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FISHING INDUSTRY SEEKS REMOVAL OF 'TAX' LEVIES.

197 words

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National Business Review

English

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The New Zealand Fishing Industry Association has lodged an application in the High Court for a judicial review of the decision to impose cost recovery levies on the **commercial fishing** industry.

Association executive director John Pfahlert said the minister was operating the cost recovery process under the Fisheries Act as a tax regime without the explicit approval of Parliament.

Total cost recovery charges imposed on the fishing industry by government for the 1996/97 season total \$36 million. They covered compliance, research, policy advice and administration costs.

"It is the view of the association that the minister has failed to ensure that recovered costs are only those which can fairly and reasonably be regarded as attributable to the activities of members of the commercial fishing industry," Mr Pfahlert said.

He said the industry was prepared to pay its fair share of costs. But he pointed to the costs of \$5.5 million for policy advice to the Minister of Fisheries and policing by fisheries enforcement officers of black market activities and poaching as examples where the Crown, rather than the industry, should be paying.

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MEURANT TRIED TO NET FISHING DEAL IN OFFICE.

By BELINDA MILNES.
710 words
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National Business Review
English
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While sitting on the cabinet committee revising the Fisheries Bill, agriculture undersecretary Ross Meurant tried to set up a **commercial fishing** deal with an offshore bank.

In July last year, Mr Meurant wrote to Russian-owned Prok Bank saying he wanted a finder's fee for arranging a proposed \$13.5 million deal to buy fishing quota from a Maori group.

At the time, Mr Meurant was undersecretary of agriculture and forestry and sat on the primary industry select committee revising the Fisheries Bill.

His colleagues on the committee said they were not aware he had put the proposal to Prok.

After initially refusing to discuss the deal, Mr Meurant said there was no conflict of interest and that the information about the deal came from "an embittered person who's feeding you crap".

On June 30 he wrote to Prok saying he knew of a group wanting to sell a quota package including land and buildings in the Wairarapa for \$13.5 million.

With the chief executive of the New Zealand Federation of Commercial Fishermen, Tony Craig, Mr Meurant offered to help the Russian company buy the quota, within New Zealand's 25% foreign ownership rules.

"[I am] happy to work through a company structure with your legal advisers to ensure compliance with New Zealand legislation and to enable you or your clients to acquire this quota, but still retain control of the venture," Mr Meurant wrote.

The Cabinet Office Manual, which lays out responsibilities and rules for ministers and undersecretaries, instructs them to:

- *Avoid situations where they get remuneration from information acquired only by reason of their office;
- *Ensure no conflict of interest occurs between their public duty and their private interests;
- *Requires them to declare any personal interest before taking part in cabinet committee meetings or debates in the house on a related subject and;
- *Not "accept payment for doing anything that could be regarded as part of their normal role".

In a second letter to Prok Bank on June 11, Mr Meurant provided Prok with details of the \$13.5 million deal which included scallop, eel, paua and crayfish assets.

With Mr Craig, Mr Meurant, "acting in a private capacity in a commercial venture", wanted remuneration for setting the deal up.

"Tony Craig and myself have considered a 'finder's fee' for putting this package together. However we would prefer a longer-term relationship with Prok in terms of a joint venture."

However the deal never went through because it was not commercially viable and Mr Meurant never got any money from the quota deal.

Mr Craig said he formerly worked for the company which owned the quota package and was asked to sell it.

When he subsequently took up the position as chief executive of the Federation of Commercial Fishermen, he said he informed his executive of his interest in securing the sale right from the start.

After putting in five years work on the sale, Mr Craig said he was entitled to get some recompense for securing a deal. The package was eventually sold to the Waitangi Fisheries Commission.

Denying there was any conflict of interest in attempting to set up the quota sale, Mr Meurant said there had never been a prohibition against MPs or members of the executive being involved in business.

"I'm not ashamed of my entrepreneurial bent," he said.

A month after the deal was turned down by Prok in August last year, Mr Meurant became a director of the bank and was quickly sacked as undersecretary of agriculture and forestry by Prime Minister Jim Bolger.

Mr Bolger told Mr Meurant the public thought there was a conflict of interest in holding both jobs and gave him an ultimatum - quit Prok or lose his undersecretary's position.

Mr Meurant refused to choose and was dumped a few days later.

But his position with Prok was to be shortlived.

Earlier this year, Mr Meurant and the bank quietly parted company, as revealed in The National Business Review on May 24.

Mr Meurant is now standing as an independent candidate in North Auckland's Rodney electorate against his former colleague, Agriculture Minister Lockwood Smith.

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INSURERS STEER CLEAR OF BOAT BUSINESS.

By FIONA ROTHERHAM.
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Boat owners formerly insured with the collapsed New Zealand Underwriters are experiencing difficulties finding new cover for their vessels.

When NZU went bust Auckland broker Condor Insurances stepped into the breach, offering to try to find alternative cover for the 115 boats mainly **commercial fishing** vessels.

But policyholders have since been told nine other insurance companies approached by Condor, including Lloyds of London, were not interested in the risk.

Many of the insurers were prepared to consider insuring some individual vessels - but not the whole NZU portfolio.

Rival marine insurance brokers say the NZU marine portfolio included a lot of hard-to-place vessels that other companies wouldn't take on, including a number of Chatham Island boats. The marine policies are said to have been touted in the marketplace without success before NZU collapsed, former NZU marine broker Brian Deadman has not been employed by Condor as first suggested to policyholders.

NZU operated for only three years as a specialist marine and motor vehicle insurer before going into receivership. Motor vehicle policies were cancelled when the company went under.

Insurance companies are required by law to place at least \$500,000 with the Public Trustee to meet any potential shortfall on liquidation.

Company office records show NZU has two outstanding loans, including one for \$30,000 from the National Bank for computer equipment and a \$431,000 debenture secured in 1993 by shareholders, the Wulffs and managing director Charles Fletcher, as trustees of two family trusts.

NZU was not a member of the Insurance Council which requires members to have reserves equal to at least 20% of premium income.

Receiver Rod Pardington of Deloitte Touche Tomatsu, says the amount outstanding is still being finalised and it's too early to say if all claims will be met.

"We're currently reviewing the position in relation to the reinsurers," he says.

Under-capitalised, NZU was totally dependent on its Belgian-based reinsurers and has around \$1.3 million in claims under dispute.

A claims history summary of the marine book shows claims on six commercial fishing vessels totalling just under \$380,000 were made in 1996. Checks by The Independent with boat owners show at least three of these more recent claims have not been paid.

These include a claim of more than \$100,000 for the Meagan-J, a vessel salvaged off the Christchurch coast after two crew members lost their lives.

The shipbuilder who salvaged the vessel says repair work was not done because NZU failed to give assurances it would be paid for.

Other boatowners complain they faced lengthy delays when making claims to NZU and had trouble getting the full amount claimed.

A further \$1 million in claims said to be already paid out by NZU is subject to legal action against the company's three former Belgian-based reinsurers. Two of these reinsurers, Dai Ichi Kyoto and Kobe Re, collapsed last year with \$20 million in estimated debts.

These two reinsurers, along with Royal Standard Re run by a former NZU director, were changed in June 1995 in favour of another unrated reinsurer Universale Generale.

The other cause of NZU's collapse was the failure of two Christian broadcasters Clive Garratt and John Guerin to meet a \$12 million call on unpaid share capital issued last October.

Garratt and Guerin are contracted to put on air the country's fourth television channel - the Christian-based TV Four. But overseas funding promised since late last year, has still not arrived.

Licenceholder United Christian Broadcasters International has called a special meeting to discuss its management contract with TV Four.

UCB International chairman Hal Short says no date has yet been set for the board members meeting.

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"SPY" SATELLITES MONITOR FISHING ACTIVITIES.

By DOMINIC ANDRAE.
1,078 words
15 March 1996
National Business Review
English
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Being the first country in the world to set up a satellite monitoring system to control where and when **commercial fishing** vessels can operate is likely to pay dividends for New Zealand.

The "spy in the sky", known as the vessel monitoring system (VMS), was introduced two years ago next month.

"As a result of the successful operation of VMS in New Zealand, expressions of interest have been received from as far afield as Namibia, Oman, Mexico, Peru and the countries of the Pacific Forum. Here, New Zealand officials are working with the Pacific states on proposals for the use of VMS," said Bruce Shallard, who was in overall charge of the VMS development process.

Now a private consultant in strategic fisheries management, Mr Shallard also chaired the joint government-fishing industry VMS steering committee.

"New Zealand officials have also made presentations to international fisheries enforcement agencies where the value of monitoring technology has been widely recognised.

"They all have differing objectives and want to develop systems in their own way. However, they all recognise that we have achieved a workable, effective operation and so want to share our experience and expertise," Mr Shallard said.

"We began to look seriously at using satellites for fisheries enforcement in 1993. Such technology was not well advanced worldwide so it was a 'go it alone' venture a true pioneering effort."

VMS stipulates that all foreign vessels working inside our 200-mile exclusive economic zone (EEZ), all New Zealand vessels longer than 28m and boats catching orange roughy, scampi, squid and tuna must carry automatic location communicators (ALCs). More than 200 vessels are involved.

Signals sent from the vessels are picked up by satellites and beamed to the Ministry of Fisheries' communications centre at Greta Point, Wellington. Monitoring staff check to see if vessels are in prohibited areas and compare the information with what fishing companies are saying about where their vessels are operating.

"The system is working well. There is widespread acceptance by government and the industry of the value of VMS and an acknowledgment that it is doing a good job," Mr Shallard said.

"However, what is still lacking is an effective means of follow-up to situations that are identified from the satellite position fixing and which show that vessels may be involved in an activity or be in an area where they should not." At this point there was no ability to respond effectively.

To date, just two successful investigations and prosecutions have resulted from VMS.

"That there have not been more prosecutions is a tribute to the power of VMS," said Geoff Backhouse, a senior investigator with the Ministry of Fisheries' national compliance unit. "The system is also complemented by the RNZAF which carries out maritime surveillance patrols around our EEZ and has a close working relationships with the ministry.

"However, skippers and their fishing companies learned pretty quickly that they had to toe the line. VMS works, and it works well.

"Our EEZ is difficult to police and it is essential to realise that any vessel caught inside a prohibited zone, irrespective of nationality, will be prosecuted. The message is obey our rules - or else."

The Russian factory trawler Mys Yudina was forfeited to the government earlier this year. The 84m vessel was logged catching hoki five miles inside a prohibited trawl zone in the Hokitika Canyon, the fishery's main spawning area off the West Coast. Over \$11,000 in fines were also handed down.

In the second case, Nelson firm Sealord Products had to post nearly \$1 million bond money for its former trawler, the 53.6m Arrow. The company, the skipper and the first mate were all charged with making 15 illegal trawls in a prohibited area in the Canterbury Bight. When nabbed, Arrow had been

working inside a 25-mile restricted limit, an area prohibited to vessels longer than 43m.

Arrow was seized by fisheries investigators late last year but was released back to Sealord on a bond related to the vessel's value. The bond was amended when the trawler was sold to another firm, Cook Strait Seafoods. All three defendants were convicted and fined by a district court judge and the vessel forfeited to the Crown.

While VMS has established itself as the frontline watchdog of activities in our EEZ, the Air Force's Orion aircraft still play a vital maritime surveillance role with their "on-the-spot" capabilities.

The planes can also detect dumping at sea, illegal transshipments and area infringements should VMS malfunction.

The Orions have proved their worth. A joint Air Force-Maf operation, codenamed Dolphin, resulted in five factory trawlers from Russia and the Ukraine being forfeited to the government. More than \$50,000 in fines was also paid.

During the operation, an Orion flew two patrols: One at dusk and, five days later, one at dawn. The five 100m trawlers were caught fishing illegally for hoki inside a conservation zone off the West Coast.

With VMS, the vessels concerned use the satellite technologies of the Argos system and GPS (global positioning system)/Inmarsat-C.

With Argos, a simple identification message is transmitted by radio every 120 seconds. It contains a unique identification number but no position data.

Two Tiros polar orbiting satellites receive these transmissions and calculate the location of the vessel. It is then retransmitted to the Argos Global Positioning Centres (GPCs) via a network of ground receiving stations and only an Argos centre can interpret the data. Accuracy is claimed to be in the order of plus or minus 350m. The Argos system provides between 12 and 16 positions for each vessel every day.

Inmarsat-C uses two satellite programs: Global Positioning System (GPS) and a communications system.

The GPS position is confidentially and automatically transmitted to Greta Point every two hours but transmission times are not fixed. Inmarsat-C is also available for normal communications use and for distress signalling. Accuracy is claimed to be plus or minus 100m.

"The fishing industry has been given considerable help from the VMS data. This information has been passed on to seafood firms and used in stock management," Mr Shallard said.

"The amount of data that has been received has been greater than expected. More time, effort and analysis has been needed.

As a result, the ministry and industry are now discussing software upgrades to ensure VMS works even more effectively."

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Fisheries deal is final.

2,105 words
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8
English
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The Treaty of Waitangi (Fisheries Claims) Settlement Bill has been enacted. This is the second reading speech on the measure by the Minister of Justice, Doug Graham.

The Maori **commercial fishing** settlement, which was the genesis of this bill, generated much emotion.

Because of its size, scope and importance that was inevitable. Many saw it as evidence that grievances can be resolved fairly if there is a real desire to do so.

Since the settlement was reached, however, there has been some quite strident opposition. This may have left the public rather bewildered and they may now be wondering whether Maoris actually support the settlement in sufficient numbers to make the settlement durable.

But, as the Waitangi Tribunal itself stated, only three groups questioned the viability of the Sealord proposal. The opposition to the settlement has not, therefore, been directed at the adequacy or fairness of the benefits passing to Maoris but for other reasons which perhaps can conveniently be put into three categories.

First, there are many Maoris who have expressed deep concern at the reference in the deed of settlement to treaty rights being extinguished. There are then some Maoris who fear that the settlement will affect their "traditional" food-gathering rights of a non-commercial nature particularly in relation to freshwater fisheries.

Finally, some Maoris have expressed concern that their "share" of the benefits are to be determined by the Treaty of Waitangi Fisheries Commission rather, as they would prefer, by direct negotiation with the Crown iwi by iwi.

I intend to discuss these categories of opposition in some detail but before doing so I wish to comment on two other issues that have arisen recently.

The first relates to the decision not to refer the bill to the select committee. This bill, however, perfects an agreement reached after intensive and lengthy discussions.

The Crown is obliged and intends to carry out its obligations under the settlement. I see no honour in inviting submissions which cannot be accepted and nor is it appropriate that the select committee becomes a substitute marae for those for and against to relitigate a matter which is settled.

And I further believe that in any event, on reflection and close study of the bill, many who opposed it may find their concerns have been heeded and their fears, I hope, allayed.

The second issue relates to comments made by the members for Tauranga. As in his practice, the member launched a number of personal attacks. He claimed that the Maori negotiators had no mandate from Maoris.

Yet the same negotiators received instructions from those present at no fewer than 24 hui. Further when they signed the deed, they did so on their own behalf and at no time purported to sign on behalf of all Maoris.

He then said that few Maoris supported the deal as only a minority had signed the deed itself. This, however, ignores the fact that the numerous hui held in the preceding months clearly support the overall deal.

The Waitangi Tribunal put it this way: "A full record of the hui is contained in a 260-page report was made available to the crown ministers and, as we understand it, it was on the basis of this that the Crown considered there was a sufficient mandate to proceed to the conclusion of a formal deed.

"We have read that report ourselves and have gained the same impression. The report is commendable for its thoroughness and detail. It conveyed to us the impression that there was indeed a mandate for the settlement provided, however that the treaty itself was not compromised."

Finally, the member for Tauranga claims that Ngai Tahu would be a major beneficiary of the settlement,

a hardly surprising conclusion, and went on to imply that because of this Ngai Tahu's representative, Tipene O'Regan, could not be trusted.

This was a disgraceful and scurrilous assertion and a slur on the character of a fine New Zealander who, in my opinion, does more in one day for Maoris and for this country as a whole than that member has done in his lifetime. I do not intend to dignify the member's statement with further comment.

I now return to discuss the three categories of opposition in more detail.

Honourable members will recall that the first category related to the extinguishment of treaty rights. Many Maoris strenuously opposed this whatever the trade-off might be.

For them, it was not a question of money but honour. Treaty rights were said to be inalienable and sacrosanct and were held by them in trust for future generations.

For this reason, many Maoris decided not to sign the deed and were highly critical of those who did.

Now the deed of settlement did indeed refer to the extinguishment of rights. This was to ensure that the settlement was final in accordance with the intention of the parties.

Of course those who have not signed are not bound by it but they are certainly bound by legislation passed by Parliament.

The issue then is whether treaty rights could be left intact in accordance with the clear desire of Maoris yet the essential goal of finality achieved. The strong feelings on extinguishment of rights, in effect by amending the treaty itself by statute, cannot be underestimated.

Indeed, it is quite possible and even probable that the overall settlement, seen almost universally as fair to all parties, would come to be relitigated not because of the adequacy of the consideration but solely due to the perceived cultural offence created by the extinguishment of rights.

After due consideration and after applying the maxim of Euripides that among mortals second thoughts are wisest, clause 8 relating to commercial fishing has been carefully drafted in an attempt to respect the wishes of Maoris yet at the same time to achieve finality.

It makes no mention of extinguishment of rights but rather that all claims based on such rights are to be regarded as finally settled, the Crown's obligations are discharged, and no court can interfere in any way.

It is not unreasonable to expect that those who objected on this ground will now feel able to add their mana to the settlement and I invite them to do so.

The result is that the treaty rights remain unaffected but such rights, once section 88 (2) is repealed, henceforth will no longer be part of our domestic law and can no longer be enforced in the courts.

It is important to record that finality is an essential element and was recognised as such by both parties. Both recognised that without finality the public is unlikely to support this or any other settlement.

And if that public support is not forthcoming then there can be no settlements and the grievances will continue with all the negative consequences of that.

I note that the tribunal considered it undesirable to oust the courts' jurisdiction in this way. Indeed, it went further and said it was in breach of the treaty principles. With respect, I disagree.

The tribunal fails to appreciate the need for the Government to take public opinion with it if progress is to be made in this difficult area.

Further, if it is in breach to repeal section 88 (2) of the Fisheries Act and remove these treaty rights from domestic law, then equally it could be argued that the Crown is in breach for not adopting other treaty rights into domestic law.

For example, most would accept that the Maori language is a taonga but there is no statutory recognition of this. I have never heard such a proposition advanced.

Further again, while the courts are the appropriate forum to determine when rights exist, it is often more difficult for them to determine the actual extent of those rights, say, the percentage of quota Maoris should receive, which clearly is more of a political matter than a judicial one.

Here the rights have not been disputed and the political quantification of them settled.

If in the future attempts are made to relitigate this matter, I have at that time would regard that as a serious breach of faith on the part of Maoris, inconsistent with their treaty obligations to the Crown.

This is the more so by this added consideration extended to Maoris by the Crown when drafting clause 8. I am confident Parliament would quickly close any loophole that this legislation inadvertently created.

I invite Maoris who opposed the settlement on this ground now to indicate their approval so that they can accept the benefits which it will provide with a clear conscience.

At the end of the day the durability of settlements of any kind will ultimately depend on whether the agreement reached is fair to both sides as it clearly is in this case.

Such a settlement quintessentially carries with it the honour and mana of the parties to it.

The second category of opposition related to the effect of the settlement on non-commercial traditional fishing rights especially in fresh water fisheries.

Maori rights to these presently have statutory recognition in section 88 (2) and in various sections of the Conservation Act. Section 88 (2), as I have mentioned, is to be repealed.

It simply referred to Maori fishing rights. What they actually are, however, has been decidedly unclear. The section may have given comfort to Maoris to at least have that statutory recognition but from a practical viewpoint, it was of little use.

Instead, the Governor-General is to be given the power to make those rights clear to all.

There is much work still to be done on the proposed regulations and I regret that in anticipation of what they may provide, some rather extravagant claims of racism have been made.

I can understand that many would prefer to see all fishing sites available to all New Zealanders.

But I wonder if that sufficiently recognises the fact that a hapu may have taken food from a reef for centuries and that the right to continue to do so was guaranteed by the Treaty of Waitangi.

It was never part of this settlement that those rights now be taken away. There are already, in fact, many small areas set apart for Maoris and have been for many years without causing apparent offence to anyone.

For what it is worth, I suspect that unless there were some concerns about the depletion of stocks, then the hapu would, as often as not, be happy to share the resources with others.

Whether that is so or not, I have to say that I personally have no difficulty with small discrete areas being set aside for Maoris in recognition of the historical guaranteed traditional non-commercial fishing rights.

This issue will perhaps need rather more understanding and tolerance than has been evident recently. We will have to work together to resolve it.

In so far as the provisions of Conservation Act are concerned, the Government has decided that those provisions should remain unamended. The result is that again there has been a recognition of the importance of these traditional rights of a non-commercial nature to Maoris.

Instead of the ill-defined reference in the Fisheries Act, there will now be clear law by the promulgation of regulations. I hope that that will allay the fears of those who objected on that ground.

The last category of objection can be dealt with shortly and relates to those iwis which have expressed a wish to deal directly with the Crown rather than be part of an all in settlement.

Were the Crown to accept this submission, however, I suspect the Crown would struggle for many years attempting to work out a proper rationale to use in the distribution of quota among iwis and hapus.

The Crown would then need to acquire the quota on a seller's market, and only then settle individually with perhaps over 50 hapus claiming commercial fishing rights.

Not only is that a daunting task to the point of impossibility, but it would result in a fragmentation of quotas into small parcels.

I seriously doubt whether hapus would be able to compete in a capital-intensive industry on that basis and think it more likely that over time they would end up yet again with nothing.

It is surely better to first obtain the strength of bulk quotas then allow Maoris to work their way through how the benefits such quotas will produce can best be distributed. The Government does not, therefore, accept that the objections on this ground have merit.

Document nzhl00020011123docl00di5

Fish tenders could cost Govt \$110m.

388 words
19 December 1992
New Zealand Herald
3
English
(c) 1992 The New Zealand Herald

Plans to put new **commercial fishing** quota out for tender could cost the Government \$110 million in compensation.

The Minister of Fisheries, Mr Kidd, was yesterday given a legal opinion that his plans to change the rights of existing non-quota species fishing permits amounted to confiscation.

The opinion was backed up last night by the chief Maori fisheries negotiator, the Hon Matiu Rata.

He predicted that the Government would have to back down over its proposal not to allocate quotas in species to be added to the quota management system on the basis of catch histories, but to sell the rights by annual tender.

"You simply cannot change the rules in mid-stride, I would be very surprised if they proceed with this legislation."

Mr Rata said there was a principle dating back to the Magna Carta in which the Crown guaranteed it would not confiscate without compensation.

Confidential ministry documents estimate the value of such new quota planned to be added to the fisheries management system at \$110 million.

A substantial part of this is the \$40 million estimate for southern blue whiting, of which the Sealord company would stand to gain about 60 per cent based on catch history records under existing legislation.

The legal opinion delivered to the minister yesterday was written by an Auckland barrister, Mr Alan Ivory, and Professor Michael Taggart, who specialises in public law at the University of Auckland.

They identified six factors which contributed to fishing permits being considered as property rights, rather than "privileges," as claimed by Mr Kidd.

In addition they said the development of administrative law has strengthened the character of fishing permits as property rights.

About one-third of the 130 species not included in the quota management system are caught commercially under conditional fishing permits issued by the minister.

The legal experts said the permits could be amended, revoked or not renewed if such action was required for management or conservation purposes.

But to revoke the permits so the catching rights could be sold by the Crown would amount to a confiscation of property rights.

In recent correspondence with the Fishing Industry Association Mr Midd has argued that until catching rights are allocated in the form of quota, the rights to any new fisheries belong to the Crown.

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Angry fishermen stage protests.

541 words
7 December 1992
New Zealand Herald
1
English
(c) 1992 The New Zealand Herald

Commercial fishing operators will take to the streets and the water today as anger mounts against the Government's proposed changes to fisheries legislation.

Hundreds of fishing boats are expected at the ports of Whangarei, Auckland and Tauranga in protests.

Auckland fishermen have promised some shoreside demonstrations before they rendezvous off North Head at 11 am.

In Whangarei at least a dozen boats from small ports further north had arrived last night.

Seven had steamed more than 120 miles down the coast from Houhora to take part in the protest, which some are threatening to turn into a blockade.

In Tauranga fishermen will stage a protest by taking their boats into the harbour near the Tauranga-Mount Maunganui bridge, but will not block any boating into or out of the harbour, according to their spokesman, Mr Barry Newland, of Whangamata.

Most of those taking part in the protest are small-scale fishing operators who believe the Government's plans to tender the quota for 130 fish species yet to be introduced into the quota system could put them out of business.

Ownership of the quota for the major species already managed under the system was granted on the basis of previous catch histories.

Commercial operators will meet in Wellington tomorrow to discuss the issue.

More than 100 are expected to attend the meeting, which will attempt to come up with a way the Government could address the catch-history issue while giving a financial return to the nation, says the president of the Federation of Commercial Fishermen, Mr Dick Hall.

The protest is understood to be generating considerable sympathy among amateur fishing groups who are concerned that the Treaty of Waitangi (Fisheries Claims) Settlement Bill now before Parliament could exclude them from large areas of the coastline.

Last night the president of the Recreational Fishing Council, Mr Bob Burstall, said the bill was "vague and broad."

His members were particularly concerned about the proposed Matai-tai reserves, which would be set up to settle claims of traditional Maori fishing rights, as opposed to the commercial rights which were to be settled by the Sealords deal.

"The bill does not determine the size of these and type of control or by what process they will be established. The one thing it does say is that they will be exclusive to Maoris."

Mr Burstall said his council would not become involved in today's protests but was aware that some amateurs might take to the water.

The organiser of the protest planned for Whangarei, Mr Bob Martin, the immediate past-president of the Federation of Commercial Fishermen, said he expected the commercial fleet to be joined by "amateurs in tinnies (aluminium dinghies)".

"It has snowballed from a single issue about quota rights to a protest that affects the more than one million people in this country who go fishing every year."

"The Government seems to have forgotten the meaning of democracy."

Mr Martin said he was amazed at the number of people who turned out at what was originally to have been a small electorate meeting with the MP for Bay of Islands, Mr John Carter, in Mangonui on Saturday.

About 80 people had given Mr Carter a grilling.

Document nzhld00020011123doc700bg1

Govt MPs angry at "racist" fish deal.

604 words

4 December 1992

New Zealand Herald

1

English

(c) 1992 The New Zealand Herald

The Government sparked a revolt in its backbench last night with MPs claiming the Maori-Sealord fishing legislation was racist.

The legislation bankrolls Maoris into a half-share of the fishing company Sealord Product Ltd with a \$150 million taxpayer-funded payout in return for the abandonment of all Maori **commercial fishing** claims now and in the future.

It was introduced to Parliament under urgency and amid fierce exchanges.

The use of urgency means the legislation - the Treaty of Waitangi (Fisheries Claims) Settlement Bill - will not be referred to the select committee.

Opposition MPs attacked this strategy, while three Government MPs, including the junior whip, Mr John Carter, criticised a section of the bill which they claimed would lead to exclusive Maori fishing areas.

Earlier, at a late afternoon briefing for Government MPs, two ministers had defended the bill and the limited briefing available to the National caucus.

Four National MPs voted against the introduction, which was comfortably passed, 47 to 27. The MPs who crossed the floor were Mr Cam Campion (Wanganui), Mr Ross Meurant (Hobson), Mr Ian Peters (Tongariro) and Mr Winston Peters (Tauranga), a former Minister of Maori Affairs.

Mr Carter said a provision allowing the declaration under regulations of "mataitai" (food gathering) reserves meant recreational fishing areas could be established to exclude most New Zealanders.

"Racial legislation in this country cannot be tolerated," Mr Carter said, adding that he would fight his colleagues to see the provisions changed.

Mr Meurant said the mataitai clause "opens the door to Maori to police fishing resources to the extent they may exclude other New Zealanders on the basis of race from designated fishing areas."

He said the concept was a "reversion to tribalism, and barbaric. It is also racist and I will have no part of it."

The MP was also critical that the bill had been sprung on Government MPs without any prior consultation. He said the section of the bill dealing with traditional and customary fishing needed wider public discussion.

Officials, however, rejected the view that the reserves would become tribal enclaves, saying that similar areas had existed around the coastline for years without creating division.

The Minister of Fisheries, Mr Kidd, who introduced the bill, told Parliament that the with the Sealord deal and the acquisition of fishing quota Maoris would have a package worth \$500 million.

He said opponents of the deal stood in the way of progress and opportunity. Accepting that the issue had created distress among Maoris and stirred opposition among non-Maoris, Mr Kidd said the deal meant Maoris could go forward with confidence, while the Crown could take satisfaction that it had discharged honourably a Treaty of Waitangi obligation.

That settlement, he said, meant escape from a decade of futility.

The Prime Minister, Mr Bolger, who called the deal historic and honourable, urged Opposition MPs to say whether they endorsed or rejected the settlement.

"There are certain events in history when you can't straddle the fence," Mr Bolger said, adding that the deal "fairly captures the spirit of New Zealand in 1992."

His speech was frequently interrupted by Mr Winston Peters, who said there was no majority Maori support for the deal.

The Opposition Maori spokesman, the Hon Koro Wetere, said it was wrong that many Maori objectors would not get a chance to put their views to a select committee.

The former Labour Minister of Maori Affairs predicted that despite the Government's intentions, Maoris would not accept that their right to bring legal challenges under the Treaty of Waitangi could be voted away in Parliament.

Document nzhd00020011123doc400bbn

Blockade of ports likely.

142 words

4 December 1992

New Zealand Herald

1

English

(c) 1992 The New Zealand Herald

Blockades of three major ports planned for Monday are almost certain as small-scale **commercial fishing** operators become increasingly angry about the proposed changes to the quota system.

The leader of the protest movement, Mr Bob Martin, yesterday asked the Minister of Fisheries, Mr Kidd, to postpone proposed law changes until there had been direct consultation with the people who actually went fishing.

He said the planned blockades of Whangarei, Auckland and Tauranga ports would be called off if the minister agreed.

But late last night Mr Martin said he had heard back from Mr Kidd and the message was the same as from officials who were promoting the law changes.

The main concern of the small operators was that the proposed system of tendering for quota for new species would put many of them out of business.

Document nzhd00020011123doc400bbm

Maori land "solution" due after year of study.

By David Barber.
1,117 words
27 November 1992
National Business Review
44
English
(c) 1992 The National Business Review

Maori regard the issue of 26,000ha of land leased at peppercorn rental as one of their most outstanding injustices.

Having hopefully got Maori **commercial fishing** claims out of the way with the Sealord deal, the government is moving to settle one of the most contentious of land disputes.

After considering a ministerial review committee's report for a year, it will shortly announce proposals for settling grievances involving about 26,000ha of land owned by Maori but leased in perpetuity at peppercorn rentals through government legislation.

Maori regard the issue as one of their most outstanding injustices. Maori Affairs Minister Doug Kidd says settling it is "one of the most difficult nuts we are trying to crack".

The government's dilemma is how to change legislation compelling Maori landowners to receive no more than about a 1.6% return on their property, while preserving the right of largely Pakeha lessees who have held perpetual leases for generations.

The affected land, mainly on the West Coast of the South Island, in Nelson, Marlborough, Wellington, Palmerston North and Taranaki, is subject to nearly 1,900 separate leases.

Athletic Park is among the parcels of Wellington land involved.

Mr Kidd told The National Business Review he would release the report of the committee chaired by Steve Marshall, director general of the Employer's Federation and chairman of the Nelson-based Wakatu Incorporation, which has been under wraps since November last year, before Christmas.

At the same time, he will announce government proposals designed, he said, "to focus debate towards a solution".

"It is unique of all the issues we've got to solve in that it is not just a Maori issue," Mr Kidd said. He said Maori felt they were being dispossessed of their land for ever while lessees generations removed from the original ones who had also come to think of the land as theirs had no security.

Mr Kidd pledged that plenty of time would be given for discussion. "There will be no precipitate action - that would derail the process. We'll move at a gentle pace."

Most of the land comes under the Maori Reserved Lands Act. It was taken from Maori owners by the Crown in the early days of colonisation and leased in perpetuity to farmers and others.

Though title to the land was returned to Maori in the mid-1970s, the leases continue with inequitable provisions under which rentals are reviewed only every 21 years, and set at four or five per cent of the unimproved land value at the start of each period.

The result, says Mr Marshall, is that Maori get an average return of only 1.6% when other commercial landowners are getting more than 10%. He points out that perpetual leases were abolished in England in 1926 and says government legislation is preventing the land being managed commercially in the best interests of its owners.

On top of this, the Maori land has dwindled. Much of it was known as "Tenths Reserves", stemming from the New Zealand Company's original undertaking in the late 1830s to preserve a tenth of all land ceded by Maori in trust for the tribal owners. In Wakatu's case, the original 20,000 acres in the Nelson region had reduced to little more than 4,000 acres by 1929.

The complexity of the problem can be seen in the Wellington Tenths, where 3,289 owners are registered for a total of just over 88ha, most of it in the Newtown and Berhampore suburbs. There are 97 perpetual leases. The 1990 government valuation of the land was \$11.35 million and the value of the buildings on it put at \$3.4 million.

The Maori Land Authorities Group, representing the six incorporations and trusts affected, has said in a

campaign leaflet the existing leases should be terminated and renegotiated to set normal commercial rentals.

"Maori landowners are seeking nothing more, or nothing less, than other landowners - leases which are equitable, commercial and reviewable," the leaflet said.

It said the government should compensate lessees because the Crown had initially imposed terms of the leases.

Mr Marshall will not reveal what was in his report, but he told NBR there was no suggestion that lessees would be put off what they now regard as their land. He said whatever was done would have to be implemented over a long transitional period.

Maori were not making unreasonable demands, he said, but merely wanted the original contract honoured.

"They do need some very clear contractual arrangement that sets out a timetable for this to be fixed. Until such time as that is in place, we'll get ongoing unrest and dissatisfaction.

"It's not just for Maori. It's in the medium-term interests of the New Zealand economy and New Zealand society for that asset base to be freed up so that Maori can start developing its own economic base and fix a lot of its social problems."

Mr Marshall said many people - Maori, Pakeha, lessees and lessors - would be pleased to see the report released and debated in the hope that the issue would be resolved.

"The continuing uncertainty is having an impact on people and on land values."

Mr Kidd said: "This is a classic case where we have to say that the present situation will never really be accepted by either side. Maori are not going to accept the physical separation of their land forever and the lessees, who want long-term security, can never be entirely comfortable in an environment where Maori are always trying to assert their position.

"A way out has to be found which will involve compromise on each side - the objective being peace and harmony and a reasonable accommodation for both sides. Taking account of human nature, that is a ludicrously ambitious goal, but we're finalising a proposed Crown response - something we think might work."

Of settling other Maori land claims, Mr Kidd said: "It's hugely difficult. If it wasn't difficult it would have been fixed up donkey's years ago. We're trying to achieve the impossible, but we're trying hard despite the difficulties."

He said the fisheries settlement had dominated the work of officials. "But we are now putting an enormous amount of effort into land. I wouldn't want to raise expectations only to have them dashed, but if the effort going in is anything to go by we'll get results. How soon, I don't know."

Mr Kidd said Landcorp Farming "might well be" a component of a deal to settle land claims, though not the total solution.

Document natbr00020011123dobr003ju

Sealord sold despite objections.

640 words
18 November 1992
New Zealand Herald
1
English
(c) 1992 The New Zealand Herald

Carter Holt Harvey has gone ahead with the sale of Sealord Products to a joint venture but opponents of the deal say it will return to haunt future governments.

Yesterday's announcement was welcomed by the Prime Minister, Mr Bolger, who said the Sealord deal was a fair and honourable settlement concluding the Crown's treaty obligation to Maori New Zealanders in relation to **commercial fishing**.

The Sealord sale will be subject to regulatory approvals and to the approval of Carter Holt Harvey shareholders at a special meeting expected to be held in December.

The Carter Holt Harvey chief executive officer, Mr David Oskin, said the bids for Sealord were carefully evaluated along with the option of a public float but the Maori-Brierley bid was "unquestionably the best possible alternative for our shareholders."

The transaction value for Sealord is expected to be about \$350 million after an audit at present under way.

Mr Bolger said there had not been 100 per cent agreement to the deal from Maori groups "but nobody would expect 100 per cent agreement from non-Maoris on any particular issue."

The breadth of support for the deal was a great tribute to the Maori fisheries negotiators, Mr Bolger said, and the \$150 million the Government had agreed to pay to buy the Maori share of Sealord was money well spent.

"It brings to an end 150 years of dispute and it puts the Maori in a very good position to get out there and make a commercial success in commercial fishing."

"I am confident that the legislative and regulatory processes which now begin will allay many of the fears which some kiwi still have," Mr Bolger said.

But last night, Mr Api Mahuika, a Ngati porou leader from the East Coast, said that dispute over Maori commercial fisheries claims was not over because of the deal's extinguishment of treaty rights.

He said the deal showed Maori people that the spots on the leopard had not changed and the Crown could not be trusted to deal equitably with Maori people.

"What they have done is confiscated our lands in the last century. What I am saying is the decision in terms of the Sealord purchase at the expense of culture will come back and haunt successive governments because Maori people in generations to come will arise in the same way that we have in our time against past decisions."

"Maybe Maori people should think very seriously about pursuing constitutional changes that will allow them a place within the machinery of legislation and the making of decisions for their own welfare," said Mr Mahuika.

Carter Holt Harvey announced the sale of Sealord Products to Te Ika Paewai Ltd, a joint-venture company owned by Te Waka Unua Ltd and Brierley Investments Ltd.

Te Waka Unua represents the Maori interest in the deal via the new Treaty of Waitangi Fisheries Commission which will act for tribal shareholders in Sealord.

The Sealord Products chief executive, Mr Brian Rhoades, said the parties' agreement in principle on the sale ended an eight-month period of uncertainty for the company.

"Discussions to date with our new owners indicate a very positive outlook for Sealord. They have made it clear again that they intend to continue the development of the company to achieve the best possible utilisation of all its resources.

"This makes our future look very good indeed," said Mr Rhoades.

The Brierley New Zealand chief executive, Mr Murray Bolton, said the Sealord shares were being bought for the long term and there would be "no quick flick" of shares.

Sealord was an excellent business in an industry that had potential.

The office of the Minister of Fisheries, Mr Kidd, said legislation to amend the Fisheries Act to end Maori commercial fishing rights was with law drafters.

Document nzhd00020011123dobi008yu

Maori appeal on fishing deal fails.

616 words

4 November 1992

New Zealand Herald

5

English

(c) 1992 The New Zealand Herald

The Court of Appeal has dismissed Maori appeals against the Sealord fishing deal.

In its judgment the court reaffirmed the principle that courts would not interfere in parliamentary proceedings - a reference to pending legislation in the deal that would do away with Maori **commercial fishing** rights.

The judgment, delivered by the president of the court, Sir Robin Cooke, noted: "Parliament is free to enact legislation on the lines envisaged in the deed or otherwise."

"Whether or not it would be wise to do so and whether there is sufficient 'mandate' for any such legislation are political questions for political judgment."

On the issue of who was bound by the deed of settlement - the September 23 document between the Crown and Maori leaders which outlined the Sealord deal - the court accepted Crown arguments it did not need to make such a declaration.

Noting it was hard to determine from evidence the level of support or opposition, Sir Robin went on: "All that can safely be said is that the deed was negotiated by some responsible Maori leaders and has significant Maori support but also significant Maori opposition."

But Sir Robin added that the issue of support or opposition was immaterial as Maori parties to the deed "impliedly agreed" that in return for certain benefits the Crown would introduce legislation giving effect to various matters.

Listing a number of cases underlining the principle of non-interference by courts in parliamentary affairs, Sir Robin said it was "impossible to suppose that a minister may be judicially prevented from presenting to a representative assembly a measure for consideration."

At the same time, the courts would not compel a minister to introduce a bill, as it would be "quite wrong and almost inconceivable" in a democracy for courts to try to dictate what should be placed before Parliament.

Sir Robin added: "Accordingly the clause purporting to be an agreement by the Crown to introduce legislation to a described effect cannot have any legal effect."

"In any event the other signatories to the deed are not seeking in these proceedings to compel the crown to introduce any legislation. For these reasons the proceedings are misconceived, once it is accepted as it has been on all sides that the deed is not binding on non-signatories."

The court judgment followed appeals and cross appeals lodged after a High Court judge refused last month to uphold a challenge to the Sealord settlement.

The fishing deal gives Maori people \$150 million for a joint venture bid with Brierley Investments Ltd to buy Carter Holt Harvey's Sealord's fishing interests. In return, the Maori negotiators agreed the deal would extinguish commercial fishing claims.

The Appeal Court considered appeals from 13 Maori groups opposed to the settlement and cross-appeals from the Crown and others to strike out the matter.

In the judgment, the court recalled earlier decisions relating to the Treaty of Waitangi, saying the treaty created a relationship between the Crown and Maori "akin to a partnership."

The Sealord matter, it said, was consistent with previous cases that were part of widespread international recognition that the rights of indigenous people were entitled to some effective protection and advancement.

The court said while the deed had shortcomings and might not satisfy all Maori aspirations, "it is nevertheless an historic step."

"The Sealord opportunity was a tide which had to be taken at the flood. A failure to take it might well have been inconsistent with the constructive performance of the duty of a party in a position akin to a partnership."

The judgment dismissed the appeals but upheld the Crown's cross-appeal, with the issue of costs reserved.

Document nzhd00020011123dob400748

Fishery deal goes to Appeal Court.

210 words

20 October 1992

New Zealand Herald

5

English

(c) 1992 The New Zealand Herald

Maori groups apposed to **commercial fishing** claims being settled in a deal to buy a half-share of Sealord Products went to the Court of Appeal yesterday.

A week ago the High Court refused to make the orders 13 Maori group wanted to stop the deal, pending a full hearing of the issues involved in the settlement.

The deal includes the Government funding Maori tribes in a joint venture with Brierley Investments to buy the Sealord company. A bid for the company has been made but not yet accepted.

The settlement would also include a new system to distribute fishing quota to Maori tribes.

The Government requires Maori tribes signing the settlement deed to stop High Court and Waitangi Tribunal commercial fishing claims.

It is also taking the level of support for the settlement as acceptance of its intention to introduce laws that would end court and Waitangi Tribunal claims for Maori tribes that do not sign the deed.

Some Maori groups are worried that their traditional and customary fishing rights will be affected in the settlement.

The president of the Court of Appeal, Sir Robin Cooke, Mr Justice Richardson and Mr Justice Gault are expected to take two days to hear the appeal.

Document nzhd00020011123doak004c4

Legislation will push through Sealord deal.

405 words
2 October 1992
National Business Review
5
English
(c) 1992 The National Business Review

The government will resort to legislation ensuring Maori **commercial fishing** claims currently in front of the High Court are discontinued if tribal claimants refuse to sign the \$150 million Sealord deal.

Government sources told The National Business Review that "the legislative option clause" within the heads of agreement signed between Cabinet ministers and Maori negotiators last week will be exercised if the commercial claims are not discontinued voluntarily.

Maori negotiators' ability to deliver on their part of the Sealord deal was thrown into jeopardy on Tuesday when Te Runanga O Whare Kauri Rekohu Inc filed High Court action seeking an injunction to stop the proposal being used as final settlement of outstanding Waitangi Treaty fishing claims.

The incorporation has named the Attorney General as first defendant; cabinet ministers Doug Graham and Doug Kidd are also with key Maori negotiators.

Joining Whare Kauri in its action is the Ngatiwai Trust Board as second plaintiff.

The tribal groups want the High Court to declare the proposed settlement is not in keeping with article two of the Treaty. A chambers hearing will take place at the Wellington High Court on Monday.

Inquiries by NBR indicate a number of tribal groups are still concerned their negotiators gave too much away.

A copy of the Maori Congress negotiating position paper obtained by NBR shows it wanted a number of key concessions from the government put into the final agreement.

Among them are: A condition that the government and iwi jointly manage the quota system; a proposal that a 1% income tax surcharge be applied for the next decade to fund settlement by setting up a "Treaty of Waitangi Implementation Putea" to be jointly managed by the government and iwi in making appointments to the Maori Fisheries Commission and setting the dispersal of quota allocation; and a condition that Maori, and their joint venture partner Brierley Investments, include a provision within their agreement allowing for BIL's share to be acquired according to mutually acceptable formulae.

Maori negotiator Tipene O'Regan said that while significant amendments were made to provisions of the August 27 memorandum of understanding during the final negotiations, some conditions that the congress wanted, such as the tax surcharge, were never part of the agenda.

The major area tidied up between both sets of negotiations was the protection of traditional fishing rights. This was not explicitly stated in the memorandum of understanding.

Document natbr00020011123doa200071

Moriori challenge fisheries deal.

429 words
30 September 1992
New Zealand Herald
3
English
(c) 1992 The New Zealand Herald

Moriori objectors to the Sealord fishing agreement yesterday cast doubt on claims that a majority of Maori tribes backed the historic deal.

Mr Maui Solomon told an urgent Waitangi Tribunal hearing in Wellington that a list of iwi supporting the **commercial fishing** settlement had yet to be published but Government ministers had talked of a "substantial majority" in favour.

If tribes with substantial fishing interests were considered, then the claim could be challenged, Mr Solomon said.

In the case of the Chatham Islands, Moriori people claimed Treaty of Waitangi rights to a big share of offshore fisheries but did not endorse the settlement.

Mr Solomon, a lawyer and descendant of Mr Tommy Solomon, the last full-blooded Moriori, suggested to the tribunal that a computer analysis of fishing interests could raise doubts over the basis for the claim that the Sealord deal had majority tribunal backing.

Mr Solomon spent more than an hour outlining the Moriori opposition to the settlement before four members of the tribunal, which was chaired by Chief Judge E T J Durie.

More than 100 people packed a hearing room, causing the tribunal to decide to move today to bigger premises when the matter resumes.

Four claimants are putting their case to the tribunal, arguing that the Sealord settlement is contrary to the treaty and prejudicial to their claims. Six other iwi have given notice that they want to be heard.

Mr Solomon, who represented Te Iwi Moriori Trust Board, argued that the settlement threatened to extinguish traditional rights of the Moriori people before their rights had even been determined.

He said access to commercial fishing was the remaining lifeline of the Chathams people, who had lost their land to conquering mainland Maori last century.

Moriori were still trying to get recognition of their fishing rights. Mr Solomon said mention of Moriori in the Sealord deed of settlement was the first official recognition of the people of Rekohu - the Chathams.

The deal required his people to give up commercial fishing claims for "something as intangible and uncertain as this deed of settlement."

At the same time Moriori were being asked to buy something when they had never been part of settlement negotiations, despite request for representation.

"We are not prepared to trade our fishing rights for a share in a company," Mr Solomon said. Moriori wanted to retain their rights for development of their people.

Their land had been lost in conquest, but Moriori kept their mana and were rebuilding their culture. They did not intend to give up any more.

Document nzhd00020011124do9u0034e

Fishing stand backoff BY MOORE.

280 words
26 September 1992
New Zealand Herald
5
English
(c) 1992 The New Zealand Herald

The Leader of the Opposition, Mr Moore, yesterday backed away from a paper passed at his party's annual conference which said a Labour government would reinstate Maori rights to make **commercial fishing** claims to the Waitangi Tribunal.

Those rights are wiped out by the agreement Maoris signed with the Government this week.

The Government has agreed to pay \$150 million to help Maoris to buy half of Sealord Products Ltd, settling all present and future fisheries claims.

A Labour Party Maori council representative, Mr Dover Samuels, yesterday said the paper passed at the conference was endorsed by Mr Moore.

But Mr Moore said "things have moved since the Labour Party annual conference, and they are moving as we talk."

He said he had spoken to Mr Samuels and they had agreed that Maori members of Labour's policy group would discuss legislation which the Government would introduce to cement to agreement.

Mr Moore reaffirmed his support for the deal, but said it "will have no moral authority if those who have signed up are not treated properly, and if those non-Maori New Zealanders feel in any way that their rights to process and to fish have been taken away."

Mr Samuels said the agreement had "sold Maori commercial fishermen down the line."

"Yes, this has been a historic occasion - a historic conspiracy by the negotiators to sign away on our behalf our right to make commercial claims to the Waitangi Tribunal.

"I am yet to see the details of what will benefit my people from the deal. The people involved in the commercial fishing component of the whole deal have never been involved."

Document nzhd00020011124do9q002na

"Historic" Maori fishing deal signed.

636 words
24 September 1992
New Zealand Herald
1
English
(c) 1992 The New Zealand Herald

The historic Maori fisheries settlement was signed last night, promising an end to all **commercial fishing** claims under the Treaty of Waitangi.

In return, the Government pledged \$150 million to bankroll the Maori people into a joint venture bid with Brierley Investments Ltd to buy Sealord Products Ltd - New Zealand's biggest fishing company.

A deed of agreement between the Crown and the Maori people was signed by four ministers and six Maori fisheries negotiators about 9.40 pm, after a seven-hour hui at the Beehive.

The Hon Matiu Rata, who led the negotiators, said the signing was a new event in New Zealand and treaty history.

The Minister of Justice, Mr Graham, who steered the Government side of the bargaining, called it a "historic agreement probably not seen since 1840" - the year of the Treaty of Waitangi signing.

Mr Graham said the agreement showed that the Crown and the Maori people could work together. In the past, the Crown had sometimes pressured the Maori people but that was "not going to happen again."

Earlier, more than 100 kaumatua (elders) and other tribal representatives debated the deed in the Beehive banquet hall after it was recommended to them by the negotiators.

A majority endorsed the 37-page document, which sets out the obligations of the Crown and the Maori people.

A majority of litigants in Maori fisheries proceedings also signed notices of discontinuance of claims, clearing the way for the Sealord bid to be lodged before tomorrow's deadline. The company has been put up for sale by its owner, Carter Holt Harvey.

But last night's agreement did not satisfy all. One elder warned of a last-minute bid to halt proceedings through a court injunction. Several representatives questioned whether they had the right to sign away treaty undertakings.

Two Auckland claimants before the Waitangi Tribunal yesterday filed an application in the High Court for an injunction to prevent Maori fisheries negotiators from claiming a mandate to enter the Sealord deal.

The application by two Ngatiwhatua claimants, Mohi and Eru Manukau, was adjourned, but may be brought back to the court if evidence is disclosed that the deal prejudices the claimants.

The deed signed last night has several key features. The Crown agrees to pay three \$50 million instalments over the next three years, to give the Maori people 20 per cent of new fishing quota, and to repeal Maori fishing rights under the 1983 Fisheries Act.

Traditional rights of the Maori people to take fish for personal and customary use are retained, with new measures designating "mahinga kai" coastal fishing reserves.

The deed requires Maoris to relinquish fishing claims through the courts and accept that ratification of the deal allows the Crown to terminate any proceedings.

The Maori people agree under the document to the quota management system of New Zealand fisheries.

Benefits flowing from the deed are to be allocated in two ways. Assets held by the Maori Fisheries Commission - whose name will change to the Treaty of Waitangi Fisheries Commission - before a successful Sealord bid will be allocated according to resolutions from a major hui held in July.

Assets which arise following the Sealord deal are to be distributed in a way agreed in the future by the Maori people.

The deed also noted that the cost of the agreement to the Crown meant the settlement would restrict the Crown's ability to fund future Treaty of Waitangi settlements.

A senior Maori negotiator, Mr Tipene O'Regan, said the settlement had to be seen in light of what could be achieved through legal action.

He said it was the judgement of negotiators that the quota available through the Sealord deal could cost hundreds of millions of dollars and take years to acquire on the open market.

Document nzhd00020011124do9o002ir

Government tries to balance the scales in Maori fishing agreement.

By Fran O'Sullivan
1,339 words
18 September 1992
National Business Review
11
English
(c) 1992 The National Business Review

The proposal to settle all outstanding Maori **commercial fishing** grievances with government backing to a joint venture bid to buy the country's largest fishing company now hinges on three outstanding issues.

Maori negotiators must satisfy tribal concerns that traditional fishing rights will be protected in the proposed all embracing settlement; Maori negotiators must satisfy iwi they will get their just allocations when it comes to a carveup of any of the Maori Fisheries Commission's resources; and with the commission's joint venture bid with Brierley Investments to buy Sealord Products must be acceptable to its owner Carter Holt Harvey and its shareholders.

A deed of settlement between the government and the Maori negotiators is now being drawn up as discussions with iwi enter their final stages. After nearly three weeks on the road promoting the deal in a series of hui, the negotiators have reached the view the heads of agreement for the binding settlement will have to be tightly defined. The tight conditions set by the government in the memorandum of understanding it signed with Maori negotiators at the Beehive on August 27, seem sure to be modified somewhat in the final agreement.

The National Business Review has obtained a copy of the memorandum of understanding. Prime Minister, Jim Bolger earlier refused to release it as its contents were considered "commercially sensitive". It spells out the government will provide just \$150 million capital - not the up to \$190 million figure previously speculated - so Maori can fund their share of the joint venture. The government has also given an assurance it will allocate 20% of "such new quota" which will be allocated to the commission for distribution to iwi and agreed to allow Maori to participate in any relevant statutory fishing management and enhancement policy bodies.

But it is the requirements which the governments wants from Maori before it agrees to draw up final heads of agreement which are most illuminating; and onerous.

In return for their \$150 million backing, Maori have to withdraw all existing litigation, support the repeal of all legislative references to Maori fishing rights and interests, including but not limited to repeal of section 88 (2) of the Fisheries Act 1983 and an amendment to the Treaty of Waitangi Act 1975 to exclude from the tribunal's jurisdiction claims relating to commercial fishing. These stipulations were disclosed by both the government and Maori negotiators when they announced their historic understanding three weeks ago. But there is a lot more in the fine print.

The memorandum further stipulates the government's willingness to enter into a final binding agreement is dependent upon detailed conditions. Among them: Maori negotiators must confirm their mandate for the proposal; the quota management system has to be endorsed; the Maori negotiators must obtain from all Maori litigants with current fishing claims, notices of discontinuance of proceedings and undertakings they will not be reissued in any form in respect of Maori fishing rights. These last undertakings have to be in the form acceptable to the government.

Maori also have to agree the effect of the proposal is "to satisfy and extinguish (other than to the extent they will be available to Maori as to all New Zealanders) all commercial fishing rights and interests, whether they arise from customary rights, the Treaty, or otherwise, and whether or not there has been an adjudication by the Waitangi Tribunal pursuant to the Treaty of Waitangi Act".

And Maori must agree the fishing settlement is a "first call against any fund" which the government establishes as part of its overall settlement framework for Treaty claims; a framework which requires Maori to acknowledge the government's fiscal restrictions. Therefore by signing up to the fishing settlement, Maori will give the settlement of such grievances precedence over land claims; a point which may not satisfy some tribes whose grievances are land based rather than water based.

The government's hard bargain also extends to laying down conditions which some quarters would no doubt view as paternalistic but others would see as ensuring there is no danger that Ngai Tahu, whose spokesman Tipene O'Regan is also commission chairman, doesn't tip the scales in its direction.

The scheme for distribution of the benefits has to be provided to the government "for its perusal" before the parties enter their binding agreement. Due diligence of Sealords must take place and the commission has to ensure several clauses are inserted into its joint venture agreement. Among them: a conditions that Maori will acquire at least 50% of Sealord; a condition that Maori will not, without the

government's consent, dispose of their interest during the three year "payment" period in which the government will r emit the \$150 million and not dispose of the Sealord quota until the end of the period; and a condition that Maori get a pre-emptive rights agreement with BIL giving them first option over both the investment company's interest in Sealord and any quota held by it.

The \$150 million has to be used solely for the development and involvement of Maori in the fishing industry and Maori must agree that "in respect of fishing rights not related to commercial fishing, although no longer having legal effect or legislative recognition, may be the subject of requests by Maori to the government that it develop policies to help recognise traditional use and management practices."

Over all the above is a recognition by both the government and the negotiators that the "mandate of the Maori principals" is the key threshold issue to progress.

By mid-week a number of key groupings had adopted resolutions supporting the negotiations, the settlement of commercial fishing issues and the proposal to buy Sealord. But it does appear the rather ill-defined and clumsy clause in the memorandum which deals with traditional fishing rights will be required to be made explicit if the deal is to fly. One suggestion is that instead of repealing section 88 (2) of the Fisheries Act, it simply be amended to exclude commercial fisheries.

This was discussed during the intense negotiations between the government and the Maori principals and it is now back on the table. Likewise, specific recognition of the Treaty itself may have to be written into the heads of agreement. It seems that some Maori are also seeking greater government oversight of the commission's ability to allocate resources, when and if the Sealord deal is bedded down. The Treasury is now likely to be involved when it comes to allocating shares in Sealord, the fishing quota currently held by the commission and the subsequent 20% share of "new quota". A clause ensuring the Crown guarantee the allocations take place may be written in to take care of concerns.

The Maori negotiators are now maintaining a low profile as they attempt to get onside the recalcitrant. A number of iwi with litigation over fishing rights currently in front of the courts have so far refused to enter the discontinuance mode. But there is also a recognition at both government and negotiator level that the settlement may yet take a majority approach.

If the proposal does fall apart, expect it to be revived in some form by Ngai Tahu to settle its grievance which had already been adjudicated by the Waitangi Tribunal.

This week the Prime Minister said there was no other proposal "on the horizon" to settle outstanding Maori fishing claims in the commercial arena. If it was not finalised it would "raise huge questions as to how we could deal with Maori on issues coming out of the Treaty of Waitangi," he warned.

The memorandum clearly indicates the government wants to establish a settlement fund for land grievances as well. If the deal falls over, Maori risk a resurgence of National's rednecks who lack the mature consideration given the emotionally charged Treaty issues by Mr Bolger, Treaty Minister Doug Graham and Fisheries Minister Doug Kidd.

Document natbr00020011123do9i0040h

Maoris fear fishing quota alienation.

290 words
8 September 1992
New Zealand Herald
3
English
(c) 1992 The New Zealand Herald

Special legislation may be needed to prevent Treaty of Waitangi fishing quota from being lost in bankruptcy or debt recovery proceedings, says the chief Maori fisheries negotiator, the Hon Matiu Ratu.

Concern about the sanctity of the treaty had been a common theme at meetings around the country where the proposed Sealords deal to satisfy Maori **commercial fishing** claims were being discussed.

Speaking after a meeting in Whangarei yesterday which marked the halfway point in the planned round of meetings, Mr Rata said it was obvious that people wanted the quota to be protected.

A recurring question was whether the deal in any way diluted the treaty principle.

Because of this he would recommend that special legislation be passed so that any quota handed over in settlement of the treaty claims could not be alienated in court proceedings.

Mr Rata said there would be many more decisions to be made by Maoridom once the quota had been obtained.

He favoured a system where each tribe would have a quota entitlement for which it would be paid some form of resource rental.

But the actual commercial use of the quota would be handled by legally constituted Maori bodies which were elected regionally on a basis of residency not tribal links.

The 70 per cent of the Maori population who lived in urban areas would be disposed of their treaty legacy if practical control of the quota were to be on a strictly tribal basis.

"The only way to involve them, the Maori overstayers in places like the South Island and Auckland where the tanngata whenua are outnumbered, is to have a lawful democratic authority," he said.

"The tribe is a personal legacy, not a political machine."

Document nzhd00020011123do9800acm

Effects of Sealord deal explained.

294 words

3 September 1992

New Zealand Herald

4

English

(c) 1992 The New Zealand Herald

A successful outcome to the Maori-Brierley Investments joint bid for Sealord Products would mean the issue of **commercial fishing** rights for Maori people would be closed after 152 years, the Minister of Justice, Mr Graham, said yesterday.

Mr Graham moved to clear confusion over Maori traditional fishing rights which have arisen since last week's memorandum of understanding between the Maori people and the Government on **commercial fishing**.

"Traditional fishing rights which are non commercial can still be protected by the Waitangi Tribunal, and the Government has already demonstrated its intention to give careful consideration to any recommendations the tribunal might make," he said.

"The Sealord agreement, if the bid is successful, will mean that the issue of commercial fishing rights for Maori will finally be closed after 152 years.

"Under the memorandum of understanding, neither the courts nor the Waitangi Tribunal will have jurisdiction in future to hear Maori claims for commercial fishing rights."

However, it was incorrect for some Maori people to claim that the agreement would extinguish their rights to traditional fishing practices.

"There has never been any suggestion of an amendment to the Treaty of Waitangi," he said.

Traditional fishing rights to non-commercial fishing practices related to where Maori people had gathered food for centuries and would remain a matter to be worked through by them and the Government.

The two parties last week agreed to a deal in which Government would put up the money for tribes to buy half of Sealord Products in a joint venture with Brierley Investments.

However, the deal is now up in the air because a rival bid has been lodged by consortium of Polar Products, the investment banker Ord Minnett and a Danish firm, Royal Greenland.

Document nzhld00020011123do9300a3q

Fisheries damn quota cut.

475 words

2 September 1992

New Zealand Herald

1

English

(c) 1992 The New Zealand Herald

Commercial fishing leaders will meet in Auckland today to decide their response to snapper quota cuts which they say will cost jobs and \$16m in lost export earnings.

Among their options is a legal challenge to the 18 per cent reduction in catch limits for snapper off the east coast of the upper North Island.

The reduction was announced yesterday by the Minister of Fisheries, Mr Kidd, as the major change in the total allowable catch limits for the new season beginning on October 1.

It means that companies fishing between North Cape and Cape Runaway will be restricted to a total of 4900 tonnes of snapper for the coming year, down 1100 tonnes on this year.

The cut was hailed by recreational fishermen, criticised as insufficient by conservation groups and condemned by the fishing industry.

The minister also announced cuts to the South Island orange roughy quotas - which industry leaders said would cost the country a further \$24 million in lost earnings.

The managing director of Auckland-based Simunovich Fisheries, Mr Vaughan Wilkinson, said the reduced catch limit represented \$33 million of assets lost to the industry.

The 1100 tonnes being cut would have generated \$16.6 million in export earnings.

Mr Wilkinson, a former ministry scientist, said it was inevitable that fishing jobs would be lost as a result of the minister's decision. It was too soon to estimate how many, but the hardest hit would be the smaller operators based in rural areas.

Mr Wilkinson said the main players in the northern snapper fishery would meet in Auckland today to decide on their next step. He said options ranged from "do nothing" to seeking a judicial review of the cut.

Announcing the new limits yesterday, Mr Kidd said that while stock assessments for snapper indicated good recruitment rates in the immediate future, he was concerned that low water temperatures during recent spawnings would affect stocks in several years.

That claim was rejected yesterday by the executive director of the Fishing Industry Association, Dr John Town, who said the minister was out of his depth.

Dr Town said a possible recruitment downturn several years out could not justify such a large reduction now, particularly when the industry was working with the minister on a long-term management plan involving phased cuts in the snapper catch.

Dr Town said it appeared that the minister had been pressured by submissions from recreational fishing groups who were the big winners from the cuts.

The president of the New Zealand Recreational Fishing Council, Mr Bob Burstall, said last night that the snapper quota cut had put the long-term future of the fishery ahead of short-term commercial interests.

Commercial fishing interests should also accept that a revitalised snapper fishery would provide good business for them and enhanced fishing for the public.

Document nzhld00020011123do92009wb

Payout to settle all claims on fishing.

608 words
28 August 1992
New Zealand Herald

1
English
(c) 1992 The New Zealand Herald

The Government and Maori fishing negotiators last night announced a deal for a Maori joint-venture purchase of the country's biggest fishing company.

In return for buying 50 per cent of Sealord Products Ltd, the Maori negotiators have agreed to drop all **commercial fishing** claims under the treaty of Waitangi. The deal depends on the success of the joint-venture bid for Sealord.

No figures were mentioned in statements outlining the settlement but the deal could cost the Government \$50 million a year for the next three years.

The deal also is contingent on acceptance by Sealord's parent company, Carter Holt Harvey.

Nelson-based Sealord is Carter Holt Harvey's strongest New Zealand performer, earning \$246 million in the year to March 31, 94 per cent of this from exports. It employs about 1200 staff and its assets are valued at \$244.2 million in Carter Holt Harvey's 1992 annual report.

The negotiators last night refused to identify their joint venture partner, saying it was a commercial matter.

Another element of the settlement also promises the Maori people 50 per cent of new fishing quota.

As many as 130 species could be incorporated into the quota management system as the withdrawal of legal claims clears blockages to commercial fisheries expansion.

Last night the Prime Minister hailed the agreement as bold and historic.

His view was endorsed by Maori negotiators at a Beehive press conference.

The negotiators, who included the Hon Matui Rata, the chairman of the Maori Fisheries Commission, Mr Tipene O'Regan, and the chairman of the Maori Council, Sir Graham Latimer, also were confident that Maoridom would back the deal.

Mr Bolger said the deal meant the Maori people agree to extinguish statutory rights in return for the fisheries agreement.

Mr Bolger would not say how much the Government was willing to put into the deal.

But he did note that one of the principles which his ministers had followed in negotiations was that a settlement had to be affordable in terms of the Government's fiscal and economic strategy.

The Prime Minister also said the settlement went beyond economic goals to "the heart of New Zealand and New Zealanders."

"This goes to resolving a grievance that has existed for 152 years that has been litigated endlessly," Mr Bolger said.

He added that he hoped the matters outlined in last night's memorandum of understanding were the first step in a society that could work together.

Asked if the deal was the end of Maori fishing claims forever, Mr Bolger said: "That is the conclusion of commercial Maori fishing claims. It would mean that Maori have a significant stake in the commercial fisheries of New Zealand."

"They will then have the responsibility and opportunity - which I'm sure they will enjoy - to compete and to succeed alongside New Zealanders.

"

He also noted that the deal would mean that Sealord's valuable quota - 26 per cent of all fish quota - would remain in New Zealand hands.

The Prime Minister also said he had told the National caucus the "broad outlines" of the deal. But yesterday a number of Government MPs had expressed private frustration over the secret fisheries talks.

The deal also means that clauses relating to Maori fishing rights in various statutes will be repealed. The key provision is contained in the 1983 Fisheries Act, which says, "Nothing in this act shall affect Maori fishing rights."

Mr Bolger said removal of the clause would ease uncertainty in the fishing industry.

"In the future Maori commercial fishery rights will be the same as for all New Zealanders."

Document nzhd00020011123do8s009gy

Unlikely allies fight fish sale.

347 words
19 May 1992
New Zealand Herald
5
English
(c) 1992 The New Zealand Herald

Maori and other **commercial fishing** interests have become unlikely allies in the battle to stop foreigners buying large stakes in the fishing industry.

The chairman of the Maori-controlled Aotearoa Fisheries, Sir Graham Latimer, joined the fray yesterday with a promise to do all he could politically and legally to prevent foreign control of fisheries.

Sir Graham is a vice-president of the National Party and chairman of the Maori Council.

His promise was prompted by the Government decision to grant a special dispensation to allow up to 40 per cent of Sealord Products - the country's largest fishing company - to be sold to foreign interests.

Normally the Fisheries Act restricts foreign ownership in any one seafood company to 24.9 per cent.

"It is crazy. The industry is not short of people who want to go fishing," Sir Graham said.

"As far as Maoridom is concerned we will oppose very vigorously any increase in the amount that is allowed to be sold overseas."

In the face of Maori attempts to gain a secure foothold in the industry, Sir Graham said, it was hard to believe that the Government had granted Sealord's request for an exemption allowing up to 40 per cent foreign ownership.

"It will be the beginning of the end for the industry if the Government allows this to happen. Others will want to take the easy way out with foreign ownership."

However, the Sealord chief executive, Dr Brian Rhoades, has strongly defended the company's foreign ownership exemption.

"It is a big company and people did not often appreciate the scale of its needs for capital requirements like new vessels," he said.

After Telecom, Sealord would be the second biggest company floated on the New Zealand stock market.

It exported about \$250 million of seafood products a year, selling only 10 per cent of its production on the local market.

"We are asking for access to the same international pool of finance that the general New Zealand business community has had access to for years," Dr Rhoades said.

Document nzhd00020011122do5j008ib

Fishing groups protest over taiapure plan.

294 words

5 May 1992

New Zealand Herald

4

English

(c) 1992 The New Zealand Herald

Commercial and recreational fishing groups are objecting to proposals for the entire Manukau Harbour to be managed by local Maori people as a special taiapure area.

The chairman of the Auckland Inshore Commercial Fishermen's Association, Mr Maurice Ashby, said yesterday that closing the harbour to **commercial fishing**, as proposed by the taiapure applicants, would have a dramatic effect on the city's fish markets.

About 40 commercial fishermen were dependent on the harbour, he said. His association represents 20 of them.

Mr Ashby also expressed concern about the manner in which the beds of Clark's Creek and Pukaki Creek had been vested in local Maori control without public consultation.

"As from December 19 last year these creeks have been able to be closed to all Pakeha and some Maori people under section 439 of the Maori Affairs Act. There was no consultation with, or advice from the public of New Zealand about this.

"The public ought to be thinking about the implications of one race having control over any waterway."

He also took issue with claims that the Manukau Harbour had been seriously depleted by commercial fishing. He said fish stocks in the harbour were fairly static and had remained so for years.

Ministry of Agriculture and Fisheries statistics for commercial catching on the harbour show that returns have dropped from about 500 to 600 tonnes in the mid 1980s to 345 tonnes in 1990. But fisheries officers said much of this decrease could be attributed to the introduction of the quota system which sets limits on commercial catches.

Grey mullet is the most important commercial species, followed by flounder and rig. Only about one tonne of snapper is commercially caught in the Manukau each year.

Document nzhd00020011122do55006ou

Fish zone idea "a nightmare".

385 words

23 April 1992

New Zealand Herald

2

English

(c) 1992 The New Zealand Herald

Recommendations for a 1.5 nautical mile coastal fisheries zone around the entire country, managed largely by Maori and recreational groups, are a nightmare, says a former **commercial fishing** leader.

In a special address to the Federation of Commercial Fishermen's conference in Auckland yesterday, Mr Bob Martin said the proposals would turn the coast into a diaster area.

There was much to be concerned about in the special task force report to the Government on the proposed rewrite of the fisheries legislation.

By suggesting a coastal zone the report had effectively thrown all commercial and amateur inshore fishermen, fish processors and tribal groups into a pot, and said they should sort themselves out.

"Once again the Government is passing the buck because of its own lack of political courage to sort this out," he said.

Mr Martin was the outspoken president of the federation for four years during the introduction of the quota management system.

He is now chairman of the Northland Recreational Fishing Association.

He said a proposal to set up mandatory quota holders associations to play a large part in the commercial management of each species would mean an end of organisations like the federation.

The few large fishing companies would dominate such a quota holders group.

Mr Martin said the task force recommendations to set up mahinga kaimoana areas where Maori tribal groups would be able to exclude Maori and non-Maori alike, was incredible.

In a country that had strongly opposed racial segregation in South Africa, the concept was hypocritical.

Mr Martin said it had to be remembered that the Minister of Maori Affairs and the Minister of Fisheries were the same person.

"While I respect Doug Kidd as a person, and for his ability, I have to question whether anyone is capable of serving two portfolios in such a contentious area."

Mr Martin said legislative and organisational problems facing the fishing industry could not be solved until the removal of the clause which said no part of the Fisheries Act could affect a Maori fishing right.

Earlier, Mr Kidd had told the conference that his position as minister for both fisheries and Maori affair provided a "brief window of opportunity" for negotiation, compromise and commonsense, rather than creating a situation of conflict of interest.

Document nzhd00020011123do4n0000u

Minister's conflict of roles perceived.

148 words
21 April 1992
New Zealand Herald
3
English
(c) 1992 The New Zealand Herald

A conflict of interest is seen in the Minister of Fisheries, Mr Kidd, supervising the rewriting of fisheries legislation while also holding the Maori Affairs portfolio.

An executive member of the Fishing Industry Association, Mr Vaughan Wilkinson, said yesterday that he believed it was impossible for one person to look after both the interests of Maoridom and those of **commercial fishing**, during the process of establishing new laws.

"It is an inherently unresolvable conflict that has nothing to do with the persons involved," he said.

Wearing his hat as Minister of Maori Affairs, Mr Kidd was obliged to get the best deal possible in settlement of Maori fishing claims.

As Minister of Fisheries he was responsible not only for the health of the resource, but also to get the best deal for the commercial operators who depended on it, Mr Wilkinson said.

Document nzhd00020011122do4i00ed7

Team set to lay charges for fishing quota fraud.

160 words

11 April 1992

New Zealand Herald

14

English

(c) 1992 The New Zealand Herald

The laying of dozens of charges involving more than 50 individuals and companies in the wake of February's massive Operation Buster swoop is being prepared in Tauranga.

The operation, directed against an alleged multimillion-dollar fishing quota fraud ring based in Tauranga, has seen six **commercial fishing** boats impounded along with vehicles and a mountain of documents.

A team of eight Ministry of Agriculture and Fisheries staff is working fulltime in Tauranga unravelling the alleged scam which was penetrated for several months by a special undercover agent.

The ministry alleges that the scam involved licensed fish receivers and retailers throughout the upper North Island. Several people are also working on the case in Auckland.

"It is all starting to come together now," said the ministry's Tauranga district fisheries compliance manager, Mr Barry Nalder. "We are completing a series of charges that will be laid during the next few weeks."

Document nzhd00020011122do4b00czj

Fishery raids stun industry.

792 words

18 February 1992

New Zealand Herald

1

English

(c) 1992 The New Zealand Herald

The scale of a multimillion-dollar illegal fishery ring broken in Tauranga yesterday has sent shock waves through the industry.

More than \$5.2 million of **commercial fishing** boats, vehicles and fish were seized in an early morning swoop by Ministry of Agriculture and Fisheries officers.

Raids were made simultaneously in Auckland. Follow-up inquiries in the upper North Island are expected to take months.

The exercise drew swift commendation from the Minister of Fisheries, Mr Kidd, who said: "It is good news all round - for the legitimate commercial fishers, for Maori and recreational fishers and, of course, for the fisheries themselves."

The president of the Recreational Fishing Council, Mr Bob Burstall, described the discoveries as "the tip of the iceberg of illegal fishing in New Zealand waters." He called for costs obtained through prosecutions to be reinvested in fishing investigations.

The ministry's Tauranga district compliance manager, Mr Barry Nalder, said the finely tuned raid was the climax of 18 months of investigation - some of it undercover - into a highly sophisticated and very serious breach of the quota management system.

Black-market fishermen had been undercutting legitimate businesses and in some areas up to 80 per cent of the domestic market was illegal.

Offences involved misreporting, under-reporting and non-reporting of quota species on a large scale. Substantial tax fraud and GST evasion was also alleged.

Although the full extent of the cheating has yet to be determined, it was estimated to involve between \$3 million and \$4 million a year of illegally taken inshore fish species, he said.

Snapper was the main catch - up to 1,000 tonnes a year - but other high-value species such as bluenose, tarakihi and John Dory were also involved.

Fisheries investigators were unable to say of the smashing of the black-market operation would leave fish receivers and sellers - or the communities they serve - out of stock.

In Auckland the ministry's enforcement chief, Mr Ron Chadwick, said his staff swooped on one retailer in the Mangere area and seized documents.

Mr Nalder, who co-ordinated the investigation from Tauranga, said a number of people were being interviewed and inquiries would extend to between 40 and 50 licensed fish receivers throughout the Bay of Plenty, the Waikato and Auckland.

Charges would be laid within the next few weeks and the ministry would be looking at cancelling some licences.

He said it would take a long time to sort out who had been buying the fish illegally and law enforcers had no idea yet how many people would face criminal and fisheries charges.

"An extensive network exists which facilitated the disposal of the illegal fish and inquiries into this will extend over the next 12 months," said Mr Nalder.

Codenamed Operation Buster, yesterday's clamp down centred on Fisherman's Wharf near downtown Tauranga at 8 am. A team of nearly 60 fisheries officers had been called in from as far away as Dunedin and Whangarei.

Two long-liners and a trawler - all owned by the same person - were taken by enforcement officers at the wharf. The three boats, Lord Nelson, Elsie-Belle and Una-Rae, were moved later to the Tauranga Port Company's slipway wharf for security reasons.

Last night they were joined by two more trawlers, Jae-Lynley and Rochelle, which had been summoned home from out at sea. All were under a round-the-clock guard.

A sixth vessel will be seized when it gets back to port this morning.

Mr Nalder said two of the six boats were privately owned and four belonged to a long-established Tauranga-based company which was now effectively out of business. It was not a major quote holder.

No boats from Tauranga's major fishing firm, Sanford Ltd, were involved.

Also confiscated were a refrigerated truck and two utility vehicles used to take fish to the markets.

Uniformed police helped in the raid.

For the first time, the Ministry of Agriculture and Fisheries used an undercover fishery officer - a former policeman from outside Tauranga - to crack the fishing ring after complaints from within the commercial fishing industry.

A camera hidden on the wharf since last August videotaped fish being unloaded from the suspect boats.

"The nature of the scam is very sophisticated, making investigation and detection extremely difficult," said Mr Nalder.

The undercover officer made a breakthrough five months ago and was able to identify the principal offenders.

He became part of the scene and took part in what was going on to obtain crown evidence, buying "hundreds of thousands of dollars" of fish from the people involved, said Mr Nalder.

The officer had done an efficient job and his work had been worth the price to the ministry.

Document nzhd00020011211do2i001p6

Leisure fishing may soon need a licence.

549 words

4 December 1991

New Zealand Herald

3

English

(c) 1991 The New Zealand Herald

Catching any more than five fish for fun, or for the pot, could require a licence under proposals for a revamp of the fisheries laws released in Auckland yesterday.

The leader of the ministerial task force established to investigate proposals for rewriting the fisheries legislation, Dr Brent Wheeler, said the plans would help to protect present vague rights which cover non-**commercial fishing**.

It was necessary to define better the share of each species that would be set aside for recreational use within each overall total allowable catch, he said.

The task force proposed that a set proportion of this amount of fish would then be reserved as a guaranteed "basic bag" that could be caught by individuals without licensing, similar to existing fishing law.

Anything in excess of this basic bag - which could be as low as five fish - would have to be associated with a recreational fishing organisation.

Management of the remainder of the recreational catch after the basic bag allowance could be progressively transferred from Government control to representative recreational fishing organisations, Dr Wheeler said.

These would be required to operate in an open and democratic way and could set rules for members, license members, introduce fees and might even require specific coastal permits.

But the task force's proposals met a hostile reaction from representatives of the Recreational Fishing Council, Underwater Association and Charter Boat Operators' Association who were present at the briefing.

Mr Keith Ingram, from the charter boat association, said up to 90 per cent of the recreational fish catch was actually for sustenance and only about 10 per cent was purely for sport.

The task force should consider the people of New Zealand first, before it concerned itself about the amount of fish that should be caught for export, he said.

The president of the Underwater Association, Mr Steve Penn, said at least 60 to 70 per cent of recreational fishing was done by people who did not belong to any structured group.

Other criticisms of the task force's proposals included suggestions that the public already had a common law right to go fishing and did not therefore require any special, new protection, and that the proposals would require a vast bureaucracy to make them work.

Dr Wheeler said the Minister of Fisheries, Mr Kidd, had called for the rewrite of the laws because existing legislation and regulations had become too cumbersome.

The documents released yesterday included an executive summary of the task force's interim report and a detailed account of its findings.

Overall the task force considers the quota management system is a suitable foundation for the basis of a new management regime.

It says there is scope to adapt the quota system to provide effective recognition of Maori fishing rights secured by the Treaty of Waitangi.

It also believes that a recreational management system based around quota is capable of protecting recreational fishing rights, "including a guaranteed continued right to engage in recreational fishing at minimal cost."

The task force suggests "duties of care" (policing) for commercial fishing should rely more on private processes, but ultimately be enforced by court action.

To achieve their "duty of care" towards the environment, commercial operators would be required to form their own chartered organisation.

Document nzhld00020011124dnc400ft

fishing Quotas set.

101 words

20 September 1991

National Business Review

39

English

(c) 1991 The National Business Review

Fisheries Minister Doug Kidd last week increased total allowable commercial catch levels for seven species of fish. Catch limits for snapper remained unchanged.

At the same time Kidd gave **commercial fishing** companies a greater say in fisheries management by asking the industry to develop management proposals for the hoki and orange roughy fisheries.

On another front, Kidd appointed a six-person fisheries task force to rewrite the Fisheries Act. Commercial fishing interests are represented on the task force. Recreational fishing interests are not - a factor provoking the Recreational Fishing Council to appoint a task force of its own.

Document natbr00020011124dn9k00fgv

Commercial-free fish zone plan proposed for "inner" Bay of Islands.

134 words

6 September 1991

New Zealand Herald

1

English

(c) 1991 The New Zealand Herald

A proposal to ban **commercial fishing** for six months of the year in the "inner" Bay of Islands has been announced by the Ministry of Agriculture and Fisheries.

The regional fisheries manager, Mr Kim Walshe, said the concept would not be introduced without consultation with all sectors of the community affected, including commercial fishermen, recreational anglers, the Department of Conservation, and Maori interests.

He hoped to be able to get all groups together with their "plans on the table" by next April 1, with a view to implementing a "consensus package" by October next year.

The draft fisheries management plan for the Northland region included a proposal to establish an inner islands zone for the specific use of the recreational and tourist industries.

Document nzhld00020011124dn9600hyk

piece rate Dispute keeps oyster boats in port.

686 words
20 March 1991
National Business Review
8
English
(c) 1991 The National Business Review

Only three of Bluff's 23 oyster boats have been putting to sea in the first two weeks of the oyster season, because of a row over how much oystermen should be paid a sack.

At the heart of the dispute is a cut in quota from 5,000 sacks a boat to 2,000; at the heart of the quota cut is the health of the fishery and the viability of one of the oldest **commercial fishing** industries in the country.

The quota was cut mid-season last year. Seamen's Union representative Terry Stewart says the pay rate had been struck at the start of the season on the basis of a 5,000 sack a boat quota. The quota cut left the oystermen captive for the full six months of the season but able to earn less than half as much.

He is determined the season should kick off this year with the workers assured of a "decent wage."

But the quota cut also puts at risk the viability of an industry that is so regulated it is unable to restructure to adapt to changes in fisheries management.

For the past two decades the industry has revolved around 23 boats and since the 1970s boats have dredged according to fixed, non-transferable quota. The Foveaux oyster fishery is deemed a "controlled fishery" - one of only two in the country. The other is the Lake Ellesmere eel fishery.

While quota was up around the 5,000 sack mark, everything was rosy. But the 2,000 sack limit threw into sharp relief the need for a new industry structure that would allow the industry to rationalise quota ownership.

Fisheries Minister Doug Kidd wants to see a more flexible quota regime but says he is not prepared to see the fishery move onto the standard quota management system until a solution to the gravest threat to the industry - the parasite bonamia - has been found.

Bonamia, a disease which sterilises and kills oysters, was found to be causing high mortality in 1986. Although the disease has also attacked the European oyster fishery, it is believed the Foveaux oysters are victims of an endemic strain which has flared periodically in the past but was identified as bonamia before 1986.

It was concern about the impact of the disease on the fishery that led to last year's quota cut.

This season, a three phase plan has been drawn up, designed to contain the spread of bonamia and protect the viability of the industry.

The main fishery, referred to by the industry as the eastern beds, is subject to a total quota of 46,000 sacks - 2,000 a boat. Once boats have dredged their 2,000 sacks, they can obtain a permit to fish the "phase two" area, adjacent to the eastern beds, which the Agriculture and Fisheries Ministry wants to establish as a "fire break". Boats will be able to fish this area without quota restrictions.

The idea is to dredge the "phase two" area clean to prevent the spread of the disease from the infected western beds (the "phase three" beds) into the relatively healthy eastern beds.

After phase two has been completed, boats will apply to fish the western beds, again free of quota limits.

Boat Owners Association chairman Craig Ellison describes the plan as "corrective surgery." But as well as aiming to cull out as many infected oysters as possible, it is hoped that by opening up the phase two and three beds to unlimited dredging, boats will be able to supplement their base-line 2,000 sack quota and remain viable.

Ellison said dredging the "fire break" was unlikely to be profitable because the area was known to be run-down by the disease but the industry was keen to fish the western beds to find out if the area could be dredged economically.

He said the industry ultimately wanted a return to a 5,000 sack a boat quota but had accepted short-term reductions for the sake of the health of the fishery.

Document natbr00020011124dn3k005ex

Gulf benefit possible for NZ fish firms.

189 words

6 March 1991

New Zealand Herald

9

English

(c) 1991 The New Zealand Herald

Damage to Gulf fishing grounds could benefit New Zealand companies attending an international **commercial fishing** exhibition in Boston next week, says Sealord Products.

The Nelson-based Carter Holt Harvey subsidiary will join six other New Zealand companies and the Fishing Industry Board at the Boston Seafood Show from March 12 to 14. Some 20,000 buyers from 75 countries are expected to attend.

The Sealord seafoods general manager, Mr David Hogg, said yesterday that buyers from Saudi Arabia, the United Arab Emirates and Yemen were likely to be there.

They could be increasing their buying because of damage done to marine life by the release of millions of litres of oil into the Gulf during hostilities.

Orange roughy and hoki would be the two main species. Sealord would promote at Boston, together with greenshell mussels. Sealord would emphasise New Zealand's unpolluted fishing grounds when discussing requirements with European buyers, Mr Hogg said.

Sealord acquired the deepwater operations of Fletcher Fishing late last year, giving it considerable extra fishing quota and taking total annual exports from around \$150 million to \$300 million.

Document nzhd00020011124dn36003lx

new zealand fishing companies touting for business at boston exhibition.

112 words

6 March 1991

National Business Review

2

English

(c) 1991 The National Business Review

Sealord Products believes damage to Persian Gulf fishing grounds will spur Arab interest at the world's largest **commercial fishing** exhibition in Boston next week.

Sealord is joining six other New Zealand companies and the Fishing Industry Board at the Boston Seafood Show which is expected to attract 20,000 buyers from around the world. The Carter Holt Harvey subsidiary is planning a higher profile at international seafood exhibitions, particularly since taking over Fletcher Fishing's deepwater quota last year has doubled its annual exports to \$300 million. Sealord will focus largely on orange roughy and hoki in its Boston promotion effort.

Document natbr00020011124dn36003qv

Iranian fish deal hailed.

337 words

10 January 1991

New Zealand Herald

7

English

(c) 1991 The New Zealand Herald

The prospect of Iran buying 15,000 tonnes of fish from New Zealand in the next year is being held open as the first significant export shipment of fish to that country begins loading in Tauranga today.

****FULL_TEXT** The Iranian Government-owned **commercial fishing** company, Kish Fishing, has paid about \$2 million for nearly 3000 tonnes of "non-preferred" fish species which are being sent to Iran as a trial shipment.

Kish Fishing's managing director, Mr Bassam Taber, describes the first shipment as a confidence-building exercise, saying it will prove that Iran has the ability to pay and New Zealand has the ability to supply.

Listed fishing company Sanford Ltd is the major supplier for the first shipment, with fish also being supplied by Independent Fisheries of Christchurch and Skeggs Ltd in Nelson.

Mr Bassam says Iran wants to import about 70,000 tonnes of fish during the year to March 1992, of which New Zealand might supply 15,000 tonnes.

The first shipment is made up of jack mackerel, kahawai, blue mackerel, southern blue whiting and small amounts of other species.

Mr Bassam says these fish types are not established on the Iranian market and will be given a trial to test their suitability.

Mr Bassam says Kish Fishing may opt to buy other varieties of New Zealand fish if these do not prove satisfactory.

Sanford's managing director, Mr David Anderson, says payment for the first shipment has been arranged and will present no problems.

Mr Anderson says the importance of Iran as an importer is that it is buying fish that have been caught and processed by New Zealanders working on New Zealand boats.

The potential volume of sales also makes Iran an important market.

Half the initial shipment will be of whole fish with the balance being headed and gutted.

Sanford's marketing manager was first approached by Kish Fishing in October, when Mr Bassam approached the company's marketing manager at a European trade fair.

Document nzhd00020011123dn1a00dgx

Genetic risk in fishing.

153 words

27 December 1990

New Zealand Herald

5

English

(c) 1990 The New Zealand Herald

Commercial fishing can seriously reduce genetic diversity, according to the results of a New Zealand study into orange roughy.

An article in the New Scientist of December 1 discussed the effect heavy fishing has on a population over 10 years.

Research into the genetic variation of orange roughy was done by a Ministry of Agriculture and Fisheries scientist, Dr Peter Smith, and staff at the Greta Pt research centre in Wellington.

Their hypothesis was that fishing a stock leaves an impoverished gene pool, by removing the oldest and largest fish which are the most genetically variable.

Dr Smith and his colleagues studied variations in three stocks of orange roughy, in 1982 when the fishery was beginning, and then in 1988.

On each fishing ground they found a marked decrease in variation from 1983 to 1988, suggestive of a significant genetic change in these populations in less than a decade.

Document nzhd00020011129dmcr0038u

Fishing policies to change.

280 words

17 November 1990

New Zealand Herald

5

English

(c) 1990 The New Zealand Herald

The new Minister of Fisheries, Mr Kidd, has promised to introduce a new information sharing system for "conducting the business" of **commercial fishing**.

****FULL_TEXT** The system he outlined would give all **commercial fishing** organisations the right to comment on Ministry of Agriculture and Fisheries advice before the minister made decisions.

Mr Kidd's promise was made in a speech, his first as minister, given at the country's largest fishing company, Sealords, in Nelson.

"I have the major challenge of ensuring that New Zealand's fisheries are developed and managed to generate maximum benefits for the country," he said.

Fish stocks had to be sustained and to achieve this the quota system would remain the basis for all fisheries management.

It provided stability plus an organised and rational approach to obtaining the maximum benefit from fisheries.

But it was apparent the system could benefit from some simplification, Mr Kidd said.

He assured the industry that it would be intimately involved in modifications to the system.

A former president of the Fishing Industry Association, Mr David Anderson, said last night that the industry welcomed Mr Kidd's concept.

"Much incompetent information has been provided to ministers in the past, often from people who have hardly been out of Wellington and did not know what they were talking about," he said.

Conservationists are not likely to be so happy with the new approach.

A Greenpeace ocean ecology campaigner, Mr Mike Hagler, said he feared the new Administration might do a 180-degree turn and exclude conservationists from all commercial decisions.

The minister would be making a mistake if he forgot about the strength of the Green vote.

Document nzhd00020011129dmbh0018x

Seabird figures doubted BY FISHING INDUSTRY.

106 words

15 November 1990

New Zealand Herald

9

English

(c) 1990 The New Zealand Herald

The fishing industry has cast doubt on Forest and Bird Protection Society figures of New Zealand sea birds killed during **commercial fishing** operations.

The society claimed 44 albatrosses a year were being killed in the Southern Ocean blue fin tuna fishery.

The vice-president of the Fishing Industry Association, Mr Eric Barratt, said the industry would welcome a regular Conservation Department population monitoring programme for all seabird species, as recommended by the society.

"These programmes simply do not exist at present, which must make the public wonder how many conservation organisations can produce such precise figures among so many species."

Document nzhlid00020011129dmbf00141

Carp "culling" to begin.

409 words

27 September 1990

New Zealand Herald

9

English

(c) 1990 The New Zealand Herald

The Conservation Department will allow **commercial fishing** of noxious koi carp to drastically reduce their numbers in the Waikato River.

****FULL_TEXT** The "noxious" classification of koi carp previously meant it was illegal for anyone to catch or even have the fish, said the department manager of freshwater fisheries, Mr Marcus Simons.

The department had initiated changes to parliamentary regulations to allow commercial harvesting, said Mr Simons. Changes would come into force at the end of this month and a publicity campaign focused on the north of the North island would be launched soon.

The Ministry of Agriculture and Fisheries would also publish information on the koi carp as part of a report on freshwater fisheries and environmental issues.

The fish, also known as Japanese carp, are believed to have entered rivers and lakes in the Waikato-Wapa areas after being released by private owners. Mr Simons said some had been kept illegally in farm ponds for their decorative appearance or weed-clearing.

The ministry's freshwater fisheries manager, Mr Bob McDowall, said there now were "vast numbers" of the fish in the Waikato. Concern about their possible impact had prompted research into ways of curbing the population explosion.

Mr Simons said the department's proposed management plan followed a ministry report prepared two years.

The commercial fishing proposed would be a "commercial culling".

It was needed because the koi carp's feeding and spawning habits could destroy vegetation in the rivers and lakes, threatening the food chains of other fish species, invertebrates, and wading birds. Although there was no large-scale evidence of this happening yet, koi carp were already believed to have had an impact on ponds in Northland.

It would be "a very costly exercise" to try to assess the impact of their activities on a river as big as the Waikato.

Assessments so far had been based on data from New Zealand and overseas. This approach would be refined as more information became available.

Mr Simons said commercial culling could prove profitable for a commercial fishing concern.

However, the department had proceeded "very cautiously" on the proposal so it could limit the entry of commercial operators and try to prevent culling from spreading to carp to other sensitive habitats.

Koi carp are different from grass-eating carp, which have also aroused concern after hundreds of them escaped into the Waikato River in 1985 during the Ministry of Agriculture and Fisheries trials.

Document nzhd00020011128dm9r00fqu

Illegal fishing ring busted.

392 words

1 September 1990

New Zealand Herald

1

English

(c) 1990 The New Zealand Herald

A blackmarket scam involving tonnes of fish and as many as 15 **commercial fishing** boats has been busted by fisheries officers working on the Coromandel Peninsula for the past five months.

****FULL_TEXT** Charges are to be laid against up to 16 people within the next four weeks and at least one **commercial fishing** trawler has already been seized.

The commercial fishermen involved stand to forfeit boats, fishing gear and any fishing quotas they own if they are convicted. As well, under recently increased penalties, they face maximum fines of \$250,000 on each charge laid against them.

Yesterday, the fisheries compliance manager of the Ministry of Agriculture and Fisheries in Tauranga, Mr Barry Nalder, said the lengthy investigation, using undercover officers, video cameras and modern electronic equipment, had established that about 15 commercial fishing boats were involved in "quota-busting" - bypassing the quota management system.

He said the boats, working out of Whitianga and Whangamata, had been working in two distinct blackmarket operations, each involving a licensed fish receiver.

"It involves tonnes of fish and scallops being sold on the blackmarket", Mr Nalder said.

"Some documentation has been forged and in other instances it has been completely ignored.

"The end result is that a substantial amount of fish has been bypassing the quota management system.

"We're talking tonnes of fish, but our inquiries have not progressed enough to be more specific than that," he said.

"We don't know the dollar value of it yet because our accountants in Wellington are still working on the documentation. But it is well over \$100,000 worth of fish involved."

Mr Nalder said the two different operations, one based at Whitianga and the other at Whangamata, had a fish receiver who was "working in collusion with the fishermen."

The land-based operators would be liable to the forfeiture of all the plant and equipment in their factories if convicted, he said.

"We could have seized a number of vessels but we chose not to do so because of the logistical problem of maintaining and looking after them.

"We seized one trawler in Whangamata on Thursday, and it has since been bonded back to the owner."

Mr Nalder said the Coromandel Peninsula investigation was continuing "with vigour", and a number of inquiries were also being stepped up in other areas.

Document nzhld00020011128dm9100bd5

Net ban among options BEING CONSIDERED BY THE MINISTRY OF FISHERIES.

104 words

23 August 1990

New Zealand Herald

11

English

(c) 1990 The New Zealand Herald

The banning of nets from particular areas is one option being looked at by Ministry of Fisheries staff working with environmental, Maori, recreational and **commercial fishing** interests on problems associated with the use of sea nets in the Auckland area.

Progress had been made in defining options to tackle the immediate problem, the depletion of reef fish, according to the task force convener, Mr Arthur Hore, of the ministry.

Options being considered include closing areas to set netting, set net construction, mesh size, attendance at nets and restrictions on access to reef species.

Document nzhld00020011128dm8n00b9r

Let fisheries heal - Maoris TELL AUCKLAND REGIONAL COUNCIL.

227 words

7 August 1990

New Zealand Herald

4

English

(c) 1990 The New Zealand Herald

Commercial fishermen should stop operating in the Manukau Harbour to give the fishing ground time to heal, an Auckland Regional Council committee was told yesterday.

****FULL_TEXT** Local Maoris had already been ordered to stop **commercial fishing** activities there by Tainui, Miss Carmen Kirkwood, of the Huakina Development trust, said in a submission on the proposed scheme for the harbour.

The harbour could not "carry commercial fishing," along with public and tangata whenua fishing, she said.

Tainui was prepared to share the harbour with recreational anglers catching food for their table, she said.

The trust yesterday lodged an application for restrictions under the Maori Fisheries Act 1989.

In the conservation and habitat zones the proposed scheme requires all setnets to be made of biodegradable material.

A number of fishermen and fishing industry agencies attending the meeting objected to those requirements.

Mr Thomas Hollings, of the New Zealand Fishing Industry Board, said the scheme conflicted with the Fisheries Act 1983 and the Maori Fisheries Act 1989.

The board was not aware of any biodegradable nets made or available in New Zealand, Mr Hollings said.

A fisherman, Mr John Sommerville, said the harbour supplied 80 per cent of all retail fish stock for local shops.

The maritime planning committee will continue to hear submissions on the draft scheme until August 15.

Document nzhd00020011128dm870082d

Maori COMMISSION looking at "bite-sized" fishing firms.

325 words
10 July 1990
National Business Review
4
English
(c) 1990 The National Business Review

The Maori Fisheries Commission is looking at the possibility of buying "bite-sized" **commercial fishing** operations being put up for sale.

Commission chairman Tipene O'Regan said several "small" companies worth around \$5-\$8 million were, or would be, available depending on whether the government decided on quota or its cash equivalent as agreed under the Maori Fisheries Act, the commission and its subsidiary, Aotearoa Fisheries, could be interested. O'Regan emphasised that this was purely speculative at this stage.

But another commission option is bidding for part of the Fletcher Fisheries operation now up for sale (NBR, May 28). Apart from being more than "bite-sized" much of Fletcher's inshore quota is concentrated in the northeast of New Zealand which would concentrate quota where Maoridom needed it least.

O'Regan said the choice with Fletcher was either to buy and restructure the operation or to use it as an investment to earn interest and return to the various iwi.

Fletcher's and the commission were still talking about the first option. But O'Regan said buying to earn was not likely, because there were more worthwhile forms of investment and Maoridom was not interested in financial handouts anyway. What it wanted was quota to fish. The smaller firms coming up for sale were all "going concerns" and were coming on to the market because of the need for the industry to restructure (NBR, April 30).

But fishing Industry Association president Peter Talley said he could not "confirm or deny" companies were up for sale.

Talley said it was inevitable companies would come up for sale in the usual run of things anyway.

The handling of the Fletcher sale would influence overall rationalisation in the industry. Fletcher handles 18% of quota species.

O'Regan said the commission's buying activities would be limited by how much the government decided to capitalise its obligations to acquire quota.

Document natbr00020011128dm7a006yg

COMMERCIAL Fishing worries RAISED BY RESOURCE MANAGEMENT LEGISLATION.

148 words

16 May 1990

New Zealand Herald

5

English

(c) 1990 The New Zealand Herald

The Resource Management Bill will damage **commercial fishing** unless it is amended, the Fishing Industry Board says.

Laws already exist to control fishing in New Zealand's exclusive economic zone and another law would introduce too many layers of authority in the planning process, the board chief executive, Mr Ray Dobson, said yesterday.

While the bill was a positive attempt to deal with overlapping legislation, it gave excessive powers to the Minister of Conservation to over-rule the Planning Tribunal, Mr Dobson told Parliament's select committee on the bill.

The bill was too heavily weighted in favour of coastal environmental protection, which would result in a bias in favour of conservation.

It gave inadequate recognition of the needs and economic benefits of commercial fishing and marine farming.

It would make it "unnecessarily difficult" to set up new marine farms.

Document nzhd00020011128dm5g002yq

Beach seining costs fisherman \$8200.

168 words

28 March 1990

New Zealand Herald

10

English

(c) 1990 The New Zealand Herald

Using a **commercial fishing** boat to power haul seine nets on to beaches has cost a Coromandel man \$8200 in fines.

Three charges of illegal fishing were brought against Arthur "Arch" Harvey of Coromandel, after holiday-makers had complained about his activities.

He was found guilty on each charge by Judge A J Ryan after a two-day defended hearing in the Thames District Court.

A further charge of obstructing a fisheries officer was dismissed.

The Tauranga district fisheries compliance manager, Mr Barry Nalder, said the three separate fishing charges related to incidents near Rat Island in May, June and September last year.

In each case, holidaymakers had complained to fisheries officers and in one instance had written to the Minister of Fisheries.

The offences had involved Harvey running his boat up into the shallows and using its winches to haul his nets in a technique known as beach seining.

Using any power-driven equipment to assist in hauling such nets is illegal.

Document nzhd00020011127dm3s009fv

Turtle protection plan.

230 words

22 January 1990

New Zealand Herald

9

English

(c) 1990 The New Zealand Herald

The Ministry of Agriculture and Fisheries is proposing to protect five species of marine turtles found in New Zealand waters and threatened with extinction.

****FULL_TEXT** The deputy group director of the fisheries division, Dr Robin Allen, says the ministry will recommend to the Minister of fisheries, Mr Moyle, that legislation prohibiting the taking and possession of marine turtles be drafted under the Fisheries (**Commercial Fishing**) Regulations.

The proposed regulations would protect the turtles in all New Zealand's fishing zones, he said.

The green turtle, found around the Kermadec Islands, to the north of New Zealand and the leatherback or luth turtle, which has been reported as far south as Foveaux Strait, have both been commonly sighted around New Zealand.

Two other species, the hawksbill turtle and the loggerhead turtle, are occasional visitors to North Island waters. There have also been a couple of rare sightings of the olive ridley or Pacific ridley turtle on Ninety Mile Beach.

Dr Allen says the proposal is in response to a request from the Department of conservation to give the turtles full protection under the Fisheries Act.

Internationally, the turtles are threatened by being snared as a bycatch in fishing nets and have been the subject of concern over their possible extinction. There is also an international demand for their use in cosmetics and oils and for their skin.

Document nzhld00020011127dm1m0025o

Anglers face cut in daily catch limits.

306 words

21 November 1989

National Business Review

5

English

(c) 1989 The National Business Review

Daily catch limits for sports fishers are set to be slashed when a long-awaited fisheries management plan for the north half of the North Island is released next month.

Ministry of Agriculture and Fisheries officials say they expect the plan - the second of seven that must be prepared under the 1986 Fisheries Act - will draw substantial fire from the sport fishers, **commercial fishing** companies and Maori fishers who will be regulated under the plan.

The plan is likely to close off several areas to commercial fishing altogether, and may restrict access to others. And the daily catch limits for game fishers, which now stand at 30 fish of each species per person per day, face drastic cuts - to 20 fish of all species per person per day, NBR understands.

The plan only covers the Auckland fishery management area, which runs along the north coast of the North Island from the East Cape to New Plymouth and includes the popular game fishing areas of the Bay of Islands and Mercury Bay.

But it is likely to set the tone for plans covering the two major South Island fishery areas, which could be released next year. One management plan, for the Challenger fishery off the South Island's West Coast, was released last year.

The reduction in sport fishers' bag limits comes in response to pressure from the smaller commercial fishing companies, who have long complained that high limits effectively allowed people to operate commercial fishing operations without paying the taxes and resource rentals to which registered companies are subject.

Sport fishers, meanwhile, have been pushing for the exclusion of commercial fishing in major tourist centres. In early 1988 the Bay of Islands local council passed a ban on the operation of commercial fishing boats, but it was never enforced.

Document natbr00020011130dibl002se

Fisheries bill "better".

425 words
8 November 1989
New Zealand Herald
18
English
(c) 1989 The New Zealand Herald

Fishing industry representatives say the revised Maori Fisheries Bill is a big improvement on the original, but they still have reservations about some parts of it.

FULL_TEXT Industry representatives told MPs yesterday that the amended bill would help to ensure that those involved in **commercial fishing suffered minimum disruption when it became law.

It is understood that Maori groups are less enthusiastic about the redraft bill and over the next three weeks they will present their case to MPs.

The president of the Fishing Industry Association, Mr David Anderson, told a select committee that uncertainty over the bill had damaged confidence within the industry.

The industry now looked to the Government to restore stability and confidence by passing a bill which did not impinge on commercial quota.

The chairman of the select committee, Mr Ken Shirley (Lab-Tasman), took the unusual step last month of having the controversial bill redrafted and calling for further submissions.

In June Mr Shirley said he expected the legislation to be passed and enacted before the October 1 start of the fishing season.

More than 300 submissions have been made on the bill since it was introduced just over a year ago.

It is designed to recognise Maori fishing rights as prescribed in the Treaty of Waitangi by transferring to Maori, on a tribal basis, 10 per cent of New Zealand's total allowable catch over a four-year period.

The original bill proposed granting quotas on an iwi basis, but ran into so much difficulty that a new concept has emerged in the redrafted version.

It now proposes the creation of a Maori fisheries commission to oversee the takeover.

The commission will create and hold the share of a public company, Aotearoa Fisheries Ltd, and through it will help Maoris to develop their own fishing activities.

In a submission, the Fishing Industry Board said that in some cases it would be in the interests of Maoris to receive money rather than quota.

This was particularly relevant in the case of species which might be uneconomic to catch, such as ling.

A Maori fisheries negotiator, the Hon Matiu Rata has previously opposed converting tribal quotas to shares or cash.

However, the fishing industry board submission said: "The most efficient way of ensuring that Maoris become involved in a meaningful way in the fishing industry would be for the Government to provide funds for Maori to purchase existing businesses as going concerns.

The board said the bill needed more flexibility on the issue of total allowable quota.

Document nzhd00020011130dlb8001ah

Fishing forum.

32 words

3 November 1989

New Zealand Herald

13

English

(c) 1989 The New Zealand Herald

Further restrictions on **commercial fishing** in Antarctic waters will be considered in Hobart this month at an annual meeting of the Commission for the Conservation of Antarctic Marine Living Organisms.

Document nzhd00020011130dlb3000q3

Fisherman battle MAORI injunction.

222 words

31 October 1989

National Business Review

3

English

(c) 1989 The National Business Review

Maori tribes and **commercial fishing** companies squared off again in court yesterday, with the fishing industry trying to overturn a two-year-old injunction preventing permanent allocation of offshore fishing rights.

Two judges of the High Court in Wellington heard arguments that the November 1987 injunction - which halted the issuance of permanent catch quotas for squid, mackerel, rock lobster, paua and several other species until the Waitangi Tribunal decides what fishing rights Maori tribes are entitled to - has "destablished" the fishing industry and discouraged long-term investment.

Lawyers for four Maori organisations argued that the fishing companies and the government have implicitly acknowledged the existence - though not the extent - of Maori fishing rights, so the injunction is needed to protect those rights until the Waitangi Tribunal makes its judgment. The court hearing is expected to finish today.

Fishing companies have caught this species in question under a temporary agreement that must be rolled over annually. The Maori are likely to get some access to the fisheries when the Maori Fisheries Bill, now before select committee in Parliament, is passed. In its current form, the Bill would give Maori 10% of all quota over a four-year period as an interim measure. Select committee chairman Ken Shirley said last month he hoped the bill would be passed by Christmas.

Document natbr00020011130dlav000mm

We've hit bottom line, says fishing industry. (1 of 2)

456 words

29 September 1989

National Business Review

1

English

(c) 1989 The National Business Review

The **commercial fishing** season, starting Sunday, will open amid uncertainty on what at first glance might seem an obvious point: Just how profitable are New Zealand's fishing companies, and how much do they owe the government for the right to exploit the nation's waters for profit?

That question, to which there should be an easy answer but isn't, is at the heart of several of the disputes that have made the past off-season one of the most acrimonious on record.

Fishing companies' battles with government - over levies on fisheries, over a proposed new system for allocating fishing rights that would make the companies absorb most of the risks and rewards, of fish population changes, and over the Maori Fisheries Bill (see accompanying article) - have, according to industry sources, prolonged a slump in business and discouraged reinvestment.

It is clear the Kiwi fishing industry has suffered declining returns on its exports, which account for about 80 per cent of sales and about two-thirds of the industry's total revenue.

The average return per tonne of New Zealand fish and shellfish has dropped steadily, from \$4300 in 1987 to \$3400 last year, with a further drop to \$2900 in the March quarter of 1989.

Although the impact of those declines on overall industry profitability hasn't been established, a survey in June of this year conducted by the Fishing Industry Board found the 16 major companies who hold more than 80 per cent of all domestic catching rights were planning no significant new investment or expansion in the coming season.

In general, the survey found, "confidence in the fishing industry has suffered as a consequence of deteriorating export competitiveness and depressed profitability over a protracted period of time."

The government, too, came in for a share of the blame: "Uncertainty concerning the future direction of government and fisheries management policies is currently impeding the recovery of industry confidence," the report concluded.

The industry didn't gain any confidence when, on July 7, Fisheries Minister Colin Moyle announced a major change in fisheries policy.

Commercial quotas for fish and shellfish, previously allocated on a fixed-tonnage basis, were now to be allotted as a percentage of the total allowable catch (TAC) for each species, as determined by MAF researchers.

The reason for the shift was to get the government out of the messy business of buying and selling fishing quotas. Under the present system, every time MAF lowers the TAC of a species, the government must buy back from fishing companies quota the companies are unable to use.

Similarly, when MAF raises a species' TAC the government can sell off new catching rights.

Document natbr00020011130dl9t0000a

Approval level increased.

128 words

3 August 1989

New Zealand Herald

7

English

(c) 1989 The New Zealand Herald

The government has raised from \$2 million to \$10 million the threshold above which Overseas Investment Commission takeover or acquisition approval is required.

However, some "sensitive" sectors - broadcasting (radio and television), **commercial fishing** and rural land - remain under "tighter surveillance," requiring clearance regardless of value.

The moves are spelled out in an amendment to the Overseas Investment Regulations 1985.

The secretary of the OIC, Mr Paul Tindill, said the change would allow less significant overseas investment to proceed unimpeded without the perceived deterrent of needing to obtain official approval.

The monitoring of significant and sensitive sector investment would continue.

The OIC processed 1973 applications last calendar year, 55 of them farm businesses representing 0.07 per cent of the 82,000 farms in the country.

Document nzhd00020011129dl8300fa8

Foreign buyers find it easier.

56 words

21 July 1989

New Zealand Herald

1

English

(c) 1989 The New Zealand Herald

The minimum level at which the Overseas Investment Commission is required to consider applications for the purchase of New Zealand owned companies is to be raised from \$2 million to \$10 million.

The Minister of Finance, Mr Caygill, said the increased threshold would not apply to **commercial fishing**, broadcasting or farmland.

Document nzhd00020011129dl7l00h70