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Tena koe

**CONSULTATION ON THE PROPOSED FISHERIES SERVICES FOR THE PERIOD
1 JULY 2008 TO 30 JUNE 2009**

INTRODUCTION

1. This submission is made in response to your letter dated 18 February 2008. In this letter you invited Te Ohu Kai Moana Trustee Ltd (“Te Ohu Kaimoana”) to provide comments on the proposals contained in the document entitled *Consultation Document on the Proposed Fisheries Services for the period 1 July 2008 to 30 June 2009*.
2. While Te Ohu Kaimoana has drawn the contents of the consultation document to the attention of Iwi we have not had the time or opportunity to discuss its contents with Iwi. As such this response conveys only the views of Te Ohu Kaimoana and does not in any respect satisfy the consultative responsibilities of MFish with tangata whenua specified in section 12(1) of the Fisheries Act 1996 (“the Act”).
3. Te Ohu Kaimoana has seen the submissions from SeaFIC and Kahungunu ki Uta, Kahungunu ki Tai and broadly endorse those submissions.
4. This submission is in two sections, comprised of:
 - Section 1: General comments
 - Section 2: New Initiatives
 - Section 3: Comments as appropriate on the 2008-09 research proposals contained in the document “Proposed Fisheries Research Services 2008-09”

SECTION 1: COMMENTS

GENERAL

Assessing the SOI

4. The SOI is an important document for the Ministry and those interested in its management of fisheries. It concerns Te Ohu Kaimoana that the lack of context in the proposed SOI has made it impossible for us to properly assess the performance of MFish in the current year and respond to proposals for the following year, as we have been able to do in the past. Whether or not this is a transitional issue as the Ministry shifts to objectives based management is not clear. Whatever the case we expect to see greater context provided in the future that will enable proper assessment of MFish's performance, proposals, and costs.

Increasing Costs

5. We remain concerned at what appears to be a continuing lack of awareness demonstrated in the SOI of the financial plight of the commercial fishing industry. Depressed market prices overall, substantially increased input costs particularly fuel and an ever-worsening currency position have created a very difficult environment in which industry must operate. These are critical matters which must be taken into account by MFish in its planning but no evidence of this appears in the SOI. Though the Ministry has sought to clarify priorities and we endorse the need for this we are very concerned that this has not led to adjustments of work programmes within baseline funding. We are very concerned that the Ministry is continuing to project additional cost recovery on the industry at this time

Fisheries Management Plans

5. Te Ohu Kai Moana supports the development of fisheries management plans to provide for greater stakeholder input and participation in fisheries management, and to achieve alignment across sectors. Te Ohu Kaimoana has invested a significant amount of resources into the development of fisheries management plans over the past 7 years. However our experience to date has been very disappointing. MFish has constantly shifted the goal posts in relation to issues such as who should or shouldn't be allowed to develop a plan including who leads that development?, what should and shouldn't be in a plan?, and so on. The net outcome is a loss of confidence in the ability of MFish to deliver on fish plans that can respond in a dynamic way to the critical issues facing a fishery in the unique manner that the fishing sectors agree are needed for that fishery – rather than a generalised solution that applies in a fashion to all fisheries. We do not seek consistency – we want the most effective solutions for each fishery.

NEW INITIATIVES

Recreational Fish Charter reporting

6. We welcome the prospect of reporting regulations for charter vessels being in place by 30 June 2009. However, Te Ohu Kaimoana considers it would be more prudent as soon as possible with a target of instituting reporting regulations by 30 June 2008. We would expect to at least see reporting from the trial areas

commenced from 1 July 2008. It is apparent that the number of charter boat operators has increased significantly over the years and Fisheries Managers should be concerned about the potential impact this is having on fisheries.

7. We note that the costs of development of the recreational fishing charter vessel reporting is being met entirely by the Crown. It is appropriate that the costs of development rest with the Crown but recommend that charter vessel operators carry the ongoing costs of reporting as they are clearly commercial operators.
8. The issue of charter vessel reporting raises yet again the bigger question of reporting by recreational fishers. Given the major failings of recreational surveys to provide robust information, and the millions of dollars that have been spent to date on collecting poor quality information, MFish and Government must now seriously consider options to get reporting of catches by recreational fishers. It is not an unreasonable expectation given commercial and customary fishers are already required to report their catches. We need good information to ensure appropriate allowances are made for recreational fishers in the TAC, but more importantly, to ensure the sustainability of fisheries. This is about being responsible fishers.
9. As you will be aware improved information from the amateur sector is part of the scope of work being considered by joint sector working party on shared fisheries. Te Ohu Kaimoana considers that one way of practically advancing this would be to develop a pilot system that would allow amateur fishers to easily input via cellphone or web-based reporting systems. Such a system would also be a useful facility for kaitiaki and iwi in reporting customary non-commercial catch. Te Ohu Kaimoana considers that the Ministry should, as a priority, work collaboratively with us and others on such a development.

Amateur Fishing Trust

10. Te Ohu Kaimoana agrees with MFish that organised representation of the amateur fishing sector is fragmented, partial, and lacking the capacity to engage formally with commercial stakeholders and tangata whenua. We also agree that the current low level of management input from the sector is constrained by a lack of funding and the voluntary and part time nature of participation – very similar to what we have in the customary non-commercial sector.
11. What also needs to be considered in this context is that amateur fishers participation in fisheries management will only be effective if the participants are informed, that is, know what the science means; are aware of physical, statutory and other legislative constraints; know something of the practicalities of fishing; and so on. Without this sort of informed participation discussions on fisheries management can be sterile and formulaic, with only the informed party (or parties) participating in creative solutions. So it is important to ensure these matters are addressed when building capability within the amateur, and also the customary non-commercial sectors. Indeed with the plethora of scope and range of regulations and fisheries management initiatives, this is also a problem for the commercial sector.
12. Despite these challenges we must acknowledge the work of the NZ Recreational Council representatives in doing what they can to ensure recreational interests have at least some voice in fisheries management decision making.

13. Te Ohu Kaimoana supports the establishment of an Amateur Fishing Trust and the appointment of Trustees by December 2008. However, as Maori also have amateur recreational interests which are recognised under Article 3 of the Treaty of Waitangi, we consider that it is appropriate that at least two advocates for Maori recreational interests are appointed to the Board of Trustees. Te Ohu Kaimoana is prepared to engage with Mandated Iwi Organisations regarding appropriate representation.
14. We also believe this initiative should however be advanced as part of a wider programme that provides the tools (see para 9 above) and training needed for the Trust to be able to immediately constructively contribute to fisheries management.

Iwi Rohe Management Plans

Maximising value from iwi rohe management plans

15. Te Ohu Kaimoana supports the development of iwi rohe moana management plans. Potentially, they provide an opportunity for iwi to articulate their aspirations in terms of the integrated management of their fishing and aquaculture interests. They also provide an opportunity to document how iwi individually and collectively view various issues within their respective rohe, within regions, and within Fisheries and Quota Management Areas.
16. To ensure the success of this initiative Te Ohu Kaimoana considers MFish should only support plans where Mandated Iwi Organisations and their collective hapu are involved. Supporting one without the other will do little more than create division amongst iwi and hapu, and ultimately result in plans being of little or no value at all. The best plans will be those that are supported by Mandated Iwi Organisations and the hapu they represent. They provide greatest value and the least risk.
17. Parliament recognised 57 iwi for the Fisheries Settlement. We note that the SOI states that it is proposing to support 68 iwi rohe moana. We are unsure who the additional iwi are and where their rohe moana are? If in practice it is intended that MFish will assist individual hapu to develop rohe management plans, we would oppose this but would encourage MFish to help Mandated Iwi Organisations facilitate closer working relations with hapu so that they jointly develop plans and strategies that provide mutually supportive outcomes.

Iwi led rohe moana management plans

18. Te Ohu Kaimoana believes that iwi should have the ability to “lead” the development of rohe moana management plans, as opposed to MFish leading the process. This doesn’t mean that MFish has no role to play, indeed in many instances the success of the plan will be reliant upon MFish input and participation.
19. Te Ohu Kaimoana also believes that these plans should not be confined to being developed within the MFish iwi forums. Mandated Iwi Organisations and hapu should have the freedom to develop these plans within their own Runanga. They should also have the ability to access funding derived under this new initiative.
20. We note that Ngati Kahungunu iwi is currently developing what could be described as an Iwi Rohe Management Plan. That plan is supported by the hapu

of Kahungunu and aided by the support of poutakawaenga. We encourage MFish to continue their support for this work.

Developing Iwi Infrastructure

21. While Te Ohu Kaimoana supports the development of iwi rohe moana management plans, we consider MFish would achieve more if they first concentrated on assisting iwi to develop infrastructures that support meaningful input and participation into key fisheries management decision making. It puts iwi in a much better position to develop and implement those plans and the risk of them gathering dust on the shelf are hugely diminished.
22. We encourage MFish to support this initiative and to include 3 pilot projects as part of their 2008-09 work programmes. To facilitate this initiative we suggest MFish be open to service contracts with iwi. We note that this opportunity was included in the 2004/05 statement of intent but for reasons that are not clear, it was removed the following year.
23. Te Ohu Kaimoana is interested in having further dialogue with MFish in relation to how both organisations could work together in developing this and other initiatives.

Pataka Kai Model

24. The concept of a Pataka Kai Model is not new to iwi. The collection and storage of seafood for future use is a practise that has existed long before 1840. It is also something that was contemplated by Maori fisheries negotiators including when the South Island Customary Regulations were promulgated in 1998. Furthermore, it is consistent with the 1992 Deed of Settlement which requires the Crown to make provision for customary use and management practices.
25. MFish has been involved with iwi in discussing the development of a Pataka Kai Model but nothing really has eventuated to date. Given the desire of many iwi to progress the development of a Pataka Kai Model, we consider it is appropriate that MFish provides for this work in its 2008-09 year work programme.
26. We consider that it is suitable mechanism for iwi to help meet customary non-commercial needs particularly tangihanga and this tool will assist to integrate the commercial and non-commercial interests of iwi in a mutually supportive way.
27. Te Ohu Kaimoana is very interested in working with MFish to achieve a positive outcome for iwi so that this mechanism with suitable reporting and compliance measures is included among the suite of customary non-commercial mechanisms available to iwi.

Review of customary regulations

28. Te Ohu Kaimoana and iwi have been advocating the need for a review of the customary regulations for some time now. Having an effective regime is critical part of the Crown meeting its Treaty and Settlement obligations. It is also vital for iwi in developing and implementing a strategy that integrates their commercial and non-commercial aspirations. A better expression of these rights will be important for shared fisheries to be managed on a consistent basis.

Costs

29. Te Ohu believes that the proposed budgets should be increased to provide for the additional programmes under this heading. We recommend the increase should be \$500,000 in each of the years commencing 2008-09.

Scientific Research

30. Te Ohu does not support an increase in scientific research. We have mentioned earlier in this submission our preference to institute recreational reporting over the continued use of flawed recreational catch estimates. Furthermore, we are far from convinced that industry, or even Mfish, should be covering the costs of the proposed work associated with the distribution and abundance of Hector's and Maui dolphins, and research on "other protected species". This is fundamental environmental work that the Crown should fund as public good research. Given the species DoC's vote should fund this work. In the absence of any compelling information to tell us otherwise we believe the funding for this initiative should be met by Government funding.

Treaty Settlements

31. Te Ohu Kaimoana supports these initiatives and proposed budgets.

Fisheries Compliance

32. We agree with Mfish that effective fisheries enforcement and management requires a competent at-sea Monitoring Control and Surveillance presence. But we are not convinced that 50% of the costs for this initiative should be recovered from industry. You will be aware of the industry's views on that government should correctly meet compliance costs as it does with other sectors. In this case however that general proposition need not be advanced because the Minister is on record as having told industry and assurances were given to the Select Committee that industry would not have to pay any of the costs associated with this initiative. To have a credible regime, we would expect to see those assurances implemented.

33. Should you have any queries regarding any aspect of this submission please contact Craig Lawson or Alan Riwaka.

Craig Lawson
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