



ALLOCATION OF NORTHLAND NEW SPACE AQUACULTURE SETTLEMENT ASSETS

16 March 2019

Te Ohu
Kaimoana


What we intend to cover

- Why are we here?
- Te Ohu Kaimoana's role within the aquaculture settlement framework
- Maori Commercial Aquaculture Claims Settlement Act 2004
- Aquaculture settlement framework
- Northland pre-commencement settlement
- Northland new space settlement

Why are we here?

- As at 28 February 2019, Te Ohu Kaimoana holds **\$6,028,314** in new space aquaculture settlement assets on behalf of “Northland region” Iwi
 - Northland region begins at the Kaipara Harbour on the West Coast, travels north to Cape Reinga, then south to Mangawhai Heads on the East Coast
 - Iwi with interests in this region are: Ngāti Whātua, Ngāpuhi, Te Rarawa, Ngāti Kahu, Ngāi Takoto, Te Aupōuri, Ngāti Kahu, Whaingaroa and Ngātiwai



Te Ohu Kaimoana's role within the aquaculture settlement framework

- Te Ohu Kaimoana is the corporate trustee of both the Te Ohu Kai Moana Trust (the fisheries settlement trust) and the Māori Commercial Aquaculture Settlement Trust
- Te Ohu Kaimoana's role within the aquaculture settlement framework is two-fold:
 - We work with iwi to gain satisfactory Regional Aquaculture Agreements with the Crown on what its obligations are and how these will be settled between the iwi of a region; and
 - We facilitate discussions between iwi to have them reach agreement on the allocation of those regional assets between all the iwi of a region.

Maori Commercial Aquaculture Claims Settlement Act 2004

- In 2004 the Crown enacted the Maori Commercial Aquaculture Claims Settlement Act.
- The Act obliges the Crown to provide Iwi Aquaculture Organisations (**IAOs**) with settlement assets representative of 20% of all aquaculture space approved in the coastal marine area since 21 September 1992 generally through regional agreements
 - Settlement assets are in the form of cash or aquaculture space or both dependent on when space is approved
 - The Act requires that regional agreements must be signed by all IAOs in a region
- All settlements are regional, based on regional council boundaries but named harbours are treated as regions (including the Whangaroa Harbour)



The aquaculture settlement framework

Pre-commencement space settlement

Cash only

20% of all aquaculture
space created under the
law operating between
21 September 1992 and
31 December 2004

Interim space settlement

Space only

20% of all aquaculture
space created under the
law operating between 1
January 2005 and 31
December 2010

New space settlement

Choice of cash and/or
space

20% of all aquaculture
space created under the
law operating after 1
January 2011 (ongoing
settlement obligation)



Allocation of aquaculture settlement assets generally

- Aquaculture settlement assets can be allocated in accordance with:
 - an Allocation (or Partial Allocation) Agreement between all IAOs of a region; or
 - a Coastline Allocation Entitlement Claim; or
 - a determination of the Māori Land Court.

Northland pre-commencement space settlement

- Pre-commencement assets are considered “regional assets”
 - Except where obligations arise from development in some named harbours
- Development in Whangaroa Harbour gave rise to a \$96,000 obligation
 - Whangaroa the only Iwi with interests in this harbour (allocation occurred Oct 2013)
- Most other named harbours have also signed agreements and received assets
- Remaining pre-commencement assets in Northland – from development in:
 - Houhora Bay;
 - Whangape harbour (not named as harbour in Schedule 2); and
 - Rangaunu Harbour
- Northland IAO representatives have agreed that these assets should be allocated to Iwi with interests in those areas:
 - Houhora Bay: should be allocated only to Te Aupōuri, Ngāti Kuri and Ngāi Takoto
 - Whangape Harbour – should be allocated only to Te Rarawa
- These assets are yet to be allocated because the Act requires an allocation agreement between ALL Northland IAOs

Northland new space aquaculture settlement

- New Space Aquaculture Settlements are prospective – based on forecasts of how much space will be developed for certain species and when to the end of 2035
- For Northland the agreed forecasts were

| | 2015 | 2020 | 2025 | 2030 | 2035 | TOTAL |
|---------|------|-------|------|------|------|-------|
| Oysters | - | 10 | 55 | 65 | 40 | 170 |
| Mussels | 10.6 | 129.4 | 20 | 20 | 30 | 210 |

- Iwi get 20% of each period and that development was valued using the agreed models – this led to a value if taken in cash of \$5,430,711

Northland new space settlement

- Te Rūnanga-ā-Iwi o Ngāti Kahu declined to participate in the regional agreement process, meaning no regional agreement was able to be signed.
- As a result, the Minister was compelled to settle the Crown's new space obligations under section 11(5) of the Act.
- In December 2015, the Minister settled the Crown's new space obligations for the Northland region pursuant to section 11(5) of the Act – \$5,430,711 was transferred to Te Ohu Kaimoana.
- As at 28 February 2019, Te Ohu Kaimoana held **\$6,022,804** in new space aquaculture settlement assets on behalf of Northland IAOs.

Allocation of Northland new space aquaculture settlement assets

- Te Rūnanga-ā-Iwi o Ngāti Kahu has indicated it will not participate in any processes provided for by the Act, meaning:
 - an Allocation (or Partial Allocation) Agreement between all IAOs is not possible; and
 - a determination by the Māori Land Court may not be able to be obtained.
- Northland IAOs and Te Ohu have been working together since February 2018 to consider alternative methods for allocating the Northland new space aquaculture settlement assets, involving:
 - progressing development of a technical amendment to the Act; and
 - determining the practicalities of submitting Coastline Allocation Entitlement Claims pursuant to Schedule 1 of the Act.

Coastline Allocation Entitlement Claims – map

SEGMENT B

Te Aupouri 31%
Ngāi Takoto 31%
Ngāti Kuri 31%
Te Rarawa 7%

Ngāti Kahu 100% (No Claim)

Whaingaroa 100%

Ngāpuhi 100%

SEGMENT A

Te Rarawa 100%

Te Rarawa 50%
Ngāpuhi 50%
Harbour and Coastline of Harbour

Ngāpuhi 100%

Ngāpuhi 50%
Ngāti Whātua 50%

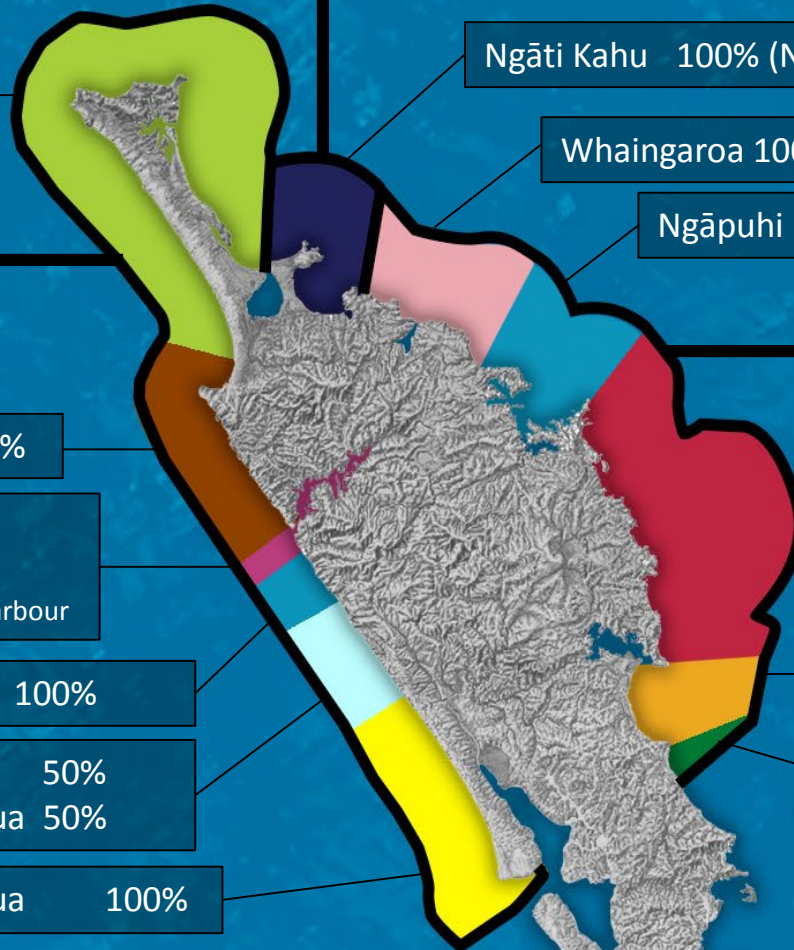
Ngāti Whātua 100%

SEGMENT C

Ngāti Wai 85%
Ngāpuhi 15%

Ngāti Wai 100%

Ngāti Wai 50%
Ngāti Whātua 50%

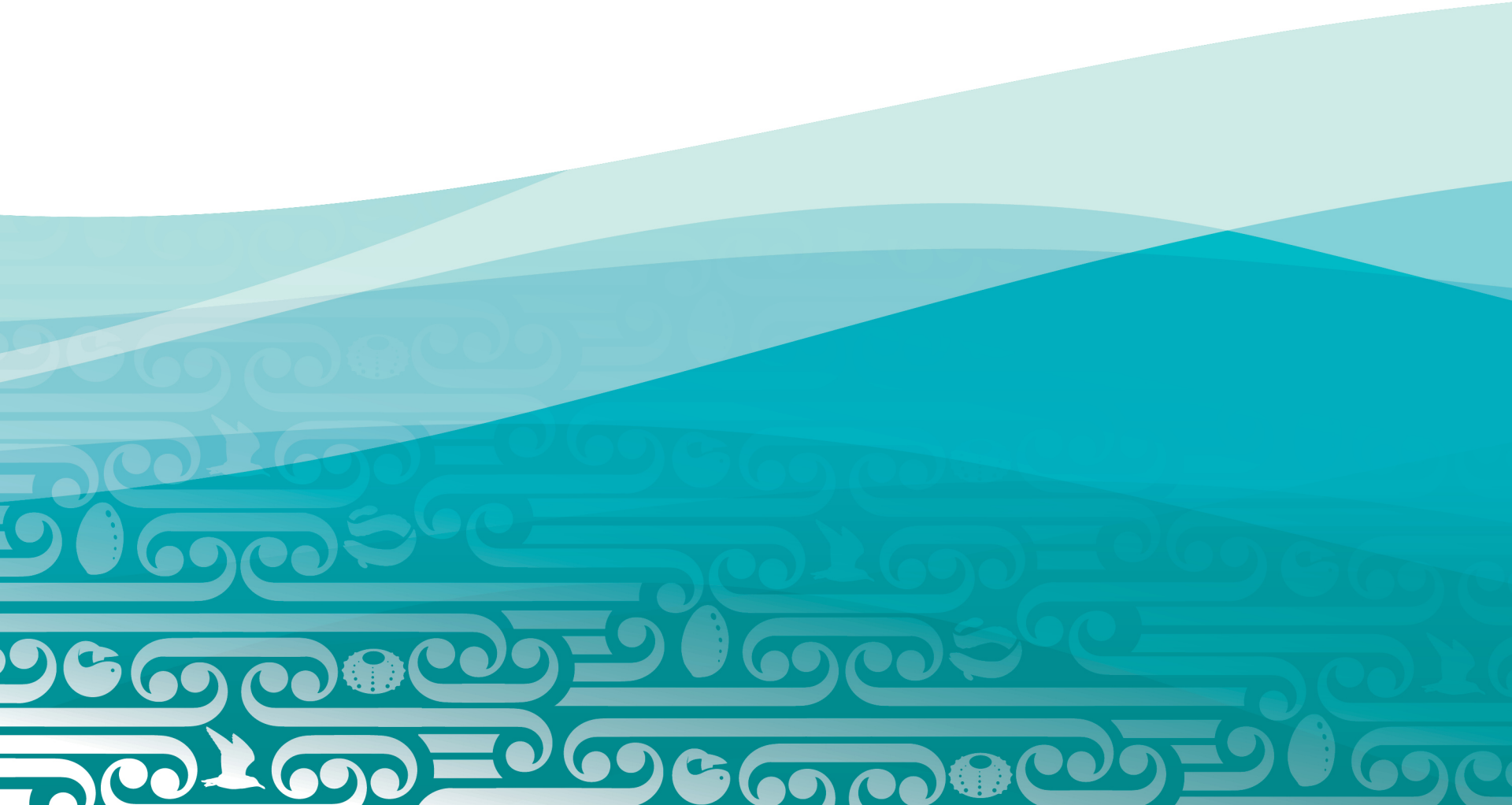


Whaingaroa's share of the new space assets

- Whaingaroa claims the assets attributable to the area between Te Whatu and Takou Bay
 - 74.92km
 - As at 28 February 2019, this equates to \$500,461 (this figure will continue to increase, albeit in very small amounts)

Next Steps

- To claim any assets, each IAO must approve and submit a coastline entitlement claim for its share of the Segment A and / or Segment C coastline
- Each IAO must write a letter to Te Rūnanga-ā-Iwi o Ngāti Kahu noting it lays no claim to any assets arising from within coastline claimed by Ngāti Kahu in fisheries settlement
- Once each IAO has provided the above letter to Te Rūnanga-ā-Iwi o Ngāti Kahu, Te Ohu Kaimoana will then seek a letter of assurance from Te Rūnanga-ā-Iwi o Ngāti Kahu that it does not object to the allocation of any Segment A and C assets.
- Te Ohu Kaimoana board will determine whether to allocate assets in accordance with the coastline allocation entitlement claims
 - If it chooses to do so, it will provide a 30 working day period of time in which objections may be made (this period can be waived by all relevant IAOs)



Level 4, The Woolstore, 158 The Terrace, Wellington 6011
Te Ohu Kaimoana, PO Box 3277, Wellington
P: 04 931 9500 E: info@teohu.maori.nz W: teohu.maori.nz

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