



Te Pire Whakatikatika Whakataunga Kerēme Ahumoana Tauhokohoko Māori

322—1

Te pūrongo a te Komiti Whiriwhiri Take
Māori

Pipiri 2021

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Te Pire Whakatikatika Whakataunga Kerēme Ahumoana Tauhokohoko Māori

Tūtohutanga

Kua oti i te Komiti Whiriwhiri Take Māori te Pire Whakatikatika Whakataunga Kerēme Ahumoana Tauhokohoko Māori te tiroiro, ā, ka tūtohu kia whakamanatia me te kore noa e whakatikaina.

E pā ana ki te pire i whakaurua

He pire Kāwanatanga te Pire Whakatikatika Whakataunga Kerēme Ahumoana Tauhokohoko Māori, ā, ka whakatika i te Ture.

Ka whai te pire ki te whakapai atu i te hātepe mō te tohanga, mō te whakawhitinga o ngā rawa whakataunga ahumoana i whakaritea i raro i te Ture. Mā konei e ruarua iho ai ngā taupā whakaroaroa, e ngāwari ake ai kia whiwhi ngā iwi ki ngā rawa whakataunga anō hoki. Ko te whakaaro o te pire:

- ka hiki i tā te Karauna whakaea i ōna herenga whakataunga ahumoana mā te whakatūturu ka whai wāhi ngā iwi ki ngā rawa i roto i te wā poto
- ka tiaki i ngā pānga o ngā iwi kāore nei e hiahia ki te whiwhi ki ngā rawa whakataunga
- ka tautoko, ki te whakarahirahi atu hoki i ngā āheinga ahumoana o ngā iwi, i te tupuranga hoki o te ūmanga ahumoana.

Ka marohi te pire nei kia hoatu ki Te Ohu Kaimoana Trustee Ltd (TOKM) te mana whakatau whāiti ki te tohatoha, ki te whakawhiti hoki i ngā rawa whakataunga ahumoana ki ngā iwi. Ka wātea a TOKM ki te whakamahi i te mana nei, ina e whakaaro ana ia ka kore e tau ngā take, ngā tautohetohe rānei i waenga i ngā iwi mō te whiwhinga rawa i raro i te hātepe whakatau raruraru a te Ture.

Te tiroiro i te whakaturetanga

I roto i tā mātou whakaarohanga o te pire, i āta tiroiro mātou ki tōna hāngai ki ngā mātāpono o te kounga whakaturetanga. Kāore ā mātou take hei whakatakoto ki te aroaro o te Whare e pā ana ki te hoahoanga o te pire.

Te horopaki

Hāngai ai tā TOKM whakahaerenga rawa whakataunga ki te Ture. Ko tōna pūtake ko te kōkiri tautauāmoa, te kōkiri ngātahi hoki i ngā pānga o ngā iwi, i te whakawhanaketanga o te mahinga ika me te ahumoana. Ka whai a TOKM ki te āwhina i te Karauna hei whakatutuki i ōna herenga i raro i te Whakaaetanga Whakataunga me te Tiriti o Waitangi. Ko tā mātou i

rongo rā, koinei āna mahi hei whakatutuki i aua herenga:

- ko te mahi tahi ki ngā iwi me te Karauna kia oti ai ētahi Whakaaetanga Ahumoana ā-Rohe i raro i te Ture
- ko te tautoko i ngā kōrerorero i waenga i ngā iwi kia tutuki ai tētahi whakaaetanga e pā ana ki te tohatohanga o ngā rawa whakataunga ā-rohe
- ko te whakawhiti i ngā rawa whakataunga e ai ki aua whakaaetanga.

Ko tā mātou i rongo rā, e aukati ana ngā whakaritenga o te Ture i tā TOKM tukunga rawa whakataunga ahumoana. Ko te take ko te korenga o ētahi iwi i aua rohe e whakaae tahi, e ai ki te Ture, i te āhua o te tohatoha haere i ngā rawa whakataunga ahumoana ā-rohe i waenga i a rātou. Ko tētahi take ko te korenga o ngā whakaritenga whakahaerenga e tika ana kia whai wāhi ai ētahi iwi ki te hātepe. Ā, ko tētahi take ko te horokukū o ētahi iwi ki te uru ki ngā whiriwhiringa kōrero ā-rohe, ki te hātepe whakatau raruraru rānei, i runga i te whakahē kau i aua hātepe. Ko tā mātou e aro nei, he nui te tūraru kei hua ake ētahi āhuatanga pēnei i roto i ngā hātepe whakataunga ā muri nei.

Ngā whakaaro ki te pire e marohitia nei

Ko tā ngā tāpaetanga mō te pire he tautoko. I kī mai ngā kaitāpae, ki ō rātou whakaaro mā te pire nei ngā iwi e āhei ai ki te kōkiri i ō rātou pānga, i ō rātou āheinga ahumoana hoki. I rongo mātou mā te pire ngā iwi e kōkiri ai i ō rātou whāinga ā-ōhanga, ā-iwi, ā-tikanga hoki.

Ko tā mātou i rongo ai, mā te whakarite i ētahi atu momo tohanga rawa e rite ake ai te pire nei ki ngā tikanga whakawhitinga rawa i roto i te Maori Fisheries Act 2004, arā kei roto tētahi mana whakatau pērā i tā te pire e marohi nei. Ko tā mātou e aro nei, ka eke ana te pire ki te Whakaaetanga a te Ariki, ka taea wawetia te mana whakatau whāiti te whakamahi mō ngā take tohatohanga ki te rohe o Te Tai Tokerau, ki te Waiariki hoki.

Hei tā ētahi kaitāpae, kua hia tau nei rātou e tatari ana ki te whai wāhi atu ki ā rātou rawa whakataunga, ā, kāore i te hiahia kia whakaroroatia atu. I kī hoki ngā kaitāpae, ka taea e ngā iwi te tupuranga o te ūmanga ahumoana me te ōhanga o Aotearoa te tautoko.

I marohi ētahi kaitāpae ētahi atu whakatikatika ki te pire, kei raro nei e whakamāramatia ana.

Te mihi ki te mana o ngā hapū, o ngā whānau

Hei tā ētahi kaitāpae, me nui atu te mihi ki te mana o ngā iwi, ā, me whai wāhi nui tonu atu ki te hātepe tohatoha rawa whakataunga. Ko tā ngā kaitāpae i marohi rā, me whakatikatika te rārangi 4 o te pire—te whakatau nei i te “iwi whaipānga”—kia whai wāhi ai te hapū me te whānau ki tōna whakamāramatanga.

E whiwhi ai te iwi ki ngā rawa whakataunga ahumoana, me whakakanohi rawa tētahi rōpū ahumoana ā-iwi (IAO) i a rātou. I mea mai ētahi kaitāpae, e hiahia ana ētahi hapū, ētahi whānau kia nui atu te mihia, me te mana whakatau anō i roto i ō rātou iwi, i ō rātou IAO, he kore nō rātou e whakaponu e tautoko ana aua IAO i ō rātou wawata.

Ko te kupu tohutohu mai ki a mātou, e mana ai aua whakatikatika, me panoni rawa ngā tikanga whakahaere, ā, kei tua noa ērā i te kaupapa o te pire nei. Waihoki me nui rawa te whiriwhiringa kōrero i te taha o ngā rōpū whaipānga, kātahi ka tino roa rawa te whakawhitinga o ngā rawa whakataunga.

Ki ō mātou whakaaro, ko te aronga o te pire nei ko te whakatau i ngā take o nāianei e pā ana ki te whakawhitinga rawa ahumoana, ko te whakatūturu hoki ka whiwhi te Māori ki ngā painga e tika ana i raro i te Ture.

Te Ture Takutai Moana

I whiwhi tāpaetanga mātou mai i Ngā Hapū o Kokoronui ki Te Toka a Taiau Katiaki Trust. Ka tūtohutia tētahi panonitanga o te pire kia whakaurua ai ētahi ritenga kia whakaarohia mārikatia ai ngā kaitono kei mua i te Kōti Teitei mō Te Ture Takutai Moana 2011 rānei, kei te whiriwhiri kōrero i te taha o te Karauna rānei¹.

Ko te tohutohu ki a mātou, ko te whakaurunga o ētahi ritenga pēnei ko te tōwaitanga o te wāhanga 6A o te Ture, e whakamārama kē nei i te hononga ki Te Ture Takutai Moana. Ki ō mātou whakaaro, kei tua noa tēnei i te kaupapa o te pire nei.

¹ I raro i Te Ture Takutai Moana, e wātea ana ngā iwi ki te tono ōta mai i te Kōti Teitei kia whakamanatia ai ngā tikanga tuku iho, ngā moana papatipu hoki e tiakina ana.

Tāpiritanga

Hātepe komiti

I tukuna mai te Pire Whakatikatika Whakataunga Kerēme Ahumoana Tauhokohoko Māori ki te komiti i te 8 o Hakihea 2020. Ko te rā katinga mō ngā tāpaetanga ko te 7 o Pēpuere 2021. Kotahi tekau ngā tāpaetanga i whiwhi, i whakaarohia hoki mai i ngā rōpū whaipānga me ngā tāngata takitahi. I rongo taunakitanga mātou mai i ngā kaitāpae tokoono i ngā hui i tū i Te Whanganui a Tara.

I whiwhi kupu tohutohu mātou mō te pire mai i te Manatū Ahu Matua. Nā Te Tari o te Manahautū mātou i tohutohu e pā ana ki te kounga whakaturetanga o te pire. Nā Te Tari Tohutohu Pāremata mātou i tohutohu e pā ana ki te tuhinga ture.

Ngā mema o te komiti

Tāmati Coffey (Heamana)
Paul Eagle
Shanan Halbert
Joseph Mooney
Todd Muller
Teanau Tuiono
Rawiri Waititi
Arena Williams

Ngā kupu tohutohu me ngā taunakitanga i whiwhi

Kei te pae tukutuku a te Pāremata, kei www.parliament.nz, ngā tuhinga i whiwhi hei kupu tohutohu, hei taunakitanga hoki.



Maori Commercial Aquaculture Claims Settlement Amendment Bill

322—1

Report of the Māori Affairs Committee

June 2021

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Tāmati Coffey
Chairperson

Maori Commercial Aquaculture Claims Settlement Amendment Bill

Recommendation

The Māori Affairs Committee has examined the Maori Commercial Aquaculture Claims Settlement Amendment Bill and recommends that it be passed without amendment.

About the bill

The Maori Commercial Aquaculture Claims Settlement Amendment Bill is a Government bill that would amend the Māori Commercial Aquaculture Claims Settlement Act 2004.

The bill seeks to change the allocation and transfer process of aquaculture settlement assets provided for under the Act. This is expected to reduce delays and make it easier for iwi to receive their settlement assets. The bill is expected to:

- improve the delivery of Crown aquaculture settlement obligations by ensuring that iwi can access their assets in a reasonable time frame
- protect the interests of iwi who do not wish to claim their settlement assets
- support and maximise iwi aquaculture opportunities and the growth of the aquaculture industry.

The bill proposes that Te Ohu Kaimoana Trustee Ltd (TOKM) be provided with limited discretionary power to allocate and transfer aquaculture settlement assets to iwi. TOKM could use this power when it is satisfied that issues or disagreements between iwi about receiving assets cannot be addressed by the Act's dispute resolution process.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Background

TOKM administers settlement assets in accordance with the Act. Its purpose is to advance the interests of iwi both individually and collectively in the development of fisheries and aquaculture. TOKM aims to assist the Crown in delivering its obligations under the Deed of Settlement and te Tiriti o Waitangi. We heard that it does this by:

- working with iwi and the Crown to achieve Regional Aquaculture Agreements under the Act
- facilitating discussions between iwi to reach agreement on the allocation of regional settlement assets

- transferring settlement assets in accordance with these agreements.

We heard that the current provisions of the Act prevent TOKM from delivering aquaculture settlement assets. This is due to the inability of iwi in those regions to reach agreement, in accordance with the Act, as to how regional aquaculture settlement assets should be allocated among them. This is partly because some iwi do not have the required governance structure to participate in regional negotiations or the dispute resolution process. It is also partly because some iwi are unwilling to participate in regional negotiations or the dispute resolution process as a matter of principle. We understand that there is a significant risk of similar situations occurring in future settlement processes.

Views on the proposed bill

Submissions on the bill were supportive. Submitters said they consider that the bill would allow iwi to advance their interests and aquaculture opportunities. We also heard that the bill would allow iwi to progress their economic, social, and cultural objectives.

We heard that providing more options for asset allocation would make the bill more consistent with the transfer of assets provided for in the Maori Fisheries Act 2004, which includes a similar discretionary power to that proposed in the bill. We understand that, if the bill gains Royal assent, limited discretionary power could be used immediately for allocation issues in the Northland and Bay of Plenty regions.

Some submitters said they have been waiting years to access their settlement assets and did not want any more delay. Submitters also commented that iwi could contribute to the growth of New Zealand's aquaculture industry and economy.

Some submitters proposed further amendments to the bill, which we describe below.

Recognition of hapū and whānau

Some submitters said that there should be wider recognition and involvement of hapū and whānau in the allocation process for settlement assets. Submitters proposed amending clause 4 of the bill—which defines “relevant iwi”—to include hapū and whānau in its interpretation.

In order to receive aquaculture settlement assets, an iwi must first be represented by an iwi aquaculture organisation (IAO). Some submitters said that some hapū and whānau wish to have greater recognition and decision-making powers within their iwi and IAOs because they do not believe these IAOs support their aspirations.

We were advised that these suggested amendments would require governance changes that are beyond the scope of the bill. We also understand that they would require substantive additional consultation, which would delay the transfer of settlement assets.

We consider that the focus of the bill is to respond to the current issues around the transfer of aquaculture settlements and ensure that Māori can receive the benefits they are entitled to under the Act.

Marine and Coastal Area (Takutai Moana) Act

We received a submission from Ngā Hapū O Kokoronui Ki Te Toka A Taiau Kaitiaki Trust. It recommended a change to include provisions that give consideration to applicants who are currently before the High Court on the Marine and Coastal Area (Takutai Moana) Act 2011, or who are in negotiations with the Crown.²

We were advised that including such provisions would be repetitive of section 6A of the Act which already describes the relationship to the Marine and Coastal Area (Takutai Moana) Act. We consider this to be outside the scope of this bill.

² Under the Marine and Coastal Area (Takutai Moana) Act, iwi can apply for a High Court order for recognition of protected customary rights and customary marine title.

Appendix

Committee procedure

The Maori Commercial Aquaculture Claims Settlement Amendment Bill was referred to us on 8 December 2020. The closing date for submissions was 7 February 2021. We received and considered ten submissions from interested groups and individuals. We heard oral evidence from six submitters at hearings in Wellington.

We received advice on the bill from the Ministry for Primary Industries. The Office of the Clerk provided advice on the bill's legislative quality. As there were no changes to the bill, there was no further legal drafting required from the Parliamentary Counsel Office.

Committee members

Tāmati Coffey (Chairperson)

Paul Eagle

Shanan Halbert

Joseph Mooney

Todd Muller

Teanau Tuiono

Rawiri Waititi

Arena Williams

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.