# TE OHU KAI MOANA DOCUMENTS IN RESPONSE TO MINUTE 12: Further Request for Information to Iwi and Hapū Participants Taranaki VTM Project Dated 14 November 2025

Tab	Document	Request for information	Page
1.	Table outlining relevant settlement, legislation, provision and links.	Provide copies of the Treaty Settlement Acts or Deeds you consider engaged by this application  A brief description of the key provisions, schedules or maps that relate to the project area (with references)  Any documents referred to in the settlement that legislation requires Crown or local authority decision- makers to consider, recognise or provide for when making decisions	1
3.	Information Paper: Interface between customary non-commercial fishing and commercial harvest:  This paper seeks to outline how customary non-commercial fisheries interests and commercial harvesting work together to enable the Pātaka model.  MPI - Permit holders fishing under	How harvesting and allocation operate in practice, and any interface between customary take and commercial harvest (for example, commercial vessels harvesting to meet authorisations or involvement of Licensed Fish Receivers.  Note any practical (or tikanga) constraints that would limit shifting commercial fishing between statistical reporting areas, between methods, or beyond your rohe moana	7
	customary fishing authorisations fact sheet: A fact sheet produced by MPI (Fisheries NZ) explaining how permit holders fishing under the customary fishing authorisations operates		
4.	Comment from Moana NZ - practical constraint to shifting fishing between statistical reporting areas  Formal comment from Moana NZ on the practical implications of moving their fishing operations across statistical areas		10

# TE OHU DOCUMENTS IN RESPONSE TO MINUTE 12: Further Request for Information to Iwi and Hapū Participants Taranaki VTM Project [FTAA-2504-1048] (3 November 2025)

Tab	Document	Request for information	Page
5.	High Level indicative split of quota holdings by origin – Table:	Provide an indicative split of quota holdings by origin (Māori Fisheries Act 2004 (MFA) settlement vs other	12
	A table providing a high-level indication of the split of iwi quota holdings in FMA8 (iwi settlement quota vs iwi quota acquired elsewhere)	acquisitions) and an indicative split of catch by fisheries category (inshore, deepwater, and, if applicable, highly migratory species). Simple percentages or "mostly inshore / mixed / mostly deepwater" are sufficient;	

Document Title & Author	Page	Relevant provision	Description	Link
			Treaty Settlement Instruments	
Fisheries Deed of Settlement 23 September 1992	3	Preamble J-L	<ul> <li>The settlement represents a just and honourable solution to the dispute of fishing rights and interests in a way that conforms with the principles of the Treaty of Waitangi (J).</li> <li>Parties agree that the Crowns duties under the Treaty is to protect the exercise of rangatiratanga in respect of traditional fisheries (K).</li> <li>Parties consider the performance of the Settlement Deed to be of the utmost importance (L).</li> </ul>	Te Tari Whakatau Settlements
	Preamble and Part 3,4 and 5		The Fisheries Settlement settled all Māori claims to fisheries, based on an agreement that the Crown would allocate particular assets (including quota, cash and shares in fishing companies) and implement regulations for customary food gathering.	
	15	3.4.3	The Treaty of Waitangi Fisheries Commission will be accountable to Maori as well as to the Crown in order that Maori are to have better control of their fisheries guaranteed by the Treaty of Waitangi.	
	14	3.2	Property rights under the QMS allocated as part of the Settlement included the same characteristics as individual transferrable quota but have the additional significance of being part of a Treaty of Waitangi settlement. In that respect, the Crown has a duty to protect them.	
	23	5.2	Non-Commercial fishing rights and interests: this explicitly confirmed Māori rights to non-commercial fishing rights and interests. It states that the Crown's Treaty obligations regarding them remain.	

Document Title & Author	Page	Relevant provision	Description	Link
Treaty of Waitangi (Fisheries Claims)	Preamble		As noted in the Preamble of the 1992 Deed. Crown recognised its duty to provide protection for exercise of rangatiratanga in respect of fisheries.	New Zealand Legislation
Settlement Act 1992.	Preamble	L(iii-iv)	<ul> <li>Crown agreed to introduce legislation:         <ul> <li>ensuring Māori were allocated 20% of all quota henceforth brought within the QMS; (L(iii))</li> <li>empowering regulations recognising Māori Customary food gathering and special relationship between Tangata whenua and places of importance. (L(iv)).</li> </ul> </li> </ul>	
		s10	Effect of settlement on non-commercial Māori Fishing Rights and Interests.  Regardless of legal enforceability, the Crown have Treaty obligations with respect to supporting Māori to exercise their non-commercial fishing rights.	
The Fisheries Act 1996.		s29B	Allocation to Crown and Te Ohu Kai Moana Trustee Limited. Included to further show legislated QMS allocation.	New Zealand Legislation
		s44	Te Ohu Kai Moana Trustee Limited entitled to 20% of total new quota. Included to further show legislated QMS allocation.	
		s186	Regulations relating to customary fishing. Included to further show legislated customary fishing sections.	
The Fisheries (Kaimoana Customary Fishing) Regulations 1998		Regulatio n 34	Minister's powers concerning management by Tangata Kaitiaki/Tiaki. Included to further show legislated kaitiaki roles, as noted in the TOKM submission.	New Zealand Legislation
The Fisheries (Amateur Fishing) Regulations 2013		Regulatio n 50	Fish, aquatic life, or seaweed taken for hui or tangi or approved traditional non- commercial fishing use. Included to further show legislated/ regulated customary fishing rights.	New Zealand Legislation
		Regulatio n 52	Fish, aquatic life, or seaweed taken for approved traditional non-commercial fishing use. Included to further show legislated/regulated customary fishing rights.	
Māori Fisheries Act 2004	Preamble	(4)	The Māori Fisheries Act 1989 was enacted to make better provision for the recognition of Māori commercial fishing rights secured by the Treaty of Waitangi.	New Zealand Legislation

Document Title & Author	Page	Relevant provision	Description	Link
			The Act Introduced property rights-based QMS & 10% of existing QMS (or cash equivalent) allocated to Māori.	
	Part 2	s32(a-d)	Outlines the purpose of Te Ohu Kaimoana, including assisting the Crown to discharge its obligations under the Deed of Settlement and contribute to the achievement of an enduring settlement.	
	Part 2	s35(1)(b)	Outlines the functions of Te Ohu Kai Moana Trustee Limited to act to protect Māori interests in relation to fisheries-related activities.	
	Schedule 1	Part 1	Outlines Fishery management area 8 – Central (Egmont) and area 9 Auckland (West). Included in index as specific to TTRL application.	
	Part 4	s155(a-f)	Provides for a general restriction on the transfer of settlement quota and provisions for the sale or exchange of settlement assets (including quota).	
		S161(1)(a- b)	MIO must not sell its settlement quota, except to another MIO or an entity within TOKM group. MIO must not gift its settlement quota. Included in index as specific to TOKM submission and evidences a key argument towards the breach of s7 of the Fast-track Approvals Act (that approving the application will be inconsistent with obligations arising under existing Treaty Settlements).	

# Interface Between Customary Take and Commercial Harvest - Taranaki VTM Request for Information (Minute 12)

**Request for Information (RFI) by Expert Panel:** "How harvesting and allocation operate in practice, and any interface between customary take and commercial harvest (for example, commercial vessels harvesting to meet authorisations or involvement of Licensed Fish Receivers)"

#### **Overview**

This paper explains how the Pātaka model enables the harvesting of customary, non-commercial kaimoana in partnership with commercial fishing operations. Please note that the scope of this paper is limited to the general process from permit authorisation through to the distribution of kaimoana. Establishing a Pātaka involves a robust setup process undertaken in collaboration with the Ministry for Primary Industries (MPI), commercial operators, and iwi representatives, to determine the appropriate model needed. This paper focuses solely on the operational process that occurs once the Pātaka structure has been approved by MPI and is in place. While this paper offers a general overview of the process in question, we note that some aspects of this process may vary between pātaka across different regions, due to the different customary regulations in force.

#### 1. Authorisation to fill the Pātaka

Customary harvest begins with Tangata Tiaki/Kaitiaki or Authorised Representatives (kaitiaki), who hold authority over their respective rohe moana, issuing a customary authorisation to "fill the pātaka". When a Pātaka requires replenishment, or when customary events are anticipated, kaitiaki will issue the first of two customary fishing authorisations under the relevant Customary Fishing Regulations<sup>1</sup>.

In alignment with the Customary Fishing Regulations, this Pātaka authorisation will:

- name the authorised vessel and skipper who will undertake the harvest;
- specify the kaimoana species, landed state and quantity to be harvested; and
- capture details related to fishing method, harvest location, any size limits, and any additional details relevant to the harvest.

When a commercial operator is assisting with the customary harvest, the authorisation is provided before departure, usually through a system called IkaNet. This system ensures that all permitted activities are recorded and compliant with legislation.

#### 2. Harvesting at Sea

Once at sea, the commercial operator undertakes their usual fishing operations. When fishing within the area covered by the customary authorisation, they may set aside a portion of the catch for customary use in alignment with the customary authorisation.

<sup>&</sup>lt;sup>1</sup> These two Customary Fishing Regulations relevant to this document include: the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and the Fisheries (Amateur Fishing) Regulations 2013.

Key operational requirements include:

- Separation of catch Fish intended for customary use is stored in clearly labelled bins and/or sections of the vessel, separate from commercial catch.
- Compliance with authorisation Only the authorised species, quantities, and areas are to be fished.

This allows commercial and customary harvests to operate side by side without overlap or conflict.

#### 3. Landing and Processing

When the vessel returns to port, the customary catch is landed and transferred to an approved Licensed Fish Receiver (LFR) site that has been pre-approved by MPI to store customary, non-commercial catch.

At the LFR (referred to as the Pātaka holding facility):

- Customary fish is processed, labelled, and stored separately from any commercial product<sup>2</sup>;
- Full traceability is maintained to link each batch of fish to its original customary authorisation; and
- Records are retained for both regulatory and iwi accountability.

This ensures that the pātaka is "filled" and customary fish are securely held until needed for tangihanga or hui.

#### 4. Distribution

When the customary fish is required for an approved purpose (i.e. tangihanga), the relevant kaitiaki issues the second customary authorisation permit to release fish from the Pātaka.

In alignment with the Customary Fishing Regulations, this authorisation will specify:

- the authorisation holders name as well as the issuing kaitiaki;
- the purpose for the request, including details related to the occasion and venue;
- the species and quantity requested from the Pātaka

The LFR prepares and dispatches the authorised quantity to the designated distribution point, such as a marae or iwi Rūnanga facility. The kaitiaki who issued the permit is legally responsible for ensuring that the customary fish reaches the destination as set out on the authorisation permit.

#### 5. Reporting

The commercial operator must report back to the kaitiaki within five working days on the quantity and species taken under the authorisation. The Amateur Fishing Regulations

<sup>&</sup>lt;sup>2</sup> Deepwater vessels process, package and label customary catch at sea.

does not legally require customary catch to be reported, however, all operational Pātaka often provide customary data to MPI.

Both the kaitiaki and commercial operator must maintain clear and transparent documentation and separation to ensure full compliance with both the Fisheries Act 1996 and the Customary Fishing Regulations.



### Permit holders fishing under customary fishing authorisations

Customary Fishing Regulations allow for the customary taking and management of fisheries resources. Such food gathering is neither commercial nor in any way for pecuniary gain or trade. Customary food gathering can only be authorised by Tangata Tiaki/Kaitiaki (TTK) for the tangata whenua with customary fishing rights over the relevant fishing area/rohe moana and must be authorised under the relevant regulations that apply to customary fishing in that area.

The taking of fish by a fisher under customary authorisation must be done for the purpose it is intended and in accordance with that authorisation and any conditions it imposes.

Customary fishing authorisations are guided by customary fishing regulations, including (but not limited to):

- Fisheries (Amateur Fishing) Regulations 2013
- Fisheries (Kaimoana Customary Fishing) Regulations 1998
- Fisheries (South Island Customary Fishing) Regulations 1999.

The above three regulations cover both marine and freshwater species. Iwi may also utilise other area specific authorising regulations.

#### **Commercial Fisher considerations**

#### A commercial fisher must not fish for customary food gathering purposes unless:

- the fisher has been issued a customary fishing authorisation;
- the authorisation is issued by a Tangata Tiaki/Kaitiaki (TTK) responsible for the area/rohe where fishing occurs;
- the authorisation has been issued in advance of the fishing (authorisations cannot be retrospective) for the period of the customary fishing related activity;
- the fisher/harvester(s) is able to produce the authorisation while fishing to it and produces it if reasonably requested to do so by a fishery officer.

#### A commercial fisher/harvester(s) must:

- be named as an authorised harvester(s) on the authorisation;
- only fish to the authorisation on/within the date and time specified in the authorisation;
- only fish in the specified area given in the authorisation;
- only take the species and amounts indicated;
- ensure customary catch on-board a commercial vessel is separated from catch taken for another purpose;
- take all reasonable steps to adhere to any conditions specified on an authorisation;
- take reasonable precautions to exercise due diligence to avoid catching unauthorised catch.

#### A commercial fisher must not:

- transfer an authorisation granted to another party not authorised by the TTK;
- change or alter an authorisation issued in any way;
- re-use or conduct customary fishing activity relating to an expired authorisation;
- take fish not authorised, or otherwise breach the terms of an authorisation given.

#### **Commercial Fisher considerations continued**

#### Reporting:

- if fishing a customary authorisation while also conducting commercial fishing usual reporting requirements relate to the commercial fishing/catch/trip, including trip start at the beginning and trip end upon landing;
- electronic catch reports and information about fish taken under customary authorisation is not required by MPI. Commercial fishers may keep their own records of catch taken under customary permits to assist reporting to TTK;
- a fisher is required to report back to the TTK about the species and quantity taken under authorisation no later than 5 working days after taking the fish (unless the TTK/regulations/authorisation requires otherwise).

#### Key things to note

#### Separation of catch:

Under the Fisheries Act 1996 ("the Act") all fish on board a registered fishing vessel (incl. commercial pot/tank) is deemed to be taken/possessed for the purposes of sale. When fishing to a customary authorisation from a registered fishing vessel, the commercial fisher must ensure that fish caught under that authorisation is separated into marked containers clearly identified as being taken for customary food gathering purposes, up to the point of and including landing. Similarly, fish in a holding tank (or holding pot on land) must also be kept separate, and be identifiable as taken under customary authorisation. If unsure, your local fishery officer may provide guidance on what clear separation could look like.

#### Customary fishing while not on a commercial fishing trip:

If a commercial fisher fishes a customary authorisation while not also commercial fishing, MPI does not require that the fisher reports this fishing activity. However, a fisher must produce the related customary authorisation if reasonably requested to do so by a fishery officer. Customary food gathering is neither commercial nor for pecuniary gain or trade.

#### Fish for Pātaka:

If fishing a customary authorisation for supply to a Licenced Fisher Receiver (LFR) premises on behalf of tangata whenua, the LFR must be pre-approved by the Chief Executive (MPI) to receive/ possess fish taken under customary authorisation. Landing customary take to a Marae pataka place that is not an LFR does not require MPI pre-approval.

#### Authorised areas/rohe:

Fishing must occur within an area that a TTK has authority for. The area(s) specified on an authorisation needs to be specific enough to ensure the fisher doesn't inadvertently gather kai moana from an area outside of that TTK's authority, as to do so may invalidate the authorisation and cause the fishing to be unlawful.

#### **Inform TTK about your fishing activity:**

A TTK issuer may not know your business as well as you do. If fishing practicalities are well accounted for in the authorisation – the better able the fisher is to meet the customary purpose, the authorisation conditions and stay compliant. E.g. moving fish in or out of holding pots should also be covered by an authorisation.

#### **Ensuring fishing is under a valid authorisation:**

Different customary fishing regulations apply in different places. Understanding which one you are fishing under is important. Commercial fishers should exercise due diligence to ensure they are fishing in an area, and to an authorisation (and set of regulations), that the issuing TTK has authority for, so that the fisher applies the rules that apply in respect of that fishing activity, authorisation and area being fished.

#### Fisheries (Amateur Fishing) Regulations 2013 (Regulations 50, 51 and 52)

Applies anywhere Kaimoana Regulations and South Island Customary Regulations don't apply.

These regulations ("Amateur Regulations") apply to areas anywhere in New Zealand where the Kaimoana Regulations or South Island Regulations have not been applied. They provide for tangata tiaki/kaitiaki (TTK), to which those other regulations do not apply, to manage customary non-commercial food gathering from within their area/rohe.

If you think your customary fishing falls under these regulations – contact your local <u>Fisheries Compliance</u> <u>office</u> for advice on how to reach your local Tangata Kaitiaki/Tiaki.

# Fisheries (Kaimoana Customary Fishing) Regulations 1998 (*Does not apply in South Island*)

Applies anywhere the Minister confirms a Tangata Kaitiaki/Tiaki for an area / rohe moana under these regulations.

These regulations ("Kaimoana Regulations") apply to areas in New Zealand (except the South Island) where the Minister confirms a Tangata Kaitiaki/Tiaki for an area/rohe moana under these regulations. They provide for tangata tiaki/kaitiaki (TTK), to which these regulations apply, to manage customary non-commercial food gathering from within their area/rohe.

Check out the <u>Gazette departmental notices</u> to understand who your local Tangata Kaitiaki/Tiaki is. It helps to search by the related lwi or Hapū name or other search word(s). If unsure, contact your local <u>Fisheries</u> <u>Compliance office</u> for help to find this information.

# Fisheries (South Island Customary Fishing) Regulations 1999 (Applies in South Island only)

These regulations ("South Island Regulations") provide for South Island tangata whenua to appoint tangata tiaki/kaitiaki (TTK) who authorise customary food gathering from their areas/rohe.

Check out the Gazette departmental notices to confirm your local lwi/hapū in your area. It helps to search by the related lwi or Hapū name or other search word(s). If the Gazette notice does not name the appointed fisheries tangata tiaki/kaitiaki, you can contact them directly for this information. If unsure, feel free to contact your local Fisheries Compliance office for help to find this information.

#### **References and resources**

Māori customary fishing | NZ Government

Managing customary fisheries | NZ Government

Customary fisheries management areas, rules, and maps | NZ Government

Fisheries (Kaimoana Customary Fishing) Regulations 1998 – NZ Legislation

Fisheries (South Island Customary Fishing) Regulations 1999 – NZ Legislation

Fisheries (Amateur Fishing) Regulations 2013 – NZ Legislation

Waikato-Tainui fisheries bylaws – New Zealand Gazette

**Gazette notices** 

Fisheries Compliance offices

Te Arawa Lakes (Fisheries) Regulations 2006

Fisheries (Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi) Regulations 2017

Waikato-Tainui (Waikato River Fisheries) Regulations 2011



## Moana New Zealand on Fishing Activity in the South Taranaki Bight in response to Minute 12

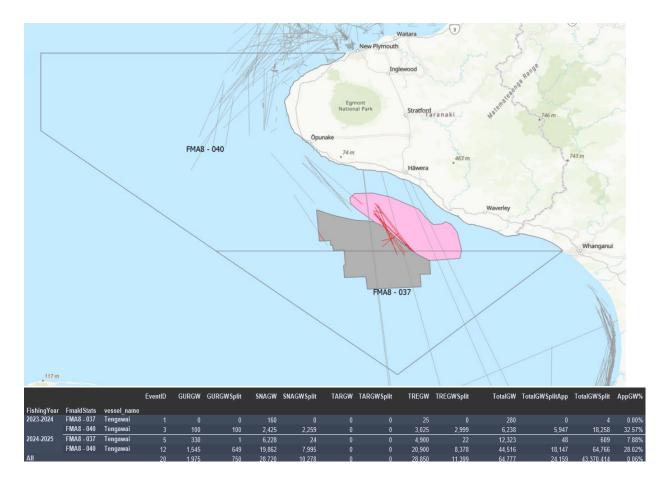
**Request for information from Expert Panel:** "Note any practical (or tikanga) constraints that would limit shifting commercial fishing between statistical reporting areas, between methods, or beyond your rohe moana"

Comments from Nathan Reid - Resource and Supply Manager, Moana New Zealand:

My name is Nathan Reid. I am the Resource and Supply Manager at Moana New Zealand. Our company was formally established in 2004 under the Māori Fisheries Act 2004 to manage Māori commercial fishing assets, as part of the 1992 Māori Fisheries Settlement, on behalf of iwi. We are the largest Māori-owned seafood company, and we operate across New Zealand harvesting, processing, and marketing seafood products. The below diagram outlines our current governance structure:



At present, Moana New Zealand actively fish in the proposed project area. We catch mainly Snapper, Trevally and Gurnard. Following the acquisition of Sanford's ACE since 2023–24 Moana currently holds 80% of SNA8 ACE and the vast majority of west coast ACE. We are also anticipating further SNA8 TACC increases by the government in the near future. The below map shows our current fishing efforts in the South Taranaki Bite (STB), which directly overlaps with the proposed project site. The lines highlighted in red show our fishing efforts that are directly within the vicinity of the application:



Legally, there is nothing in place that would prevent the shift between statistical areas; however, in practice, moving statistical areas within the STB is difficult for us and our fishers. Our fishing operations in the STB are focused in this area because it is flat and sandy, allowing us to use bottom-contact fishing gear to fish snapper. If we were to move to adjacent statistical areas, we would no longer be able to fish, as the surrounding areas consist of foul ground (areas covered in rocks, corals, and reefs etc) which would damage our gear and potentially endanger the safety of our crew. Bottom-contact fishing gear represents an investment of hundreds of thousands of dollars, so our fishers only operate in areas where they know their equipment will not be damaged and their crews are safe. Additionally, switching to alternative fishing methods is not a viable option for the mix of inshore bottom dwelling species, market demand is limited for longline caught species, and costs to catch are much higher, making any switch of method economically and operationally unsustainable.

We are also observing a year-on-year increase in our fishing presence in and around Taranaki, driven by global warming, the southward movement of snapper, catch spreading, and operational efficiencies. As the fish move, so to do our fishermen. Over the last financial year alone, we have tripled our effort and catch in the STB from 6mt in 2023-2024 to 18mt in 2024-2025. Accordingly, we anticipate that our presence in the STB will continue to increase, and we hold that the application, if approved, would directly impact on our operations.

**Request for information from Panel:** provide an indicative split of quota holdings by origin (Māori Fisheries Act 2004 (**MFA**) settlement vs other acquisitions) and an indicative split of catch by fisheries category (inshore, deepwater, and, if applicable, highly migratory species). Simple percentages or "mostly inshore / mixed / mostly deepwater" are sufficient;

The table below provides a high-level overview of the indicative split of quota holdings by origin for all iwi with interests in FMA8. The three quota holdings by origin are:

- Settlement quota quota allocated through the Māori Fisheries Settlement;
- Iwi-owned normal quota quota that iwi have acquired outside of the Settlement; and
- **Te Ohu Kaimoana Kāhui owned normal quota** quota that is held by a subsidiary within the Te Ohu Kaimoana governance structure (i.e. Moana and/or Sealord).

As requested by the Panel, the data considered 95 fish stocks which occur across FMA8 and has been categorised into three fisheries groups:

- **Deepwater** which considered 28 fish stocks;
- Inshore which considered 57 fish stocks; and
- Highly Migratory Species (HMS) which considered 10 fish stocks.

			%
		<b>Total Shares</b>	ownership
Deepwate	<b>Deepwater</b> Settlement quota		15.64%
	lwi owned normal quota	33,135,634	1.18%
	Kāhui owned normal quota	657,408,216	23.48%
	TOTAL Iwi Interest for Deepwater Fisheries in FMA8		40.31%
Inshore	Settlement quota	934,191,547	16.39%
	lwi owned normal quota	272,675,692	4.78%
	Kāhui owned normal quota	547,091,648	9.60%
	TOTAL Iwi Interest for Inshore Fisheries in FMA8		30.77%
HMS	Settlement quota	200,095,156	20.01%
	lwi owned normal quota	12,286,266	1.23%
	Kāhui owned normal quota	127,425,692	12.74%
	TOTAL Iwi Interest for HMS Fisheries across FMA8		33.98%

#### **Deepwater stocks in FMA8**

BAR7, BYX8, CDL8, CHC8, EMA7, FRO8, GSC1, GSP7, HAK1, HOK1, JMA7, KIC8, LDO1, LIN7, OEO1, ORH1, PRK8, PTO1, RBT7, RBY8, RIB8, SBW1, SCI8, SKI7, SQU1J, SQU1T, SWA1, WWA8

#### **Inshore stocks in FMA8**

ANC8, BCO8, BNS8, BUT1, BYA8, COC8, CRA9, DAN8, DSU8, ELE2, FLA2, GAR8, GLM8, GMU2, GSH8, GUR8, HOR8, HPB8, JDO2, KAH8, KIN8, KWH8, LEA2, MDI8, MMI8, MOK1, OYS8A, PAD8, PAR2, PAU2, PDO8, PHC1, PIL8, POR2, PPI8, PZL8, RCO2, RSK8, RSN2, SAE8, SCA8A, SCC8, SCH8, SNA8, SPD8, SPE8, SPO8, SPR1, SSK8, STA8, SUR8, TAR8, TRE7, TRU8, TUA8, WAR8, YEM8

#### **HMS stocks in FMA8**

BIG1, BWS1, MAK1, MOO1, POS1, RBM1, STN1, SWO1, TOR1, YFN1