhi and the New Zealand Sport Fishing Council were jointly involved in the Kahawai Legal Challenge initiated in 2004. The outcome was that the Supreme Court confirmed the Minister has discretion when it comes to allocating the available fish. Under a quota system, recreational fishers would only be allocated a small portion of the available fish in most important inshore fish stocks (possible exceptions are snapper and kahawai).

Given the threats to future non-commercial interests for Maori and non-Maori, it was important for people to be wary of any moves to limit public fishing to a fixed quota, as additional measures to restrict recreational fishing, including bag limit reductions, were inevitable. The public had already demonstrated a willingness to conserve fish, but they were not willing to conserve fish just so more fish could be exported.

## **11. 2017 Manifesto for inshore fisheries**

Scott Macindoe presented the document ‘2017 Manifesto of New Zealand’s marine inshore fisheries’. This document was developed by the New Zealand Sport Fishing Council’s fisheries team. It outlines the policies required to restore our inshore fisheries to abundant levels and return the marine environment to a more productive ecosystem.

The polices are:

1. Establish a Royal Commission of Inquiry into fisheries management and the Quota Management System.
2. Amend the Fisheries Act 1996 to include an Allocation Principle.
3. Remove industrial fishing methods such as trawling, seining and dredging from the inshore zone.
4. Establish a separate, well-resourced Ministry of Fisheries.
5. Amend section 13 of the Fisheries Act 1996 to replace the minimum stock target of  $B_{MSY}$  with a biomass target of  $B_{0.5}$ : 50% of the unfished stock size.

Some lively discussion followed and the group came to the conclusion that it was unreasonable to expect the hui to accept the Manifesto and resolve to support it without first having the opportunity to consider the implications.

Ngapuhi was not averse to having an inquiry to find the truth, everyone needs a better understanding of what these policy points will mean. From a grassroots level, there was more interest in having fish in the water to feed our babies than exporting fish for overseas consumption.

After further discussion, the hui unanimously passed the following resolutions:

That the Hokianga Accord endorse points 1 & 4 of the '2017 Manifesto for New Zealand's marine inshore fisheries' paper presented and debated at Kohewhata Marae between iwi and other recreational and commercial stakeholders.

**Moved:** R. Sonny Tau. **Seconded:** George Tinker

That the Hokianga Accord have agreed to continue discussions on points 2, 3 & 5 of the '2017 Manifesto for New Zealand's marine inshore fisheries' paper.

**Moved:** A. Solomon. **Seconded:** David Guccione

## 12. Poroporoaki – the final say

There was universal agreement that the hui had been worthwhile. Everyone had a better understanding of matters related to fisheries management and marine protection, and more so, made new friends and got to know each other.

It was clear we all had a responsibility to do our best to make things better for future generations and the Hokianga Accord was a good vehicle to have those discussions and work out practical ways to make a difference.

Thanks to Val, Lionel and Puna of Papatuanuku Kokiri marae for sharing their experiences and singing beautiful waiata throughout the hui.

Special thanks to the ringa wera (hot hands) in the kitchen ably led by Si Yates and Piet Battaerd.

It was a treat to be at Kohewhata marae and the memories will live long.

Next hui and venue to be confirmed.