

Maori strike gold in marine farms

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Maori have emerged as the big winners in the long-awaited Aquaculture Reform Bill, receiving the equivalent of 20% of all marine farming space allocated by the Ministry of Fisheries since 1992.

Under the new, retrospective legislation, Maori will also get 20% of the sea space allocated for all future marine farms. They already control about 60% of the nation's 1200 marine farms.

This means Maori interests, allowing solely for the retrospective provisions in the legislation, will effectively be handed the equivalent sea space for 240 new marine farms - for nothing.

The government is justifying the retrospective move as an extension of the 1992 Maori Fisheries Sealord deal. This earmarked for Maori 20% of all fishing quota caught in New Zealand's 200 mile economic zone.

Already there is a rift in Maoridom between local hapu, on the one side, and the Treaty of Waitangi Fisheries Commission (TOKM) on the other, about the allocation of future aquaculture marine areas (AMA) under the new legislation.

Many Maori coastal communities want to develop their own small marine farms and object to TOKM being entrusted with administering the marine farming windfall on behalf of all Maori.

Under the legislation TOKM will be entrusted with mandating iwi, and overseeing governance and coastline arrangements, as it has done under the controversial Maori Fisheries Bill.

Some Maori negotiators involved in the marine farming discussions have told *The Independent* they would have settled for less - ie, not making the deal retrospective - and were surprised by the government's generosity.

They view the deal as a product of mounting pressure on the government after the June 2003 Court of Appeal decision to allow Maori to argue their foreshore and seabed claims before the Maori Land Court.

The government is currently legislating away this right in provisions contained in the controversial Foreshore and Seabed



Retrospective government generosity

Bill.

The marine farming legislation, involving mainly mussel farmers, at least gives marine farmers the certainty they can run their businesses without the threat of Maori claims.

Existing marine farmers, operating under the provisions of the Fisheries Act 1983, have been assured their existing property rights will be protected under the new legislation. Where existing farms are not located on future AMA sites, the legislation contains provisions for sites to be "regularised" under the AMA process, even if they have to be moved.

This is an important provision for Maori as there is little space left for allocating in the main marine farming areas - the Marlborough Sounds and the Hauraki Gulf.

The remaining 80% of all future AMAs, apart from the 20% for Maori, will be allocated under a tendering system, presumably to the highest bidders. The government and regional councils will share the spoils.

Under the legislation (*The Independent* 27 August 2003) regional councils will be required to establish regional coastal plans [to second page] incorporating aquaculture marine areas for marine farms.

It will be a relatively simple matter for the government to redirect its share of the tendering proceeds to assist TOKM Maori

interests in the AMA regional council establishment process.

To provide for the 20% allocation of space allocated to Maori since 1992, the Bill will enable Fisheries Minister David Benson-Pope to direct a regional council to allocate authorisations for more than 20% of new space to TOKM.

The draft legislation also allows Conservation Minister Chris Carter to direct regional councils to provide space for Maori in specific AMAs.

The official explanatory note to the new legislation says Carter's proposed powers under the legislation are "to give effect to government policy or to give effect to any obligation of the Crown arising out of an agreement in principle or deed of settlement between the Crown and iwi."

Transitional provisions in the Bill move the existing marine farming authorisations into the new regime, whether they were granted under the Fisheries Act 1983 or Marine Farming Act 1971. The Resource Management Act 1991 will also apply, meaning new marine farmers may face hearings in the Environment Court to acquire rights to establish marine farms.

Neither the Marine Farmers' Association chief executive Graeme Coates nor TOKM chairman Shane Jones was available for comment.