

FRDC Final Report Project No. 2008/31.

Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fishers:- Northern Territory fishing and seafood industry delegation to New Zealand



***Openness, Transparency, Clarity and Trust -
Moving Forward Together for the Northern
Territory Fishing and Seafood Industry***

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Fisheries Research and Development Corporation

People Development Program: Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fishers - Northern Territory fishing and seafood industry delegation to New Zealand (Project No. 2008/31).

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1 NON-TECHNICAL SUMMARY

Project No: 2008/311 People Development Program: Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fishers:- Northern Territory fishing and seafood industry delegation to New Zealand

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1.1 OBJECTIVES:

1. To allow key fishing industry stakeholder groups in the NT to meet with representatives in NZ who have extensive experience in dealing with and incorporating Indigenous fishing rights and access into broader fisheries management arrangements
2. To gain an understanding of how to incorporate Indigenous participation in best practice fisheries resource management that takes into account Indigenous commercial operations, along with recreational use of fish stocks, monitoring, compliance and enforcement issues.
3. To identify benefits, pitfalls, and other key issues arising from formally acknowledging Indigenous fishing rights
4. To reach an agreed stakeholder position on future directions for Indigenous participation in the NT fishing Industry
5. Prepare a final report to FRDC detailing outcomes from the deputations' investigations.

1.2 OUTCOMES ACHIEVED TO DATE

- The outcomes that the project results have or are likely to contribute to are;

- NT stakeholder groups gaining a greater understanding of how Indigenous fishing rights have been recognised and incorporated into the day to day use and management of fishery resources in NZ
- Developing an environment for the adoption of best practice outcomes, and identifying issues that in NZ, have lead to ongoing conflict between stakeholders, or haven't achieved optimal outcomes
- Providing significant personal development for all members of the delegation and giving them the ability to effectively transfer the knowledge to Government and other seafood and fishing industry stakeholders
- Allowing stakeholders, including Aboriginal Territorians, to be in a position to use the knowledge and skills gained from the trip to identify new opportunities to grow or develop business opportunities.
- The adoption by the NT Government of the „Key Principles“, „Key Lessons“ and „The Way Forward“, as identified in the Executive Overview, allowing the development of well thought out strategies for future directions for Aboriginal Territorians in the NT fishing and seafood Industry, and subsequently enable the stakeholders to reach an agreed position.

1.3 NON TECHNICAL SUMMARY

This multi-sector seafood and fishing industry fact finding mission (delegation) to NZ came about following the 2007 Full Federal Court decision, commonly referred to as the Blue Mud Bay (BMB) case. The Court held that there was an exclusive right of possession by Traditional Owners (TO's) to tidal waters that extend over freehold land held under the Aboriginal Land Rights Act (NT). This meant the public's right to access, and therefore to fish, in those areas was removed. This was significant as the decision applied to around 85% of the NT coastline and extends to the mean low water mark. The BMB case had the potential to extensively impact on commercial and recreational fishing in the NT. However, it also provided a unique situation in Australian fisheries, with considerable opportunities to assess how best to progress issues at Industry level to optimise outcomes for all stakeholders, especially Aboriginal Territorians.

The delegation to NZ sought to provide NT fishing and seafood industry stakeholders with information that would augment ongoing consultation and negotiations between stakeholders and Government, in respect to resolving the access and management issues arising from the BMB case. This process needed to be cognisant of Aboriginal Territorians' aspirations in respect to commercial operations, recreational use of fish stocks, and recognition of customary fishing rights, and how best to accommodate these into best practice fishery management.

A key aim was to assist stakeholders to reach an agreed position for future directions for Aboriginal Territorians in the NT fishing Industry, through the adoption of the learnings, principles and processes developed by the deputation. This was achieved by;

- Undertaking the multi-stakeholder delegation to NZ
- NT stakeholder groups gaining a greater understanding of how Indigenous fishing rights have been recognised and incorporated into the day to day use and management of fishery resources in NZ
- Developing an environment for the adoption of best practice outcomes, and identifying issues that have lead to ongoing conflict between stakeholders, or haven't achieved optimal outcomes in NZ
- Providing significant personal development and knowledge for deputation members and enabling them to effectively transfer this knowledge to other stakeholders
- Enabling stakeholders, including Aboriginal Territorians, to use the knowledge and skills gained to identify new opportunities to grow or develop their businesses.

As a result of this delegation, overarching principles, key lessons and a suggested way forward for ongoing consultation and negotiation between stakeholders and Government were developed. Outputs include;

- Development of key themes
- A background paper outlining the NZ fisheries' experience, and Māori involvement
- A series of formal and informal, meetings on the deputation's return
- Findings and supporting information being used as part of each stakeholder group's internal consultative process
- The Executive Overview, which includes Key Principles, Key Lessons for the NT, and a Way Forward for NT negotiations..

The deputation feels that the project was a great success and built strong relationships between members, as well as across sector groups, both in the NT and NZ. The delegation provided valuable personal and professional learnings applicable to the NT.

The deputation believes it is not possible, or practical, to directly transfer the NZ management model to the NT, due to a number of operational, legal, cultural and resource sustainability differences. However, they believe that a number of matters should be clearly addressed as part of future consultation arising directly or indirectly from the BMB case. Specific items relate to adequately addressing resource allocation/reallocation processes, understanding stakeholder groups' values and aspirations, and being cognisant of how cultural sustainability has been integral in Māori development of their commercial fishery entitlements. The NZ model for managing customary fishing is another area that stakeholders, especially TO's and Government, will need to consider in respect to ongoing resource management in the NT.

The adoption by the NT Government of the findings identified in the Executive Overview, is a particularly positive outcome from the delegation, allowing the development of a well thought out position, enabling agreement to be reached on future directions for Aboriginal Territorian in the NT fishing.

A take home message from the deputation is that openness, transparency, clarity and trust are prerequisites for moving forward together in the NT fishing and seafood industry.

1.4 KEYWORDS

Capacity building, collaboration, indigenous fishing, customary fishing, commercial fishing, recreational fishing, New Zealand, Northern Territory.

1.5 ACKNOWLEDGMENTS

This project could not have taken place if the various fishing and seafood Industry groups in NZ had not provided their valuable time, input and effort in working with the project team to optimise the delegation's opportunities. Their participation was critical to the success of this project.

Special mention must be made of the assistance and organisational support provided by the following people, their staff, iwi members and organisations; Ngahiwi Tomoana of Ngati Kahungunu iwi and Aotearoa Fisheries, Api Mahuika and Mark Ngata of Ngati Porou, Peter Douglas of Te Ohu Kaimoana, Owen Symmans and Rolly Raureti of the NZ Seafood Industry Council (NZ SIC), Archie Taiaroa and Tom McClurg of Aotearoa Fisheries Ltd, Keith Ingram of RecNZ, Carl Ross, Stan Crothers and Terry Lynch from Ministry of Fisheries, Dean Moana of Prepared Foods and Nino D'esposito of Hawke's Bay Sea Foods.

Special thanks to the organisers of the Matau a Maui Conference (Māori Fisheries Conference) and to the many people who provided us with abundant kai (food) and exceptional hospitality.

The contacts and introduction provided by Glenn Hurry (AFMA), Grahame Turk (Sydney Fish Markets), Robin Harpi (Aotearoa Fisheries Ltd) and Roy Palmer (Seafood CRC) allowed the initial contacts to be made in NZ from which the itinerary was developed.

Sean Kerins, of Australian National University (ANU), input and assistance was immeasurable, as he provided a link between the NT delegates and NZ hosts. Without his assistance this trip could not have taken place.

Ben Fraser, of the Department of Fisheries, Western Australia (WA) provided valuable information based on the WA Aboriginal Fishing Strategy.

Special thanks must also be given to the members of the Northern land Council's (NLC) Coastal Zone Users Reference Group (CZURG), John Christophersen, Peter Pender, Ken Baulch, Mike Fraser, and Alex Julius, who worked long and hard to develop the level of trust and cooperation between sectors that was necessary to undertake the NZ trip. The leader of the group, John Christophersen, deserves special acknowledgement for his vision and his effort in developing the delegation concept.

The trip could not have taken place without the Northern Territory Seafood Council (NTSC) supporting Katherine Sarneckis and Doug Neville's attendance and likewise, the Amateur Fishermens Association of the NT (AFANT) for their support of Chris Makepeace. The assistance and support of Eve Robinson, former CEO of the NTSC, and John Christophersen, former A/CEO of the Northern Land Council (NLC) in developing the project were greatly appreciated, and the delegation was poorer for their inability to attend.

The NT Government's support for Kim Hill¹ of the Deputy Chief Ministers Department, and Heather Brayford and Steve Sly from DPIFM² significantly enhanced the value of the delegation, and the impact the findings will have on providing input to future Government directions.

The Board of the Aboriginal Investment Group's (AIG) last minute assistance in sponsoring two Aboriginal Territorians, Mr Bush and Mr Galaminda, along with FRDC's additional assistance for Mr Marawili, allowed the delegation to take place and significantly enhanced the level of cultural understanding between all participants and our NZ hosts.

The support of Jo Ruscoe, Patrick Hone and the board of the FRDC, who provided the opportunity for this project to take place, is greatly appreciated and the benefits derived for the NT fishing and seafood industry from this project extend well past the submission of this report. Our NZ counterparts lauded FRDC for its vision. On a number of occasions they expressed the wish to see similar R&D support for the NZ industry.

This project was funded by the Australian Government through the FRDC, under Project No: 2008/311.

¹ Kim Hill became the CEO of the NLC in June 2008

² DPIFM became the Department of Regional Development, Primary Industry, Fisheries and Resources (DRDPIFR) in August 2008

FINAL REPORT

Project No: 2008/311	People Development Program: Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fishers:- Northern Territory fishing and seafood industry delegation to New Zealand
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2 BACKGROUND

This multi-sector fishing and seafood industry delegation to NZ came about following the 2007 Full Federal Court appeal decision³, on what is commonly known as the Blue Mud Bay (BMB) case. The Court found that the *Fisheries Act* (NT) had no application in land granted under the *Aboriginal Land Rights (NT) Act* (ALRA). This meant the Director of Fisheries didn't have the powers to grant licences for persons to enter and take fish from areas under the grants. The decision applied to any tidal waters over freehold land granted under the ALRA, which accounts for approximately 85% of the Territory's coastline. The Court also held that there was an exclusive right of possession to tidal waters over freehold land held under the ALRA, so the public's right to access and fish was removed in those areas, also affecting all recreational fishers.

At the time of planning for the delegation, the NT Government had appealed the decision to the High Court, with the hearing scheduled to take place before the Full Bench of the Court in December 2007. At the time of the delegation, no decision had been made by the Court⁴.

Prior to the project's development, the NLC established a Coastal Zone Users Reference Group (CZURG) comprising, John Christophersen, Peter Pender, Ken Baulch, Mike Fraser, Chris Calogeras and Alex Julius. This group's role was to begin dialogue with the commercial and recreational sectors, with a view to establishing a high level of trust and engagement across and between the sectors. The group's aim was to develop a series of principles and agreements that could be put in place regardless of the outcome of the appeal to

³ A copy of the Federal Court decision can be found at www.austlii.edu.au/au/cases/cth/FCAFC/2007/23.html.

⁴ On 30 July 2008 the High Court, found that although the legislation (*Fisheries Act*) was valid, Aboriginal traditional owners have the authority to exclude others (including recreational and commercial fishers) from entering or remaining on waters overlying land granted under ALRA. Coastal land granted under ALRA typically includes the inter-tidal zone. See- www.austlii.edu.au/au/cases/cth/HCA/2008/29.html for decision.

the High Court, to ensure the long term sustainability of the NT's resources, and to increase Aboriginal Territorians' participation and involvement in the fishing and seafood industry.

To that end, seven formal meetings were held with representatives from the commercial fishers (organised through their various associations) and the key peak bodies, NTSC, AFANT and the Northern Territory Guided Fishing Industry Association (NTGFIA). In addition, one multi-stakeholder meeting was held with all of the sectors represented. This meeting sought to find a common direction and the development of sustainable outcomes that would ensure the long term sustainability of the resource, allow existing fishing activities, and increase indigenous participation. These meetings were highly productive and resulted in a series of preliminary positions being developed, which at the time of this report still require further progression. Unfortunately, due to changing circumstances at the NLC in late 2007 and 2008, there has been no further progress on these positions.

During these meetings it became apparent to the participants that a delegation to NZ by key NT stakeholders (the deputation) would be beneficial to allow stakeholders to examine, investigate and review a fisheries system that had already incorporated indigenous fishing into the fabric of the industry. Such a trip would allow stakeholder delegates to identify best practices and importantly, also provide an opportunity to recognise areas that may need to be addressed differently in the NT to assist in achieving increased Aboriginal participation in the NT industry. Key areas to investigate were;

- the NZ fisheries management model
- Māori involvement in the industry along the commercial supply chain
- non Māori commercial operators
- recreational fishers
- fisheries managers
- training, compliance and R&D providers in NZ.

To that end, through discussions with DPIFM, and in close consultation between the NLC, NTSC, AFANT, the project was developed. The deputation was to consist of commercial, recreational, Aboriginal Territorians and NT government representatives, to travel to NZ in

March/April 2008, with the support of the FRDC, NT Government and AIG.

3 NEED

The BMB Federal Court decision established that waters over granted Aboriginal land are considered as „land“ under the ALRA, with similar access requirements. This is significant as land granted under the ALRA covers around 85% of the NT coastline and extends to low water. This means ownership and control of access of the intertidal zone (including the waters above) rests with the relevant NT Aboriginal land trusts. Formal permission, through permits issued under the ALRA, are therefore required to enter these waters.

Also as a result of the Federal Court decision, the *Fisheries Act* was ruled invalid⁵ in areas granted under the ALRA. Whilst awaiting the High Court appeal, permits under the ALRA were issued by the three affected Aboriginal land councils; the NLC, Anindilyakwa Land Council (ALC) and Tiwi Land Council (TLC), to allow fishing and access to continue in line with previous conditions under Fisheries legislation.

The BMB case had the potential to significantly impact on commercial and recreational fishing activities in the NT. However, it also provided a unique situation in Australian fisheries, with considerable opportunities to discuss how best to progress issues at Industry level so as to optimise outcomes for all stakeholders and with a view to increasing Aboriginal Territorian participation in the fishing and seafood industry at all levels.

In August 2007, with the establishment of the CZURG, Traditional owners (TO's), commercial and recreational fishers commenced discussions regarding long-term options, and working towards agreed solutions to this situation.

The CZURG and other stakeholders considered it prudent to make contact with people who have extensive experience in incorporating indigenous fishing rights into the fabric of day to day operations and management of fishing activities to discuss possible implications arising from future proposals by NT Industry groups. A fact-finding mission (the delegation), with a view to meeting and discussing issues with a range of stakeholders in NZ, was considered the

⁵ As outlined in Footnote 4, the decision relating to the *Fisheries Act* was revised, but access to waters was still controlled by the relevant land Councils. See www.austlii.edu.au/au/cases/cth/HCA/2008/29.html for full decision.

best course of action. The trip would enable NT stakeholders to observe and understand best practice resource management use that takes into account indigenous participation in commercial operations, along with recreational use of fish stocks. In addition it would allow stakeholders to identify areas of improvement and provide a „heads up“ on critical issues that may not have been optimally resolved in NZ, or where NT circumstances differ.

Due to the relationships developed during the CZURG meetings there was an expectation that if the fact finding mission took place, the various stakeholders would be in a better position to deal with the impacts and implications of the High Court's decision on BMB when it was handed down.

The NZ research was anticipated to provide a greater understanding of the values, needs and expectations of each sector, and allow progress on the preliminary positions already developed regarding future directions for Aboriginal Territorians in the NT fishing and seafood Industry.

4 OBJECTIVES

The project objectives are;

1. To allow key fishing industry stakeholder groups in the NT to meet with representatives in NZ who have extensive experience in dealing with and incorporating Indigenous fishing rights and access into broader fisheries management arrangements
2. To gain an understanding of how to incorporate Indigenous participation in best practice fisheries resource management that takes into account Indigenous commercial operations, along with recreational use of fish stocks, monitoring, compliance and enforcement issues.
3. To identify benefits, pitfalls, and other key issues arising from formally acknowledging Indigenous fishing rights
4. To reach an agreed stakeholder position on future directions for Indigenous participation in the NT fishing Industry
5. Prepare a final report to FRDC detailing outcomes from the deputations' investigations.

5 METHODS

5.1 Clarifying the Project Scope

The delegation was proposed as a fact finding mission to assist the NT fishing and seafood Industry to achieve the best possible outcome for Aboriginal Territorian participation and sustainable fisheries management, whilst allowing ongoing commercial and recreational development.

A face to face, rather than a literature based approach, was specifically requested to allow the Aboriginal Territorian delegates the opportunity to have a greater level of interaction and input into the outcomes.

NZ was identified as a likely region to visit as the Māori had achieved significant penetration into the fishing and seafood industry, including ownership, management and compliance. To some extent the changes to the ownership structures and the recognition of Indigenous rights in NZ had similarities to the NT situation, as they came about relatively suddenly and arose from a series of court actions and decisions⁶. Importantly, however Māori rights related to rights to the resources, whilst the NT's related to access, not resource ownership. In addition, a number of Aboriginal Territorians, through the NLC, had established a level of rapport with Māori leaders from NZ, and this connection was considered of vital importance in allowing all stakeholders access to Māori groups.

Funding through FRDC's Tactical Research Fund (TRF) was considered the most favourable funding source, as the project fitted well into the fund's criteria.

The delegation was scheduled to take place for 10 to 12 days during March or April 2008, to allow sufficient time for the Aboriginal representatives from the NT to establish relationships with the NZ representatives in a culturally appropriate manner.

5.2 Identification of Deputation Members

The initial phase of the project sought to identify appropriate representatives to attend,

⁶ NZ court action arose from what was considered a breach of the Treaty of Waitangi. Further information and background is provided in Appendix X.

acknowledging that FRDC's funding would support the following:

- Commercial - 2
- Recreational - 1
- Aboriginal Territorians - 2
- Independent facilitator - 1

The NLC had also agreed to provide financial support for at least three additional representatives.

Individual representation from each stakeholder group was to be determined by the particular sectors, but it was envisaged that CEO's, Chairs or senior level representatives would take part in the delegation so as to enhance the take up of findings on return.

FRDC requested that at least two of the representatives be practising commercial fishers.

5.3 Who to Meet With in NZ?

During a series of meetings between the stakeholder groups in Darwin in 2007, there was broad agreement on the type of organisations/groups/people that the deputation should meet with in NZ. Where possible, these were to be focused around:

- Māori representatives, to discuss their participation in fisheries management and access to commercial fishery resources
- Commercial fishers/processors who use, own, or manage Māori quota
- The NZ Ministry of Fisheries (MFish), to discuss resource allocation to the commercial, recreational and Māori sectors, and the management of the resource and stakeholders
- Commercial fishers, to gain an understanding of how they managed the initial integration of significant Indigenous participation in the Industry
- Recreational fisher representative groups, to gain an understanding of their views on Indigenous allocation and recreational fishing issues

- Training, monitoring, compliance and enforcement providers.

With this brief in mind the PI was to instigate phone and email contacts to identify potential NZ stakeholders who would meet the project and deputations requirements. The deputation members would confirm the final itinerary.

5.4 Development of Key Themes for Meetings in NZ

To optimise each meeting opportunity during the NZ trip, in respect to achieving the project outcomes, the deputation determined that each NT stakeholder group should develop a series of key questions or discussion themes that best addressed the relevant issues for the proposed meetings. This approach was chosen as it:

- Provided an opportunity for each sector to actively contribute to developing the discussion themes relevant for their sector at each meeting in NZ
- Provided an opportunity for each sector to actively contribute to developing the relevant discussion themes for the different sectors that were to meet in NZ
- Allowed the deputation members to focus discussion around relevant key points, and importantly to refocus during any meeting if discussions went off message
- Allowed meeting groups to be prepared in relation to the type of issues to be discussed
- Allowed others in the deputation to represent the views of a particular group in the event that they were not in a position to participate in the discussions.

The PI was to collate this information and, in consultation with deputation representatives, develop a coordinated document for distribution to potential groups or individuals attending the proposed meetings in NZ.

5.5 Meeting Procedures and Recording Outcomes

The PI was to confirm and make arrangements for all meetings in consultation and with the assistance of the NT deputation members. Prior to each meeting in NZ, a brief outlining the purpose of the delegation, the key discussion themes and the background of the deputation by sector, was to be provided to each group or individual attending.

The PI's role was to guide the meetings, but with the clear intention that deputation members would lead discussions in most instances. The PI was to ensure that key points were covered and that all sectors had an opportunity to participate in discussions.

The PI was to record the specific outcomes identified during each meeting. At the conclusion of each meeting, or at the end of each day, a formal debriefing was to be undertaken to confirm the key findings and learnings from the day's series of meetings. This information was to be a vital component in the development of key learnings from the deputation and in the development of the summary finding to be presented to each stakeholder group, the NT Government and in the development of the final report.

5.6 Workshops in the NT on Return of Delegation

On completion of the trip, at least one facilitated workshop for the deputation was to be held in Darwin, to distil the key findings from the meetings and discussions undertaken in NZ. The information developed at the workshop(s) was to be made available to the deputation in a summarised form, for extension to their specific stakeholder groups. A brief summary outlining the relevant findings and recommendations arising from the delegation was to be provided to the NT Government.

Any other further actions, as a follow up to the delegation, were to be developed at the workshop(s).

6 RESULTS AND DISCUSSION

Although this project proved challenging, all milestones were achieved and all objectives met. Initially there were a number of obstacles to the project's smooth operation, mainly revolving around issues at the NLC, which made it difficult to confirm the participation of their representatives and to commit to funding. Due to staffing changes, the NTSC also had some minor issues regarding specific participants.

Notwithstanding the above challenges, the delegation to NZ went ahead on 30 March 2008 and met with a wide range of Māori and non Māori groups and organisations involved in the seafood and fishing Industry.

6.1 Who's Going to NZ - Confirmation of Deputation Members

Representatives from the NLC, NTSC and AFANT had been involved in a series of discussion and meetings during 2007, in an attempt to develop a way forward for resource use in the NT following the Federal Court's ruling on fishing and access arising from the BMB case.

One outcome from these meeting was the identified need for stakeholders to ensure that they had a broad understanding of the issues involved in improving indigenous participation in all aspects of the fishing industry, including access, resource use, management, training and compliance.

Over previous years the NLC had established strong relationships with Māori in NZ, and there was an open invitation for Aboriginal Territorians to undertake a fact finding mission to NZ to meet with Māori representatives involved in the seafood industry. The NT stakeholder groups agreed that this should, if possible, be expanded to include representatives from the key stakeholder groups in the NT. This was to ensure that there was as wide a range of stakeholders as possible involved, to maximise information exchange whilst in NZ, and to enable the dissemination of outcomes and outputs as widely as possible on the deputations return. To that end, it was proposed that high level representatives from the three peak groups should take part in the delegation as they would be in the best position to extend the deputation's outputs to their respective stakeholder groups and to Government on their return.

Initially stakeholders proposed that the chairs and CEO's of the NTSC and NLC, the CEO of AFANT, and an independent facilitator were to be the FRDC funded participants for the delegation. The NLC were also going to fund at least an additional three places (two Aboriginal representatives and one administrative officer) for the deputation, which would then comprise a total of 10 persons. NT Government representatives were invited to attend, but at the initial stages of the delegation development they declined.

During the period extending from December 2007 until the delegation's departure on 30 March 2008 there were a large number of alterations to the final deputation list, to the point that the final list was not confirmed until the day of departure (see Table 1 and Appendix III for final list). This was for two main reasons. One related to the resignation of Eve Robinson, CEO of the NTSC, who left to take up a role in another organisation a few weeks before the deputation's departure. Katherine Sarneckis was appointed as the acting CEO of the NTSC

and was therefore available to take Ms Robinson's place on the deputation. However the NTSC felt they were not in a position to have the Chair, Mr Rob Fish, and Ms Sarneckis away for almost two weeks during this period of transition. Mr Doug Neville, chair of the NT Crab Fishermans Association (NTCFA), which is one of the major fisheries impacted on by any possible changes that may arise from the BMB case, was therefore invited to join the deputation as a replacement for Mr Fish. The commercial sector was then proposing to send the A/CEO and the Chair of the NTCFA for the entire period of the delegation, with the Chair of the NTSC attending for a shorter period to take part in a range of key meetings with peak groups. However, in the end it was not possible for Mr Fish to attend at all.

The other key factor in finalising the deputation list related to a range of issues unfolding at the NLC in late 2007, early 2008. Initially the NLC had intended to send the Chair and deputy Chair, the A/CEO, and two other prominent Aboriginal representatives, along with at least one administrative officer, with FRDC providing support for two persons and the NLC funding the others. However due to financial and personnel issues at the NLC, just prior to the deputations departure, funding for noncore business was frozen, and as such the agreed financial support for the NLC representatives was not available. This included the funding for Mr Djambawa Marawili⁷, who was an extremely important member of the delegation, being the TO of the Blue Mud Bay area. In addition, one of the key architects of the mission, A/CEO, Mr Christophersen's, tenure at the NLC ceased, and as such was not in a position to take part in the delegation.

At this stage it appeared that the delegation may not be in a position to go ahead, despite extensive discussions between the NLC and the PI. Eventually these matters were resolved with assistance from FRDC and the Aboriginal Investment Group (AIG) in the form of additional financial and logistical support. This involved FRDC providing additional funding to cover unexpected travel, accommodation and support for cultural consultancy costs associated with Mr Marawili's attendance. In addition, to ensure that the delegation could go ahead with sufficient senior indigenous participants, the AIG provided financial and logistical support for two Aboriginal Territorians from the NLC and AIG Board.

⁷ At times during this report and associated documents Djambawa Marawili may be referred to as Djumbulwa Murrawuli.

Mr Chris Makepeace, CEO of AFANT, was the nominated recreational stakeholder delegate.

Just prior to the deputation's departure, the NT Government sought to become involved. They proposed to send, and self fund, the Executive Director (ED) of Fisheries, the Senior Resource Manager, and a senior representative from the Chief Minister's Department. This move was welcomed by the industry stakeholders. Government representation was not finalised until the departure date, and due to the length of the trip the ED of Fisheries and a representative from the Chief Minister's were only available to attend for a truncated period.

The final deputation list is shown in Table 1 with further details provided in Appendix III.

Table 1: Final deputation list for NZ trip

Name	Expertise/role
Djambawa Marawili	NLC Board Member and TO Blue Mud Bay area
Samual Bush-Blanasi	Deputy Chairperson NLC and AIG Board member
Bunug Galaminda	NLC Executive Council and AIG Board member
Chris Makepeace	CEO - AFANT
Katherine Sarneckis	A/CEO – NTSC
Doug Neville	Chair NTCFA and NTSC Board Member
Steve Sly	A/Deputy Director Fisheries (NT Government)
Heather Brayford	Executive Director Fisheries (NT Government)
Kim Hill	Deputy Chief Minister's Office and Indigenous Policy (NT Government)
Chris Calogeras	Principal Investigator & Independent facilitator. (C-AID Consultants)

Coordinating and ensuring that all Industry sectors and Government were in a position to travel to NZ was by far the most complicated and difficult aspect of this project. On a number of occasions it appeared that the delegation would not go ahead, be significantly delayed or postponed indefinitely. The PI was advised that this would have severely limited any assistance that the NT would have received from Māori representatives if future delegations were proposed. However there was tremendous will for this project to take place, so by maintaining communication within and across the various stakeholder groups and Government, the issues were eventually resolved, allowing the delegation to go ahead.

In future programs involving a coordinated, multi-sectorial project, adequate time and

resources must be set aside to ensure that all discussions relating to roles and responsibilities, as required when agreeing to undertake a project under FRDC, or other funding agencies, are defined clearly to all participants, and iron clad commitments are put in place.

6.2 Finalising the Itinerary - Who to Meet With in NZ

The deputation had previously decided on the types of stakeholder representatives they needed to meet with to achieve the project's objectives and to develop the desired outcomes and outputs (see Section 5.3).

As a first point of contact, the following people with extensive networks or knowledge of the NZ system were approached and asked to provide assistance in nominating further potential contacts that may have been in a position to assist in achieving the project's objectives and furthering the delegates' knowledge. Contact was made with;

- Glenn Hurry, AFMA.
- Grahame Turk, Sydney Fish Markets
- Jo-Anne Ruscoe, FRDC
- Ngahiwi Tomoana, Ngati Kahungunu iwi
- Owen Symmans, NZ SeaFIC
- Robin Harpi, Aotearoa Fisheries Ltd (AFL)
- Rolly Raureti, NZ SeaFIC Training
- Roy Palmer, Australian Seafood Cooperative Research Centre (Seafood CRC)
- Tania McPherson, Te Ohu Kaimoana
- Sean Kerins, ANU.

A number of potential contacts or focus points in NZ were obtained from the people above. Based on this, a draft itinerary was developed conjunctly by the deputation to ensure that the relevant people and groups were covered.

The next stage involved contacting the potential groups to determine their availability and

arranging times to meet. At this time the efforts of Sean Kerins of the ANU (a former employee at the NLC in the NT and Te Ohu Kai Moana in NZ), Ngahiwi Tomoana (of Ngati Kahungunu and Te Ohu Kai Moana), Mark Ngata (of Ngati Porou) and Keith Ingram (RecNZ,) proved invaluable in assisting the delegation in arranging meetings, assisting with hosts and providing a range of logistical advice and support.

During these initial discussions Mr Tomoana, who was also one of the organisers of the annual Te Matau a Maui (Māori Fisheries Conference), requested the deputation's attendance at the upcoming 2008 conference, with a view to a number of deputation members presenting during the first session. In fact, the importance the NZ hosts placed on the NT visit saw the conference re-titled to 'Domestic, Deep Water and Down-Under' with Down-Under referring to the NT deputation's attendance. The conference would provide an invaluable opportunity for delegates to interact with resource users from key sectors of Industry and Government from across NZ.

As a result of these discussions the itinerary as shown in Table 2 was developed and agreed to (see Appendix IV for additional details).

Table 2: Final Itinerary for NZ Delegation – 31 March to 10 April 2008

Date	Schedule	
31.03.2008	Leave Darwin 12.30 am; Arrive Wellington 2.30 pm	Wellington
1.04.2008	Te Ohu Kai Moana (formerly Waitangi Fisheries Commission)	Wellington
2.04.2008	Aotearoa Fisheries Ministry of Fisheries - Customary Relations	Wellington Wellington
3.04.2008	NZ Seafood Council NZ Seafood Training Ministry of Fisheries - Policy and Management	Wellington Wellington Wellington
4.04.2008	Prepared Foods P/L Ngati Kahungunu iwi Moana Pacific Fisheries	Palmerston North Napier Napier
5.04.2008	Ngati Porou and Ngati Porou Seafoods	Gisborne
6.04.2008	Hawke's Bay Sea Foods	Napier
6-8.04.2008	Matau a Maui Fisheries Conference	Napier
9.04.2008	National recreational fishing representatives	Auckland
10.04.2008	Leave Auckland 9.00am, arrive Darwin 11.30 pm,	Darwin

6.3 Development of Key Themes and Background Information

As outlined in Section 5.4, it was of prime importance to ensure that the groups being met were briefed on the deputation's purpose to ensure that key information was collected during the delegation.

To develop these key themes and background information, the recreational, commercial and indigenous stakeholder groups each developed their own set of documents and questions. These were provided to the PI who aggregated and refined the information so as to cover all sectors in a concise document that could be provided to the NZ groups. A copy of this aggregated information is provided in Appendix V, with the themes focussing on;

- Background and implementation of the NZ fisheries settlement
- Managing commercial Māori holdings and fishing assets
- Fisheries management, monitoring and compliance
- Marine conservation and the level of Māori involvement
- Customary fishing rights
- Recreational fishing.

Prior to departure, each group being met was provided with the brief, outlining the discussion themes to be explored, along with background information on the various sectors represented by the deputation (see Appendix V).

Having this document available ensured that the deputation was focussed and understood exactly what information they were seeking from each group they met with. Importantly it also allowed the NZ representatives to be well prepared for the meetings. The NZ groups were appreciative of the briefing and background information on each stakeholder group.

6.4 Meeting Procedures and Recording Outcomes

6.4.1 Logistics and preparations

Prior to departure for NZ, a briefing was arranged for all deputation members to ensure they understood the relevant customs and protocol they would encounter in NZ, especially when meeting with Māori. As part of a telephone hook up, Sean Kerins of the ANU briefed the

deputation on what to expect and how to respond when meeting with Māori groups. This proved particularly important as in nearly all instances when meeting with Māori there was some form of official cultural welcome in the form of a pōwhiri (formal greeting). This included traditional dancing, singing, formal speeches, gift giving and the hongi (touching of noses) (see Figure 1), and in most instances the sharing of food. Mr Marawili, as the senior Aboriginal representative, responded on the deputation's behalf at these ceremonies, with dance and song in language (Figure 2).

These experiences were one of the most rewarding aspects of the trip and showed the importance placed on cultural sustainability by the Māori and how it had been accepted into the day to day fabric of many non Māori organisations. It also gave the non-Aboriginal deputation members a far greater understanding of the importance and values placed on cultural sustainability by Aboriginal Territorians. This aspect of the delegation proved, in many ways, to be the most beneficial as it allowed deputation members to gain an understanding of each other's needs, values and aspirations.

As occasionally arrangements changed slightly due to unforeseen circumstances, prior to each day's series of meetings the deputation would gather at a prearranged place to coordinate attendance, roles and responsibilities for the meetings.



Figure 1: Doug Neville, Chair of the NT Crab Fishermans Association formally greets Ngahiwi Tomoana of Ngati Kahungunu with a hongi.



Figure 2: Mr Marawili greets a Ngati Porou representative with a hongi after the welcoming ceremony, where Mr Marawili sang and performed the Crocodile Dance.

Due to the large number of deputation members, logistics such as transport could at times be a problem with multiple taxis or hire cars required, so sufficient time was required to ensure that deputation would arrive at the meetings in a timely manner. Sean Kerins' assistance in these instances was again invaluable.

Whilst in Wellington the deputation utilised taxis or travelled on foot. On leaving Wellington three mid-sized hire cars (the least expensive option) were used to move between towns and to attend meetings along the east coast of the north island. In Auckland a combination of foot, taxi and water ferries was used. Besides being cost effective, this system also allowed the group the flexibility to spend time and have discussions with different deputation members in small group settings, which may not have been possible if a single bus or flights were used.

6.4.2 Capturing and summarising meeting outcomes

To optimise each meeting's outcome, the groups being met were provided with briefs on the delegation's purpose, an overview of the NT stakeholder organisations' functions and responsibilities, and a series of key themes or discussion points that the deputation wished to discuss (Appendix V). In all cases the meeting groups acknowledged the benefits of receiving

the briefing information.

Although the PI took overall responsibility for guiding each meeting and ensuring all key points and stakeholder issues were discussed, as a rule the NT stakeholder group most closely aligned with the NZ group would be encouraged to take on a leadership role in meetings. This system worked well and allowed some sharing of responsibilities amongst the deputation.

In most instances the NZ groups had prepared presentations for the deputation, and copies of these were provided to the delegation for future reference. They were generally extensive and addressed key aspects of fisheries management, environmental, economic, political and cultural and social sustainability in the NZ context. An example of the type of presentation is one from Ngati Porou as shown at Appendix VI.

A brief summary of each NZ group's role and responsibilities and the key issues and themes discussed at each meeting is shown in Table 3.

Although deputation members were free to take their own notes during meetings, as a rule the PI recorded relevant key details during each meeting, especially information that was provided in line with the deputation's key themes. In addition, he obtained copies of any presentations and other relevant documents on behalf of the group.

As outlined in Section 5.5, it was considered of prime importance to ensure that key information was collected during the fact finding mission and this was best achieved whilst the learnings were fresh in deputation members' minds. Therefore as part of the deputation's protocols, after each day (or each meeting), the group would meet to reflect on the key learnings and themes from the day (both as individuals and as stakeholder representatives). These debriefings were undertaken in a non-threatening, relaxed environment and were facilitated by the PI. They generally took place prior to, or during the evening meal each day. The process involved each deputation members identifying the major items they took from each meeting. These items were offered up for discussion and views or comments were further discussed and noted, especially any with specific relevance to the NT situation.

As there was a very heavy itinerary for the deputation, having daily debriefings ensured that the key findings were captured whilst still fresh. Attempting to capture this information en-masse at the conclusion of the delegation or in the form of a report prepared by one person would have been inadequate, and certainly not the optimal way to communicate with all

deputation members and collect the information in real time.

These debriefings were a highlight of the mission and proved to be the key means for the deputation to gain an understanding of each other's values and areas of interest, and provided the basis for developing the high level of trust and understanding that the delegation engendered.

These findings and discussions were consolidated by the PI so as to provide discussion points for the follow-up meetings scheduled for the delegation's return to Australia, and are shown at Appendix IX. Individual outcomes from each meeting in NZ were not considered as important as the general outcomes identified during the delegation. Information focussed on providing data from the NZ experience and exploring what applications there may be for the NT. The key areas identified were;

- NZ quota, QMS and relevant policy setting
- Māori commercial fishing interests and activity
- Recreational fishing interests and activity
- Commercial fishing interests and activity
- Customary fishing interests and activity
- Government activity
- Training.

The findings and discussions provide invaluable reference material for each stakeholder group, including Government, and can be used when undertaking further discussions with the fishing and seafood industry in matters arising from the BMB case, or fisheries management matters in general (see Appendix IX). The findings and discussions were also a vital component in the development of the key learnings and principles from the delegation, in the development of the summary findings that were presented to each stakeholder group and the NT Government, and also in the development of the final report.

Table 3: Summary of key items discussed at each meeting in NZ

Groups and roles	Key Discussion Matters
<p><u>Te Ohu Kai Moana</u> was established under the Māori Fisheries Act 2004. It is responsible for advancing the interests of iwi in the development of fisheries, fishing and fisheries-related activities so as to protect Māori fisheries assets for future generations. Appendix VII shows the organisational structure.</p>	<ul style="list-style-type: none"> – Māori policy perspectives – Treaty provisions – History and key components of fishery settlements – Quota and spatial management systems – Māori quota allocation and management systems – Capacity building and mandating – Interactions with stakeholders and Government – Key policy issues.
<p><u>Aotearoa Fisheries Limited (AFL)</u> is the largest Māori owned fisheries company in NZ and was established under the Māori Fisheries Act in September 2004. Its aim is to maximise the value of Māori fisheries assets and to deliver growth in shareholder wealth to iwi. Appendix VIII shows the organisational structure.</p>	<ul style="list-style-type: none"> – Māori business perspectives – The Quota Management System (QMS) including allocation and management of quota – Treaty provisions and Māori rights – Roles and responsibilities – Business structure of AFL and iwi – Company assets and shareholders structure – Business challenges – Policy issues affecting sustainability and profitability – Company's role in respect to public good – Impacts of cost recovery on sustainability – Cost recovery and service outsourcing – Interactions with Government – Aquaculture.
<p><u>NZ Seafood Council</u> (NZ SeaFIC) represents property right owners. Its role is to work on behalf of industry as an advocacy group and oversee industry related training, policy, trade, information, science and communication.</p>	<ul style="list-style-type: none"> – SeaFIC's roles and organisational structure – Industry overview – Markets – Ownership – Employment – Key issues

Groups and roles	Key Discussion Matters
<p><u>NZ Seafood Industry Training</u> is a branch of SeaFIC. It seeks to build seafood businesses by growing the capability and capacity of the people in the NZ seafood industry.</p>	<ul style="list-style-type: none"> – Industry Training Organisations (ITOs) – Funding sources – Roles and functions – Training for Māori – Assessment qualifications and standards – Statistics on training – Training processes (workplace and providers) – Opportunities and challenges
<p><u>Ministry of Fisheries (MFish)</u> works to ensure that fisheries are used in a sustainable way by undertaking research, managing the process for access and allocation of fisheries and ensuring compliance with regulatory controls.</p>	<ul style="list-style-type: none"> – Agency resourcing funding, structure, roles and responsibilities – QMS – understanding and management of the system – Basis for management (MSY as goal) – Commercial, recreational and customary fishing management – Cost recovery and service outsourcing – Interactions with stakeholders and other agencies – Key identified issues facing agency and resource
<p><u>Ministry of Fisheries- Customary Relations</u> Acts a focal point for MFish customary fishing matters</p>	<ul style="list-style-type: none"> – General customary fishing issues – Extension Service Team assisting iwi achieve fisheries management objectives. – Mātaitai Reserves (customary management areas for use by recreational and Māori) – Taiāpure (local management tools) – Regulations covering non-commercial customary fishing, including permit issue – Understanding tangata whenua (guardianship of the resource) – Interactions with other stakeholders – Resourcing of Customary section

Groups and roles	Key Discussion Matters
<p><u>Prepared Foods Processing Ltd</u> is a subsidiary of AFL and is a focused export licensed food processor specialising in abalone and shelf stable meals in pouches and cans</p>	<ul style="list-style-type: none"> – Business operations and structure – Fishery interests – R&D – Opportunities for Māori – Diversification of business and identifying opportunities
<p><u>Ngati Kahungunu iwi</u> own a large number of ACE and have various business operations in place to enhance the benefits of their allocation, including diversification opportunities. <u>Moana Pacific Fisheries</u> is a Division of AFL and is involved in processing, harvesting, and marketing of seafood.</p>	<ul style="list-style-type: none"> – Business operations and structure – Fishery interests – R&D – Opportunities for Māori – Importance of cultural sustainability – Diversification of business and identifying opportunities
<p><u>Ngati Porou Seafoods</u> is the group name for Ngati Porou's fisheries companies, including, Ngati Porou Seafoods Ltd (the asset holder of fisheries settlement assets); Ngati Porou Fisheries Ltd, (the ACE trader and operations arm for the group) and Real Fresh, (retail and wholesale operators).</p>	<ul style="list-style-type: none"> – Business operations and structure – Fishery interests – R&D – Opportunities for Māori – Importance of cultural sustainability – Vertical integration of operation – Diversification of business and identifying opportunities
<p><u>Hawke's Bay Sea Foods</u> utilises Ngati Kahungunu iwi ACE and highlighted vertical integration of operation</p>	<ul style="list-style-type: none"> – Business operations and structure – Opportunities for Māori – Vertical integration of operation
<p><u>Matau a Maui Fisheries Conference</u> Annual conference hosted by the Treaty Tribes Coalition in conjunction with Ngati Kahungunu. The theme of the 2008 conference was "Deep, Domestic and Down under" Covered environmental, commercial, customary and political sustainability of iwi fisheries as well as domestic and international matters of importance.</p>	<ul style="list-style-type: none"> – Environmental sustainability, taking into account external factors – Cultural and social sustainability, customary rights and practices, and delivering social benefits to iwi, either indirectly (through dividends to iwi entities) or directly; – Economic sustainability, reasons for iwi to be in seafood business rather than selling assets and putting the money in the bank as a better long-term investment – Political sustainability – perhaps the biggest threat to the fishing industry currently lies with poor public perception, created by environmental NGOs, and government „buy in“ to that perception.

Groups and roles	Key Discussion Matters
<p><u>Recreational Fishing Representatives</u> RecNZ represents NZ non-commercial marine fishers. <u>NZ Big Game Fishing</u> acts as a central body for all matters relating to the sport of game fishing in NZ. <u>Option4</u> was developed so that the fishing public and clubs can send a clear message to fisheries managers that the rights of non-commercial fishers must be protected.</p>	<ul style="list-style-type: none">– Fishing rights and the importance of maintaining public access to fish– Status of recreational fishing– Recreational fishing objectives– Background to Moyle’s promise and implications for fisheries– Inadequacies in existing QMS and MSY policy– Social and economic implications and recreational values

6.5 Workshops Held in the NT on Return of the Deputation

On the deputation's return to the NT two formal follow-up meetings were held in Darwin (6 May 2008 and 16 June 2008) to build on the material developed during the fact finding mission. These meetings were facilitated by the PI and held at the offices of the NTSC and AIG respectively.

At the first meeting deputation members were supplied with an extensive summary that consolidated the key themes developed at the daily debriefings undertaken during the delegation (Appendix IX). Deputation members had some minor comments on clarity and content of the draft document and it was agreed the best course of action was for individuals to take the document away and provide comments in greater detail prior to, or at the second meeting. Draft key findings, guiding principles and potential future directions were also developed at this meeting, to be discussed at the second meeting.

To provide greater background information for deputation members and stakeholders on the situation in NZ and to put the delegations' findings in context, a report was prepared jointly by the ED of Fisheries, Heather Brayford and the PI, prior to the second meeting (Appendix X). The document, „Background paper outlining the NZ Fisheries Experience and Māori“ briefly covered relevant aspects in NZ, such as;

- Fisheries' governance
- Fisheries' values and status
- Treaty of Waitangi
- Quota management system, including allocation principles
- Māori settlement details
- Relevant legislation
- Māori customary fishing.

At the second meeting, the deputation reviewed the documents developed at the first meeting (Key Findings, Key Lessons for the NT and the Way Forward) and a number of

recommendations were agreed to;

- That it was appropriate to wind up the FRDC project and to fulfil FRDC's reporting requirements
- It was appropriate for Industry and Government to refocus activity back onto a formalised multi-stakeholder consultative process, similar to that which had been in place during 2007
- The group should endeavour to maintain contact and members should seek to have a primary role in any future developments that seeks to increase participation of Aboriginal Territorians in the seafood and fishing industry
- Stakeholders endorsed the draft documents supplied to the meeting (Key Findings, Key Lessons for the NT and the Way Forward as outlined in Section 6.6 and Appendix VI) and felt they effectively covered the experiences and key findings from the fact finding mission and should form the basis of any reporting
- Three reports should be produced;
 - the formal FRDC Milestone report
 - a „4 page“ Executive Overview to be made available for distribution to stakeholder groups' members and Government, so as to form a discussion document to take the matters further within each group's consultative process, and for Government to use in its internal and external consultative processes
 - the final FRDC report
- Any future processes would be significantly enhanced if senior TO's from the TLC, the ALC, and other coastal areas of the NT under the jurisdiction of the NLC, in concert with key members of the NZ delegation were given the opportunity to gain firsthand experience of how Māori have become incorporated into the fibre of the NZ fishing and seafood industry through a further fact finding mission
- There was a need to continue to communicate within and across sectors and agencies on matters relating to fishery management and the information identified in NZ.

There were no further formal meetings of the deputation, although ongoing contact took place during the finalisation of the Executive Overview.

6.6 Outputs Developed at the NT Workshops

As a result of the NZ delegation, the NT workshops and the series of informal meetings, three key outputs were developed as part of finalising the project. These were;

- Key Principles From the NZ Delegation
- Key Lessons from the Delegation for the NT
- The Way Forward – What To Do With the Delegation’s Learnings.

These outputs were deliberately generic in nature so they can be applied across any sector and importantly they reflect the deputation members’ own positions, based on individual experiences and learnings from the trip, not necessarily those of the sectors they are involved with. These positions still need to be resolved, revised or adopted by each stakeholder group through their respective consultative process.

The outputs are discussed below and became a key component of the Executive Overview, developed by the deputation for distribution to stakeholder groups and the NT Government (Appendix XI).

6.6.1 Key principles developed by the NZ delegation

The following guiding principles were developed by the Aboriginal and Industry deputation members for consideration when arrangements for fishery management regimes in the NT are being developed, in particular when seeking to increase Aboriginal participation. These principles were;

- Management arrangements must be developed in line with the principles of Ecologically Sustainable Development (ESD)
- A strategic framework should be developed to deal with the entire management „process“ (including stakeholder aspirations and needs covering economic, cultural and social matters)

- Stakeholders must ensure that a clear and agreed vision, goals and principles are developed
- As allocation and reallocation of resources for all user groups is complex, an agreed framework must be established as part of any management regime and must include fair and agreed methods to allocate and reallocate resources amongst stakeholders
- Cost efficiency considerations must be built into any management reforms
- Stakeholder groups must have, or must develop, sound governance structures
- All parties need to understand and recognise the rights, aspirations and values of stakeholders utilising the fisheries resource, particularly that of TO's
- Poor or unreliable data, although often an impediment to decision making, should not be a stumbling block to change as lower risk scenarios can be used to overcome data deficiencies
- Openness, transparency, clarity and trust continue to be paramount in any process surrounding development or changes to the NT's fisheries management regime
- Stakeholders must identify the right people to speak with knowledge and who have a mandate to represent them and negotiate on their behalf in any management discussions
- The differences between recreational and customary fishing needs to be understood by stakeholders and the public
- Particular species may require a specific allocation of any TAC based on that species importance to a sector, not on some generic allowance across all species
- Management may require a regional and/or a staged approach.

6.6.2 Key lessons for the NT developed by the NZ delegation

The following key lessons were proposed by all deputation members for consideration when arrangements are being developed for future fishery management regimes in the NT, in particular when seeking to increase Aboriginal participation. These key lessons were:

- Identify who sits at the negotiating table and ensure they are empowered to negotiate outcomes
- Look for a cooperative way forward – seek win-win outcomes
- Be inclusive and transparent
- Understand each other's rights, aspirations and values
- Develop shared vision, goals and principles
- Control and manage expectations
- Develop an agreed framework and timeframes
- Be open to different ways forward
- Be aware this will be a work in progress.

6.6.3 The way forward – what to do with the learnings

Since returning from NZ, the deputation had two formal follow up meetings and a number of informal gatherings. This culminated in the development of agreed Key Learnings, Key Principles, a Flow Chart to guide the process (Figure 3) and the production of the Executive Overview (Appendix XI).

The Flow Chart (Figure 3) was developed to guide discussion and allow consideration of the guiding principles and three key issues identified by the deputation; i.e. customary use, resource allocation/reallocation and enhanced involvement of Aboriginal Territorians in fisheries management.

The deputation believed that it was appropriate that stakeholder discussions between the NLC, NTSC and AFANT which began prior to the delegation, should recommence as a matter of priority to build on the processes and agreements reached during that period. They also felt it was essential to include the ALC, TLC and NTGFIA in any future process. However, there have been lengthy delays whilst stakeholder groups have waited for the NT Government to assist and resource groups to take part in the consultation process.

The deputation felt it would be highly beneficial to utilise their experience, skill sets and new

learnings as part of future planning groups that are seeking to develop models or policies with a view to increasing Aboriginal participation in the NT fishing and seafood industry.

The Executive Overview was presented to the Chief Minister of the NT at a multi-stakeholder meeting held in December 2008 in Darwin (Figure 4). This meeting of over 30 representatives was attended by the NLC, ALC, TLC, NTSC, AFANT, NTGFIA, along with Marion Scrymgour (Deputy Chief Minister, Minister for Education and Training and Minister for Indigenous Policy), Kon Vatzkalis (Minister for Business and Employment, Minister for Primary Industry, Fisheries and Resources) and a number of senior officers from Chief Ministers and DRDPFR (including deputation members Ms Brayford and Mr Sly).

At this high level meeting the Chief Minister identified that the Executive Overview (Appendix XI) and the deputation's findings and recommendations would, from a Government's perspective, provide key guiding directions for further consultation on BMB (see Appendix for Chief Minister's media release and a joint release from NTSC, AFANT and NLC).

As part of moving forward, the NT Government has also contracted a consultant to assist in the development of key strategies, including stakeholder liaison, and to report to Government accordingly. The deputation's guiding principles form a key component of the consultancy.

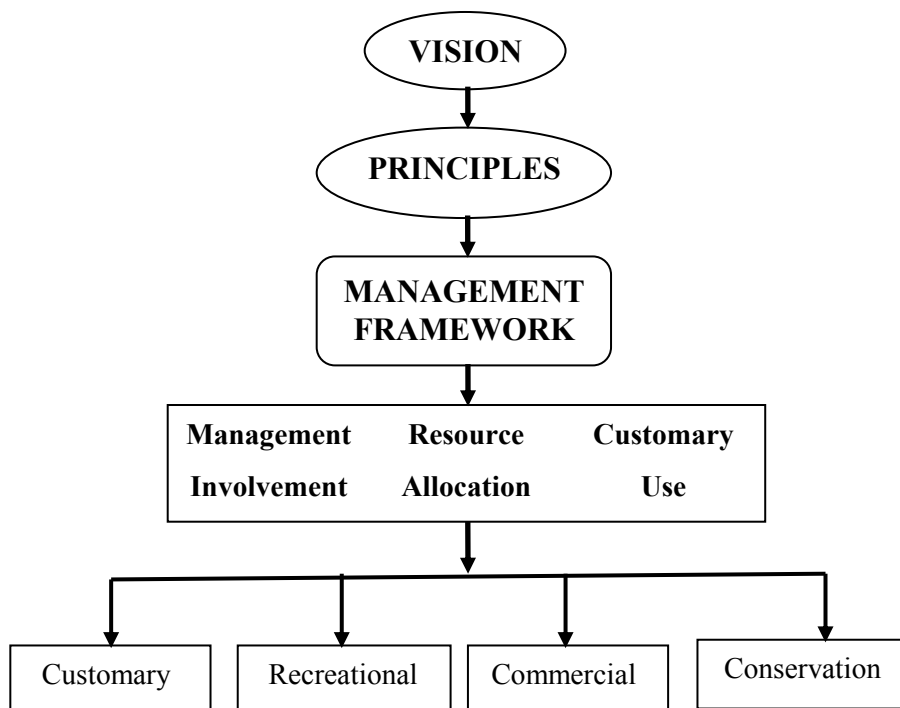


Figure 3: Flowchart showing proposed process



Figure 4: On behalf of the delegates, Katherine Sarneckis presents Chief Minister of the NT, Paul Henderson, a copy of the Executive Overview.

7 SPECIAL CONDITIONS

FRDC requested, as a special condition, that two practicing commercial fishers be included in the deputation. It was initially expected that the Chair of the NTSC (Mr Rob Fish), who was involved in the Trepang Fishery, and the A/CEO of the NLC (John Christophersen), who operates a Coastal Line Licence were to form part of the deputation. Unfortunately just prior departure, the A/CEO of the NLC tenure ceased and the Chair of the NTSC, due to minor administrative issues, was not able to get to NZ. Instead the A/CEO of the NTSC, Katherine Sarneckis, and the Chair of the NTCFA, Doug Neville, attended meaning that only one commercial fisher (the NTCFA Chair) was involved in the delegation.

8 CONTACT WITH BENEFICIARIES

Ongoing contact has been made with and between the NLC, AIG, NTSC, AFANT, DRDPFR and Chief Ministers Department thorough email, phone and face to face meetings.

Each stakeholder group has commenced in-house consultation assessing the deputation

findings through each group's specific consultation process.

As Mr Marawili has found it difficult at times to attend meetings, Doug Neville, Chair of the NTCFA and the PI visited Mr Marawili at his homelands at Yilpara (on Blue Mud Bay) in July 2008 to discuss the deputation's findings and seek his views and support on the draft outputs being developed to date (Figure 5).

The major stakeholder groups were represented at the Chief Minister of the NT's multi-stakeholder and Government event in December 2008 (see section 6.6.3).



Figure 5: Messrs Neville and Marawili going over draft documents in Yilpara (Arnhem Land) and standing with Blue Mud Bay in the background

9 BENEFITS AND ADOPTION

All sectors who had representatives involved in the delegation have used the key findings, guiding principles, key lessons and Executive Overview as part of their internal and external consultation processes on matters involving the BMB case. How these are adopted will vary from sector to sector. The NT Government has adopted the findings as a key component of their ongoing consultation with stakeholders.

Perhaps the greatest feature arising from the delegation has been the development of closer links between the CEO's and other deputation members which allows full and frank discussions on a range of issues, not just those linked to the matters covered by the delegation.

10 FURTHER DEVELOPMENTS

There is a genuine need to extend the deputation's findings to coastal Aboriginal Territorians who may to some extent be isolated from the day to day delivery of mainstream information. This is the responsibility of the relevant Aboriginal Land Councils, but the TLC and the ALC were not involved in the delegation and it will be a complex and resource costly operation for them and the NLC.

The NT Government has contracted a consultant, for an initial period of 6 months, to assist in the development of key strategies, including stakeholder liaison, as part of moving forward from BMB, and to report to Government accordingly. It is anticipated that the results of the project will contribute greatly to the formal negotiations between Government and stakeholders on BMB. The key output from this consultancy will be a report which builds on the outcomes from the NT stakeholder delegation to NZ and provides advice with respect to:

- A possible framework for enhanced recognition and management of Indigenous customary (traditional) fishing rights
- Greater involvement of the Indigenous sector in fisheries management including a possible consultative and decision-making framework
- Options for meeting the economic development aspirations of the Indigenous sector in the fisheries sector with reference to the principles of Ecologically Sustainable Development and fisheries resource allocation.

The Aboriginal representatives who went to NZ firmly believe that a deputation comprising a more extensive group of Aboriginal Territorians and TO's covering the coastal regions, the ALC, the TLC along with a number of key representatives from the initial delegation should visit NZ. This would allow those that didn't take part in the initial delegation to gain firsthand understanding of the situation in NZ, especially relating to embracing cultural sustainability as part of the governance and commercial roles of Indigenous people. The Māori are particularly keen to reengage with the Aboriginal Territorians, but as this would be a group of at least 20, securing adequate funding may prove to be a challenge.

11 PLANNED OUTCOMES

In line with the project's objectives the following specific outputs have been developed as part

of achieving the planned project outcomes;

- The delegation to NZ in March/April 2008
- Key themes and background information developed for the delegation
- NZ presentations
- Key themes developed during deputation debriefings
- Simplified example of a Māori business model
- FRDC milestone report
- Background paper outlining the NZ fisheries experience and Māori involvement in fisheries in NZ
- Two formal and a series of informal follow up meetings on the return of the delegation
- Key principles developed by the deputation
- Key lessons for the NT developed by the deputation
- The way forward – what to do with the deputation’s learnings
- Flowchart showing proposed process
- Executive Overview of the deputation’s findings delivered to the NT Chief Minister
- Attendance by the majority of deputation at the multi-sector meeting sponsored by the Chief Minister of the NT
- Media releases and other media associated with the delegation
- Final FRDC report.

The above outputs have already, and will continue to;

- Provide relevant NT stakeholder groups with a greater understanding of how Indigenous fishing rights have been recognised and incorporated into the day to day

use and management of fishery resources in NZ

- Assist in the development of an environment for the adoption of best practice outcomes as derived from the NZ experience, and importantly provide a „heads up“ on issues that have lead to ongoing conflict between stakeholders in NZ or haven’t provided optimal outcomes that could be relevant to the NT
- Provide significant personal development for all members of the deputation, who then have the ability to transfer knowledge to other seafood and fishing industry stakeholders
- Provide an opportunity for stakeholders from the key NT industry user groups to develop a range of skills and an understanding of how to improve their effectiveness when dealing with other stakeholder groups and Government
- Enhanced opportunities for information transfer within and between sectors.
- Assist in reaching an agreed stakeholder position for future directions for Indigenous commercial participation in the NT fishing Industry, through the adoption of the learnings, principles and processes developed by the deputation
- Allow stakeholders, including Aboriginal Territorians, to be in a position to use the knowledge and skills gained from the delegation to identify new opportunities to grow or develop their businesses
- Enhance the understanding of all major stakeholder groups in the NT of how best to accommodate Indigenous participation in commercial operations, and recreational use of fish stocks, in line with best practice management of fishery resources.

12 CONCLUSION

The delegation to NZ sought to provide NT fishing and seafood industry stakeholders with information that would be beneficial to the ongoing consultation and negotiations taking place between stakeholders and Government in respect to resolving access to the areas affected by the BMB, in a way that addressed stakeholders’ values and aspirations, especially those of Aboriginal Territorians.

The logistics of arranging the multi-sector fact finding mission were challenging and are something those considering a similar exercise should take into account so as to allow sufficient time to ensure all participants are aware of, and are committed to, their respective obligations. Planning needs to be meticulous to cover the range of challenges that can be faced, with clear processes established, particularly with regard to creating and maintaining open lines of communication between all parties. Notwithstanding these issues, the deputation believe that the project has been a great success, leading to the development of strong relationships between the individuals on the delegation and across sectors groups; not just in the NT, but NZ as well. The deputation members have achieved valuable personal and professional learnings that can be broadly applied to the NT fishing and seafood industry.

Through the deputation members applying these learnings, stakeholders including Aboriginal Territorians, should be in a position to identify and take advantage of new opportunities in the fishing and seafood Industry in the NT.

The process of holding regular debriefings and reflective discussions following each day's series of meetings was particularly successful in capturing learnings, whilst still fresh in deputation members' minds, and allowed all participants to be involved and to express their particular views on a range of issues. In addition, this process allowed individuals to gain a far better understanding of the other sector representative's understandings, values and aspirations. In many ways this process was the highlight of the delegation, allowing a large number of outputs to be developed relatively simply prior to, during and on the deputation's return.

These outputs came in the form of the key themes developed during meetings, subsequent delegate debriefings, and through the development of key principles, key lessons and a suggested way forward for ongoing consultation and negotiation between stakeholders and Government. These outputs have been condensed into the Executive Overview, and expanded on in this Final report. All of the outputs will provide invaluable resource material for Government and stakeholder groups' internal and external discussions, not only in relation to BMB, but also in respect to more general fisheries management issues.

The deputation believes that it is not possible, nor practical, to directly transfer the NZ management model to the NT, due to a number of factors including; operational, legal, cultural and fishery resource sustainability issues. However they believe that a number of

matters should be clearly addressed as part of any future consultation or negotiations that arise directly, or indirectly, from the BMB case. Specific matters related to adequately addressing resource allocation/reallocation processes, understanding stakeholder groups' values and aspirations, and being cognisant of and understanding how cultural sustainability has been integral in Māori developing strong, vibrant and diverse businesses from their commercial fishery entitlements. The NZ model for managing customary fishing is another matter that stakeholders, especially TO's and Government, will need to reflect on as part of future discussions relating to ongoing aquatic resource management in the NT.

There is a general feeling that undertaking the delegation has brought about a greater understanding of each sector's views, values and cultural differences and this has, and will, continue to prove invaluable as consultation and negotiation continues on possible changes to fishery management arrangements in the NT subsequent to the BMB case. The deputation members now operate with a clearer understanding of best practice outcomes and also with an understanding of the issues that lead to ongoing conflict between NZ stakeholders or which have hampered them from achieving optimal outcomes

The deputation believes that there would be real benefit to all stakeholder groups and Government, to reengage in a similar way to what took place during 2007, prior to the delegation to NZ.

The adoption by the NT Government of the deputation's framework, key principles, key lessons and the way forward, as identified in the Executive Overview, is a particularly positive outcome from the deputation's perspective. It has achieved the project's aim of enabling stakeholders to reach an agreed position for future directions for Aboriginal Territorians in the NT fishing Industry.

The deputation's final take home message is that openness, transparency, clarity and trust are a prerequisite for moving forward together in the NT fishing and seafood industry.

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APPENDIX I: Intellectual Property

None identified.

APPENDIX II: Staff

The following persons were involved with this project;

Chris Calogeras	C-AID Consultants	Principal Investigator
Katherine Sarneckis	NTSC	CEO ⁸
Eve Robinson	NTSC	CEO ⁹
Gail Calogeras	C-AID Consultants	Executive Associate

⁸ Katherine Sarneckis was appointed as the acting CEO of the in March 2008 and is now the CEO

⁹ Eve Robinson resigned as CEO of the NTSC in March 2008

APPENDIX III: Final Deputation List for NZ Delegation

Name	Expertise/role	Organisation
Djambawa Marawili ^a	NLC Board Member and traditional owner Blue Mud Bay	NLC
Samual Bush-Blanasi	Deputy Chairperson NLC and member of the Aboriginal Investment Group	NLC
Bunug Galaminda	NLC Executive Council and member of the Aboriginal Investment Group	NLC
Chris Makepeace	CEO - peak recreational fishing group in the NT	AFANT
Katherine Sarneckis	CEO – commercial fishers in the NT	NTSC
Doug Neville	Chair Crab Fishery and NTSC Board Member	NTSC
Steve Sly	Deputy Director Fisheries	NT Government
Heather Brayford	Executive Director Fisheries	NT Government
Kim Hill ^b	Indigenous Policy Officer from Deputy Chief Minister Office and Indigenous Policy	NT Government
Chris Calogeras	Principal Investigator. Independent fishery and resource management consultant	C-AID Consultants

- a Djambawa Marawili has at times been referred to as Djumbulwa Murrawuli in the report and Executive Overview
- b Kim Hill is now the CEO of the NLC.

APPENDIX IV: Itinerary for NZ Delegation

Date/Time	Meeting	Location
Mon 31 March 2008	Leave Darwin 12.30 am; Arrive Wellington 2.30 pm	Wellington
Tue 1 April 2008 10.00 am	Te Ohu Kai Moana (Waitangi Fisheries Commission) Archie Taiaroa - Chair, Ngahiwi Tomoana - Director	Wellington
Wed 2 April 2008 9.00 am	Aotearoa Fisheries Tom McClurg - GM Planning and Strategy	Wellington
Wed 2 April 2008 2.00 pm	Ministry of Fisheries Carl Ross- Customary Relations Manager	Wellington
Thur 3 April 2008 9.00 am	NZ Seafood Council Owen Symmans - Chief Executive	Wellington
Thur 3 April 2008 1.00 pm	NZ Seafood Training Organisation Rolly Raureti - Manager Seafood Training	Wellington
Thur 3 April 2008 4.30 pm	Ministry of Fisheries Wayne McNee – CEO and other staff	Wellington
Fri 4 April 2008 10.00 am	Prepared Foods (2.5 hr drive from Wellington) Dean Moana - Chief Executive	Palmerston North
Fri 4 April 2008 3.00 pm	Ngati Kahungunu iwi and Moana Pacific Fisheries Delegation to be hosted by Ngahiwi Tomoana	Napier 2.5hr drive
Sat 5 April 2008 1 pm	Ngati Porou Seafoods Mark Ngata - Chief Executive and Api Mahuika	Gisborne overnight
Sun 6 April 2008 2 pm	Hawke's Bay Sea Foods Nino D'esposito	Napier
Sun 6 April 2008 4.00 pm	Mataua a Maui Fisheries Conference – Pōwhiri (welcome) at Matahiwi Marae	Napier
Mon 7 April 2008	Mataua a Maui Fisheries Conference War Memorial Conference Centre	Napier
Tue 8 April 2008	Mataua a Maui Fisheries Conference Travel to Auckland late afternoon (3.30 pm +)	Napier Auckland
Wed 9 April 2008 10.00 am	Keith Ingham President NZRFC. Big Game Fishing and Option4 representatives @ Buckland Beach Yacht Club	Auckland
Thur 10 April 2008	Leave NZ 9.00 am arrive Darwin 11.30 pm	Darwin

APPENDIX V: Discussions Themes and Stakeholder Background Information for NZ – 2008

Background and Implementation of the NZ Settlement

- How extensive was Māori commercial effort (e.g. volumes, areas) before European arrival?
- What was the level of involvement of Māori in the seafood industry (both in enterprise ownership and employment across all sectors) prior to the settlement?
- What changes have occurred to Māori involvement since the settlement – how and why?
- In the transfer of fishing rights to the Māori, how were the existing fishing industry participants dealt with? What were the Government policies to deal with matters of compensation for any disenfranchisement?
- What was the Pakeha attitude (commercial and recreational sectors) to the settlement terms? Has the position changed over time?
- How did commercial fishers manage the initial introduction of indigenous fishing rights and fisheries management by quota distribution?
- What key lessons does the NZ experience provide for Australian indigenous groups wanting to get involved in the industry?

Managing Commercial Māori Holdings and Fishing Assets

- What are the roles of the Te Ohu Kaimoana (Māori Fisheries Commission) and Aotearoa Fisheries Limited?
- What are the guiding principles for management of the fisheries assets?
- What is a mandated Iwi organisation?
- What is the ownership structure of the Māori seafood industry assets and how does it fit into the overall industry's organisational structure?
- What are the policies for distribution of benefits, re-investment of profits, and distribution of assets?
- How are new assets sourced for the company?
- How successful have these arrangements been? Could they have been better?
- What are the mechanics of consultation with Māori people?
- Are there formal arrangements for training or development support for Māori individuals, or groups, wishing to work or invest in the industry?

- Does the Māori sector enjoy any competitive advantage over the non-Māori organisations through ongoing contribution from Government? For example the cost of finance for capital items, training etc

Fisheries Management, Monitoring and Compliance, Marine Conservation and the Level of Māori Involvement

- What are the mechanics of the management, monitoring and compliance arrangements? Have they been successful?
- Have Māori and Pakeha interests operated cooperatively in the management, monitoring and compliance areas, or have there been tensions?
- How do those Māori, who participate in management, consult with the broader Māori community – is there a formal consultation process?
- How does the Ministry of Fisheries develop and allocate annual quota to the commercial, recreational and Māori sectors? How are new fisheries or species dealt with?
- How well does the quota management system work across all sectors? What are its strengths and weaknesses?
- Is there any information on enforcement of quotas and practices for each of the sectors?
- What role do Māori, Industry and the Government agencies play in monitoring and compliance of Fisheries and related legislation?
- What involvement do Māori have in the process of identifying, developing and protecting marine areas for conservation purposes? What are the criteria for selecting areas to protect? What compensation mechanisms, if any, are in place?

Customary Fishing Rights

- What is the difference between customary fishing and Māori recreational fishing?
- Are customary fishing rights adequately protected in the Act?
- Are there any conflicts between customary rights and conservation legislation? How are conflicts settled?
- How well does the arrangement for management of taiāpure (local management of important customary fisheries) work? What improvements could be made to these arrangements?

Recreational Fishing

- How was the recreational sector managed before and after the transition to Māori participation?
- Are Māori involved in management of recreational fishing? Are there Māori representatives on the Ministerial Advisory Committee?

- What is the approach to developing fishing tourism projects? Are Māori involved in developing recreational fishing infrastructure (boat ramps, camping areas, accommodation etc) on Māori lands?
- What are the structures/mechanisms for recreational involvement in fisheries management? Do recreational fishers feel they are adequately involved in fisheries management and decision making in NZ?
- Do recreational fishers feel that they are being given a fair share of fish resources and fair access to fishing areas?
- What is the recreational sectors view on fishing permits and licences and quota allocation?
- Are there conflicts between recreational fishers and Māori?
- Are there conflicts between recreational fishers and commercial fishers?
- What are the mechanisms for consultation/cooperation between recreational, Māori, and commercial fishers?
- What are the current major issues for recreational fishers in NZ?
- Are recreational fishers in NZ optimistic about their future?

BACKGROUND ON DELEGATE GROUPS FOR NZ MEETINGS

The Northern Land Council (NLC)

The Northern Land Council (NLC) was established in 1973. Following the enactment of the *Aboriginal Land Rights Act (Northern Territory) Act* (ALRA), it became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and seas.

The NLC is also a native title representative body under the Native Title Act 1993. In this capacity, the NLC also represents the Aboriginal people of the Tiwi Islands and Groote Eylandt.

The ALRA provides for the granting of traditional Aboriginal land in the Northern Territory for the benefit of Aborigines. It combines concepts of traditional Aboriginal law and Australian property law.

Since the enactment of the ALRA, 44% of the land in the Northern Territory has become Aboriginal land covering more than 80% of the Northern Territory coastline.

In March 2007, the Federal Court of Australia held that traditional owners were legally entitled to exclusive access to the intertidal zone above the low-water mark on the coast and in tidal rivers. The intertidal zones in northern Australian waters are generally large areas, given the huge tidal ranges that can vary sea levels by up to 7 metres in a single day. This Federal Court's decision has been appealed to the High Court of Australia by the NT Government and a decision is expected during 2008.

Further details can be found at www.nlc.org.au.

Amateur Fishermen's Association of the NT (AFANT)

The Amateur Fishermen's Association of the NT (AFANT) was formed in 1980 and is an incorporated association in the Northern Territory under the Associations Incorporation Act. The AFANT Committee meets at least eight times each year and the Executive meets at other times as required. AFANT has an office located in Malak with a full time Executive Officer and an Office Manager who also manages research and other projects.

AFANT'S mission is to represent recreational fishing in the NT and ensure the quality of their sport.

AFANT is officially recognised by the NT Government as the peak body representing recreational and sport fishing in the Northern Territory. AFANT's membership consists of individuals, family members,

affiliated fishing clubs, Territory fishing associations, industry, corporate and junior members. AFANT is a member of the national recreational peak body — Recfish Australia and AFANT's current Executive Officer is a member of the Board of Recfish.

Recreational fishing is now well recognised as an important element of the lifestyle of many Territorians. It is a major drawcard bringing tourists to the NT and a significant contributor to our economy — it is now very much a large and important industry in its own right. Its significance is perhaps best illustrated by an oft-repeated catchcry of the present NT Government — “Fishing is the Lure of the Territory.”

There are more than 44 000 non-indigenous recreational fishers in the NT representing some 32% of the population. In 2001 expenditure of more than \$34 million per year was directly attributable to recreational fishing in the NT and over \$9 million was directly spent on recreational fishing by visitors — both with significant other flow-ons. Results of a recent survey indicate that the industry has now grown to more than \$90 million in direct expenditure.

The standard of NT's wild recreational fishery is second to none thanks to our largely unspoiled environment, the number of recreationally-significant fish and marine species available and their abundance in particular areas. An overriding objective of AFANT is to ensure that this world-class recreational fishery is nurtured and protected for current and future generations of Territory and visiting fishers.

Successive Territory Governments, with support from AFANT, have developed management approaches that are aimed at preserving the quality of both our commercial and recreational fisheries. AFANT will continue to work with Government to ensure that this continues and that our recreational fishery continues to be developed so it can make the best possible contribution to our lifestyle and our economy.

Further details can be found at www.afant.com.au

Northern Territory Seafood Council (NTSC)

The Northern Territory Seafood Council is the peak representative body of the seafood industry in the Northern Territory, representing some 222 businesses. The direct investment alone in the wild catch and aquaculture sectors is approximately \$1.4 billion.

There are 11 Licensee Committees / Associations of licence holders that are members of the Seafood Council and the Chair of each of these is a member of the Council's Board. Licensees are

also individual members of the Council.

The Council provides secretariat services for all its member Licensee Committees / Associations and those members not represented by Associations, as well as advice on a wide range of issues that impact on the seafood industry.

The Council represents industry's interests in a diverse range of forums at the Northern Territory level. These include a number of regional Aboriginal fishery consultative committees, fishery management advisory committees, conferences and workshops on specific issues such as the environment and native title, formal parliamentary committees, individual government and non government bodies and the media.

In recent years a significant amount of time has also been devoted to representing the industry in land claims under the Aboriginal Land Rights Act and in native title proceedings in the Federal Court. Security of access to resources is a fundamental issue in the industry's wild catch sector.

The Seafood Council is a long term member of the Northern Territory Business Council, a forum which brings together 19 major industries in the Northern Territory.

At the national level the Northern Territory Seafood Council is involved in a wide range of issues, from maritime and industry training to such issues as biodiversity, marine protected areas, foreign incursions into fishing grounds and resource sharing.

Further details can be found at www.ntsc.com.au.

Department of Primary Industry, Fisheries and Mines (DPIFM)

Fisheries works in partnership with commercial and recreational fishing industries, the aquaculture industry, Indigenous communities and other stakeholders to achieve optimum sustainable utilisation of the Northern Territory's valuable aquatic resources. It follows a consultative and precautionary-based approach to ensure that all NT wild harvest fisheries, aquaculture and associated aquatic resources are ecologically, economically and socially sustained. Fisheries' resource management programs are based on high quality scientific indicators and designed to ensure that the Territory's aquatic resources are not over-exploited. Services to the aquatic resource sector include:

- Protecting and managing all aquatic resources, with particular emphasis on vulnerable fish stocks.
- Implementing innovative research programs to develop world-class fisheries technology and assessment techniques to monitor aquatic resources.

- Allocating licences to assist in commercial catch, sale and processing of Territory fish and aquatic life.
- Providing programs that nurture industry growth and development in the commercial fishing, aquaculture and fishing tourism sectors.
- Monitoring to protect local fishing, aquaculture, tourism and marine-based industries from aquatic pest incursions.
- Operating a commercial barramundi hatchery and nursery business.
- Supplying barramundi fingerlings to assist commercial and recreational industry needs.
- Providing extensive R&D support to the recreational fishing sector.
- Liaising with coastal Indigenous communities and fostering consultation between them and industry on opportunities for joint-venture operations, particularly local aquaculture activities.
- Promoting recreational fishing and encouraging fishing tourism in the NT.
- Providing fishing infrastructure projects and access arrangements to enhance recreational fishing in the Territory.

Further details can be found at www.nt.gov.au/dpifm/Fisheries.

APPENDIX VI: Ngati Porou PowerPoint Presentation to NT Deputation



Overview of Group

- Ngati Porou & Tangaroa
- Fisheries Allocation
- Company Structure & Assets
- Business Activities
- Key Growth Sectors
- Conclusion

Presentation by: Mark Ngata
(General Manager)

Did Ngati Porou fish before European arrival ?

- ◆ We are Descendants of Tangaroa (God of the Sea)
- ◆ The relationship is recorded in our history
- ◆ and in our lifestyles.






- ◆ We are part of the sea




- ◆ and other fisheries (Freshwater)
- ◆ and they are part of us.

Fisheries Asset Allocation Background

- ◆ 1986 Fisheries Amendment Act – Intro of QMS
- ◆ Legal Action by Maori for breach of Treaty
- ◆ Maori Fisheries Act 1989
- ◆ Deed of Settlement 1992 (Sealord Deal) and Establishment of TOKM
- ◆ Maori Fisheries Act 2004
- ◆ Allocation of Commercial Fisheries Assets to iwi commenced in 2006.



Maori Fisheries Act 2004

- ◆ Required that there be a Mandated iwi Organisation (MIO) established that complies with the standards prescribed by the Act
- ◆ Required that there be an Asset Holding Company(s) that are 100% owned by the MIO to hold AFL income shares and quota allocated from TOKM
- ◆ Commercial Asset Allocation Models agreed

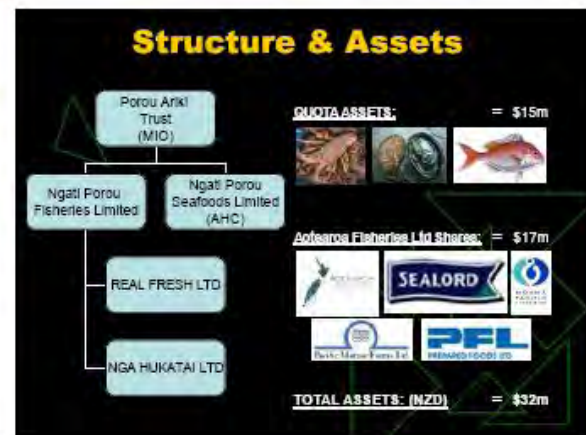


Commercial Quota Asset Allocation Model:

Deepwater Assets
= Population

Inshore / Freshwater Assets
= Coastline

New Fisheries / Species
= 20% guaranteed to iwi.



Business Activities

Quota Trading

- Deepsea Fish (Hoki, Roughy, Hake, SBW)
- Pelagic & HMS Fish (Mackerel, Shark, Tuna)
- Inshore Fish (Snapper, Groper, Trevally)
- Rock Lobster
- Shellfish (Abalone, Mussels, Surf Clams)

Resource & Asset Management

- Spatial Conflict
- Iwi Responsibility
- Acquisitions & Investments
- Strategic Alliances
- Research & Development

Operational Activities

Business Activities

Retail & Wholesale Business

- Fresh Fish
- Lobster (Live & Cooked)
- Shellfish (Mussels, Oysters, Scallops)
- Frozen Value Added (Prawns, Shrimp, Scallops, Squid, Fish Fillets)

your real seafood experience

Spatial Conflict with key Fishery Stakeholders

Customary

Commercial

Recreational

Iwi Responsibility

Fishery Management & Compliance

- Iwi are different from any other stakeholder
- Stakeholder Group Participation (Cra2&3, FMA1&2, Deepwater Mgmt Group, Pau2, HMS, Freshwater)
- Submissions & Consultation (Shared Fisheries, Oceans Policy, Seabirds, Sealions, Dolphins, MPA, Mataitai, Surveys)
- Maori and Fishery advisory groups
- Iwi (National) and Hapu (Regional) Forums
- Regulatory Compliance regimes (MOF, MAF, GDC)

Key Growth Sector

Supply

- Quota (trading & acquisition in key species)
- Aquaculture for supply (Long Term)
- Growing pressure on natural fish stocks mean decisions to invest in aquaculture to compliment wild catch is a priority for continuity of supply for the future.




Land & Sea Based Potential

Key Growth Sector

Marketing

- Export (high value add product into niche markets)







Key Growth Sector - New Market Opportunities

Integrated Food Markets





Specialist Product Supply



Key Growth Sector

Research & Development

- Improving value and utilisation of assets.

Fish Meal



Fish Hatchery



Fish Oil



Aquaculture



Pharmaceuticals, Nutraceuticals

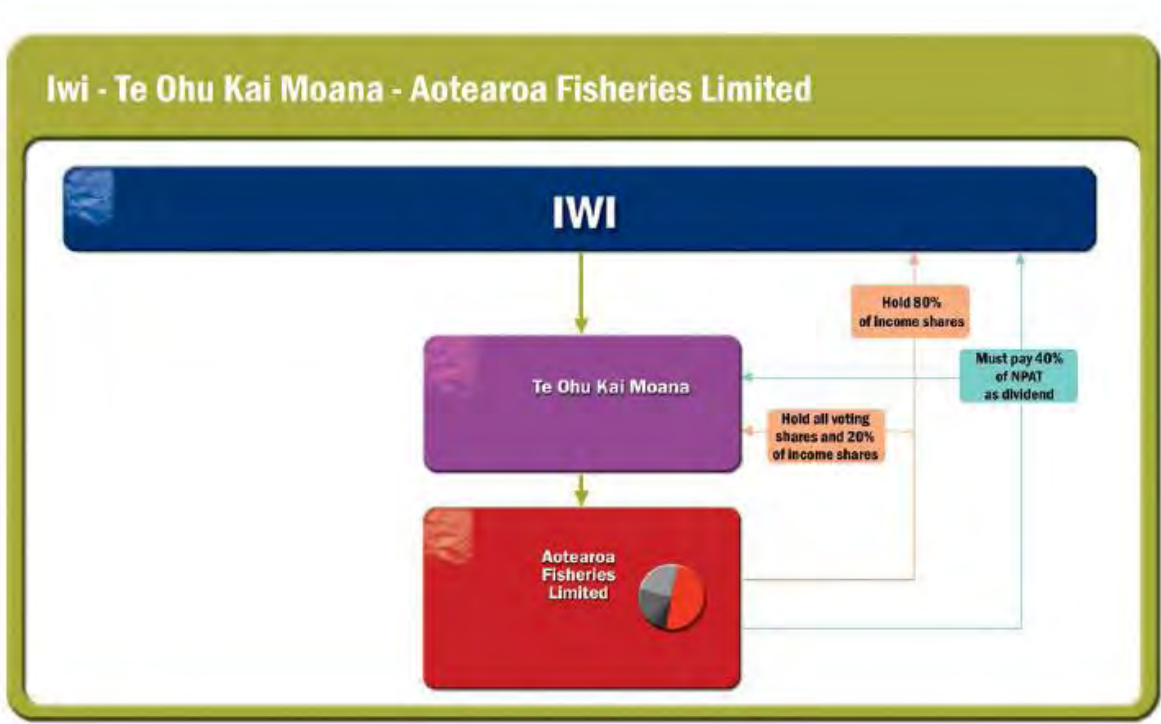


Conclusion

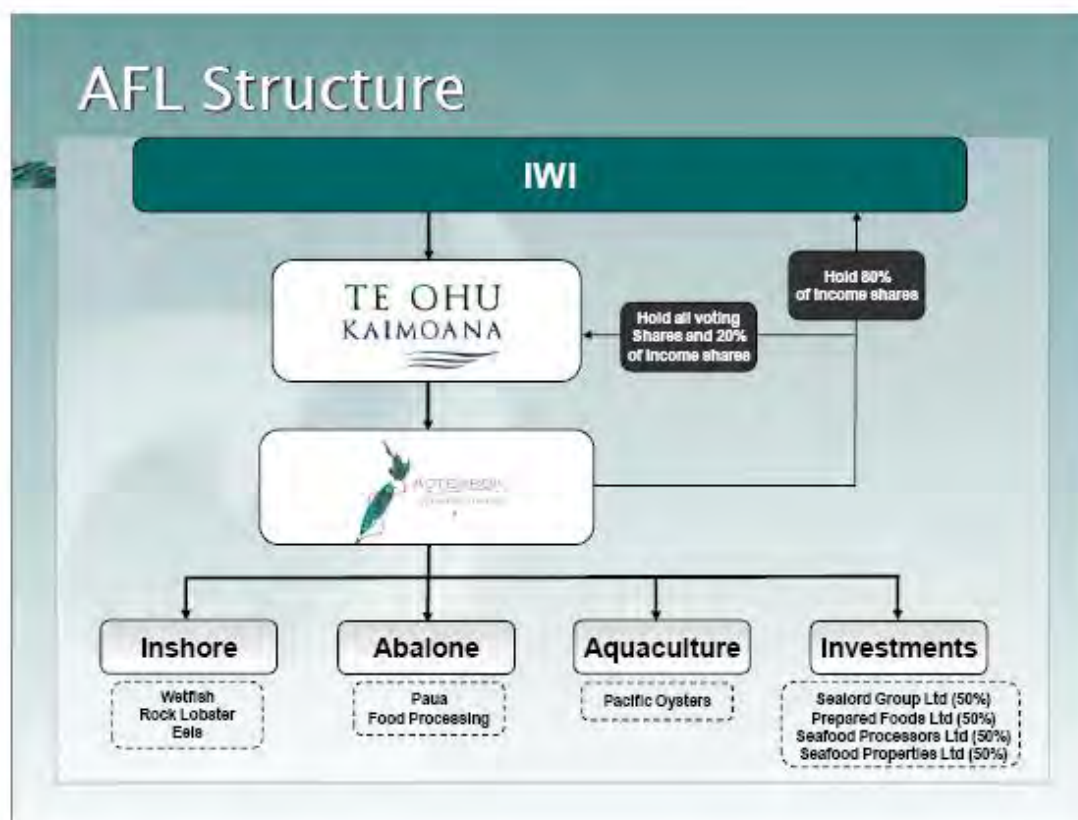
- Environmentally Sustainable**
 - Take our Responsibility Seriously, Sustainability of resources and environment is main objective.
 - NP is a leading force within Climate Change in NZ.
- Culturally and Socially Sustainable**
 - NP and NPSG values and principals are based on NP Tikanga
 - Developing our own structures for the future collectively, i.e. customary, commercial, recreational, hapu, marae.
 - Advancing our people in the Seafood Sector globally.
 - See benefits of working alongside other NP and Non-NP groups to achieve iwi, hapu and company outcomes.
- Economically Sustainable**
 - Long Term Vision, Strategy and Plan that is achievable, logical and profitable.
 - Acquiring knowledge of others in key areas globally to advance our plans
- Politically Sustainable**
 - Maori control up to 60% of the commercial, 100% customary, and 50% recreational. We are a force and must work with other iwi groups and Maori businesses to achieve positive outcomes in fishing sector long term.

IF NOTHING CHANGES, NOTHING CHANGES

APPENDIX VII: Te Ohu Kai Moana (TOKM) Operating Structure



APPENDIX VIII: Aotearoa Fishing Limited (AFL) Structure and Group Composition



APPENDIX IX: Key Themes Developed During Deputation's Debriefings

NZ QUOTA, QMS AND RELEVANT POLICY SETTING

The NZ Experience

- Catch quota was introduced in NZ as a response to fisheries management 'failure', not as an allocation tool to deal with Māori fishing rights
- Initial quota allocation was provided to the industry for no charge
- Limited consultation took place with stakeholders prior to allocation.
- Setting fishing limits at maximum sustainable yield (MSY) is a very high risk management objective (especially if knowledge of the resource and fishing pressure is not well known). Quota Management System (QMS) based on a Total Allowable Catch (TAC) determined from an estimated MSY is therefore high risk
- QMS isn't managing overfishing problem because of initial issues relating to quotas appeals tribunal and now through deeming provisions which can put fishing at 20% more than TAC
- Individual Transferable Quota (ITQ) may have stifled government attempts, in some instances, to manage fisheries across all sectors — in particular catch levels
- By having quota in place before the Settlement there was a mechanism for Māori allocation
- Although NZ has high value fisheries, the NZ QMS has an extremely high cost recovery for research and management
- Illegal catch can be a major issue with over 40% of the total TAC allocated against illegal catch in some fisheries
- There is a general low satisfaction from stakeholders with the QMS (not Quota itself, but the system)
- The settlement that arose from the QMS was a very expensive process to Government to reallocate quota and provide a cash and asset settlement
- Government now moving into next phase of management after initial allocation – dealing with recreational and Marine Protected Areas (MPA's)
- Need to get intent and wording right in any settlements. Māori and Government disagree; recreational and Government disagree, commercial. and Government disagree (eg. the concept of rangatiratanga {chieftainship} was not clear between Māori and non-Māori)

Applications for the NT

- Regardless of what management regime is in place, Ecologically Sustainable Development (ESD) must be an overarching principle incorporating the notions of environmental, economic and social, as well as cultural sustainability
- There is a need to have in place a clear vision, objectives and principles for whatever is trying to be achieved by a fisheries management regime. For example it needs to be clear what the aspirations of the indigenous sector in the NT is; eg. is it about direct involvement in fishing, ownership, involvement in fisheries management or decision-making
- There is a need for an open consultative process with stakeholders and the broader community including the "conservation" sector
- In any negotiating process, you need the right people at the table and an ability to compromise is essential

- The NZ experience showed the importance of getting the policy settings and framework right in the first place, particularly when allocating fishing rights and determining methods to reallocate access rights - fisheries allocation are highly complex and evolving over time
- Need to develop a template before starting process
- Need a responsive and adaptive management approach and program that can continue to work in a changing climate
- Need a transparent process for making adjustment between sectors, including recreational and MPA's
- Regionalized approach may be required instead of a one size fits all
- Catch quotas are not the panacea and the NT needs to use the right 'tool' for the right fisheries management issue. Consideration needs to be made as to whether quota is achievable or desirable for the NT inshore fisheries.
- Sector allocations may be a prerequisite for any future management in the NT. NZ may not have got it right and as a result are having ongoing inter-sectoral problems.
- A multi-sector working party would help to develop the process.

MĀORI COMMERCIAL FISHING INTERESTS AND ACTIVITY

The NZ Experience

- Māori see their fishing rights as being fully protected under the treaty arrangements
- Māori policy is to not use an injustice to right another injustice – i.e. compulsory acquisition, fair compensation for any diminution of rights
- Much of the early negotiations were undertaken by well known and resourced Māori leaders with a government negotiator. Much of it was done informally
- QMS has allowed Māori to strengthen their case for customary use and management. In some instances, not impinging on or diminishing, Māori customary and settlement rights, may have a negative impact on sound fishery management
- The high Māori ownership of NZ quota (40% +) is not necessarily reflected in direct employment in the industry. Some iwi have few fishers, with a focus on outsourcing
- There is overall respect and recognition for Māori tradition and culture by all stakeholder groups, with cultural sustainability generally non-negotiable in discussions
- Māori use customary roles as a basis for much of their business activities
- There is a clear separation of business from political aspects of the iwi/Māori
- High level decisions are made with real consultation (through the Board/tribal structures) with day to day management undertaken by the business arm
- Businesses are set up to employ the best person for the job, not just Māori,
- Māori identified gaps in their structure and educated within iwi to meet prospective needs for organization (use esteemed educational organisations such as Harvard, Sydney University)
- Māori have established very sophisticated business structures and approach with skilled and well trained, educated and experienced leaders. They appear organized at all levels, including succession planning
- There is a preference to trade within Māori with a focus on a iwi to iwi sale of quota
- Stronger iwi often build alliances, especially with weaker iwi
- Have vertically integrated businesses and diversified into other sectors, whilst expanding and making the most of the initial quota allocation by increasing market share
- Systems have been established to promote cultural and social benefit from fisheries through income streams. No individual benefits are paid through royalties or cash dividends to reduce 'confettiisation' of the settlement – i.e. giving it away little piece by piece.

- Although there does not seem to be a centralized Māori leadership there has been a serious attempt to ensure that those bodies dealing with Māori/iwi interests have a proper and unchallenged mandate to do so
- Having an overarching organisation like Te Ohu Kai Moana (TOKM) and Aotearoa Fisheries limited (AFL) provides a high level of support for overall Māori policy direction which can be adjusted to meet each iwi's need. This reduces the need for smaller less efficient duplicate set ups at all iwi's
- It was unclear how TOKM deal with conflict of interest issues
- AFL set up was fast tracked due to the timing of an opportunity (SEALORD) and they then waited for people to catch up
- The 10 (point plan) for mandate provides a sound basis for negotiations.

Applications for the NT

- Fisheries in NZ are more highly valued than NT and there is a need to manage expectations of stakeholders accordingly
- Determine the most appropriate ownership and management arrangements for fishery assets.
- Governance structures are critical and this could be a challenge for some indigenous communities (expertise and resources)
- Consider the AFL commercial model which has an expertise based board or a statutory body like the TOKM or Waitangi Commission to hold fishing access entitlements on behalf of Indigenous people
- There is a clear separation of business from political aspects of the iwi/Māori (see Attachment 1). There are measurable benefits from having such a set up with a business using this type of structure likely to be 250% more effective.
- High level decisions are made with real consultation (through the Board/tribal structures) with day to day management undertaken by the business arm
- By working as a group, not individual iwi's, it has made the Māori sector of the fishing industry a powerful lobby group that appears to work effectively. Individual iwi would in most instances have not been adequately resourced to make effective representations and maintain a strong holding of rights (unlike land rights which have been sold in many instances over time)
- There is a need to determine distribution and application of any commercial returns from fishing access allocations.
- Consider taxation treatment of profits (eg registered charity).
- Integrated and vertical marketing offers a wider range of opportunities and spreads any risk
- The use of an Indigenous brand can be a powerful marketing tool
- Extension and assistance to Māori in the fishing industry from the Government appears significant in NZ, and to be at a greater level than NT
- Need to identify gaps in industry structure and educate accordingly to meet prospective needs for organization
- Indigenous groups need to take these ideas back to communities to work on it and to gain a mandate for progress
- The 10 (point plan) for mandate provides a sound basis for negotiations (see Attachment).
- Customary pride, roles and cultural sustainability form the basis for much of the business activities in NZ surrounding the seafood industry.

RECREATIONAL FISHING INTERESTS AND ACTIVITY

The NZ Experience

- Most Māori fishing is recreational fishing and therefore subject to recreational regulations and management
- Recreationalists see their fishing rights as being fully protected by the Magna Carta and through Moyle Promise of 1986 – (Moyle was the Fisheries Minister of the time)
- Recreationalists need funding and better resourcing to improve their performance and management
- The recreational sector may have been disadvantaged by not having a prescribed allocation under QMS system.
- The initial QMS did not have a means to meet the future needs of recreational fishers in an expanding population.
- Recreationalists want a quota allocation for each sector, but don't want a fixed proportional share. If this means a reallocation from commercial and a reduction in the Total Allowable Commercial Catch (TACC), then commercials should be compensated, or the quota purchased on a willing buyer willing seller basis.
- Recreational fishing is probably not sustainable or acceptable over the long-term using the many passive fishing methods employed in NZ (eg nets, longlines).
- Recreational fishing is a large provider of protein for many in NZ and this differs from the attitude of many in Australia which value the experience of fishing often as much, or even more, than the catch.

Applications for the NT

- Most indigenous fishing in NZ is recreational fishing and is subject to recreational regulations and management - how would this apply to NT with fish being a large provider of protein to Aboriginal people and communities
- Any allocation to recreational fishers that may take place needs to have a means to meet the future needs of recreational fishers in an expanding population.
- Many of the fishing methods and attitudes to resource use in NZ, by the recreational sector, do not really align with the NT's responsible use philosophy
- There is a need to consider how recreational fishing pressure might be reduced whilst still retaining a good 'fishing experience'.
- Consideration of a more regional based approach to management to best manage higher use areas
- Consideration of how the expectations and behaviour of recreational fishers might be managed.
- A cohesive, well resourced and administered recreational sector allows for improved performance and management of the sector.
- The recreational sector and indigenous groups can benefit from working together to develop commercial and social outcomes

COMMERCIAL FISHING INTERESTS AND ACTIVITY

The NZ Experience

- The purely economic approach to fisheries management in NZ has led to many of the ongoing issues with stakeholder groups
- MSY philosophy to management is high risk

- Industry must take an active and major role in developing any new management arrangements.
- An inadequate allocation and reallocation framework can lead to uncertainty
- The QMS has led to an economically efficient industry that allows flexibility to those from the various sectors within and outside the commercial sector, however the large number of existing and newly developed input controls are reducing that business efficiency
- It was unclear why many of the 6000+ input controls stayed in place in conjunction with the QMS
- The issue of quota allocation and security of rights can impact on business growth, investment and future development, especially if commercial access rights are traded off to other sectors
- The appeals process and deeming provisions have led to a situation where the TAC and therefore the TACC are in excess of sustainable fishing pressure
- Short fishing seasons can lead to a situation where it is impossible to maintain markets, staff and fully utilise vessels and infrastructure
- There is a high level of cooperation between Māori and the rest of the commercial industry

Applications for the NT

- A more holistic approach, rather than a purely economic driven regime, may provide opportunities for a more balanced and risk adverse approach to fisheries management. MSY does not appear to be the best management objective
- Industry need to have a mandate for consulting with stakeholder groups (who also need a mandate from their members).
- Industry and indigenous groups can both profit from working together to develop beneficial commercial and social outcomes
- Industry can consider developing codes of behaviour for when fishing in proximity to indigenous communities.
- The use of quota should be considered as a possible management option for NT fisheries
- The effectiveness, practicality and desirability of existing management controls should be considered before any significant changes to management arrangements come into force; i.e. changing to a quota system and not reducing unnecessary input controls
- High-grading and deeming type provisions for quota management must be discouraged but if it occurs carry it forward to the following year's allocation and not merely add it on to the existing years catch for a fee (either to be shared by all quota holders or the individual who over caught?).
- The ongoing impacts of input controls, especially closures or other limits that restrict seasons, could lead to maintenance and staffing issues and should be considered as part of any future management changes

CUSTOMARY FISHING INTERESTS AND ACTIVITY

The NZ experience

- A common indigenous language is in place throughout NZ
- The majority of Māori consider that cultural sustainability is the bottom line
- Seafood plays a very important part in the culture and traditions of the Māori
- The Māori have customary fishing practices in place already
- Customary fishing is not subject to any regulation, only locals approvals and seems to have an inadequate central reporting system for feeding back into the TACC process
- Customary fishing is only for specific ceremonial purposes – not for day to day feeding of families

- The ability to close or restrict fishing in areas (mātaitai reserves or taiāpure systems) could become a major issue in view of TACC administration and effort displacement

Applications for the NT

- An acknowledgement of seafood as a food source and its cultural importance to Aboriginals should be addressed in any future arrangements
- Customary fishing practices are already in place, but are not defined, understood or readily acknowledged by other sectors or groups
- Closing fishing access to other sectors should be balanced by an adequate removal of effort to minimise the impact of effort shift to other areas
- Is specific customary fishing legislation needed in the NT, or are the present arrangements more appropriate to meet local community needs
- The balance between customary and commercial access will need to be resolved, especially if indigenous participation in the commercial sector increases. Any new arrangement will need to be capable of addressing those needs at an industry and local community level.

GOVERNMENT ACTIVITY

The NZ experience

- Only one federal fishery agency allows for national fishery matters to be implemented
- Major issues have focussed around the initial allocations and flow on impacts
- Meeting the funding needs for the initial and other any structural adjustment was a very costly affair (i.e. allocation and reallocation of quota, plus cash and asset settlements)
- The consultative process is currently fragmented and undeveloped in many instances with no co-management models in place. The current situation is more of an information process
- Cost recovery systems should lead to reduced costs and increased effectiveness in managing fisheries. Current recovery costs have not decreased over time
- The NZ government is now developing the capacity to drive and facilitate the process of indigenous involvement. This is a slow process within the organization and to change values is really a generational change
- Massive resources have been directed into Māori issues (possibly to the detriment of others stakeholders?) with 14 new liaison staff employed and 14 extension officers
- Major issues and conflict appears to currently be mainly with Māori
- External influences such as MPA's, customary fishing, Department of Conservation (DOC); not direct fishing related matters had lead to a 100% Increase in staff over recent years
- Ministry of Fisheries (MFish) provides some assistance and facilitates the development of new fisheries.

Applications for the NT

- The benefits that arise from a participatory consultative process can lead to long term sustainable benefits and outcomes over poorer processes for short term policy gains
- The impacts that non-core fishery related issues places on Agencies and traditional stakeholders needs to be acknowledged and understood by Government and users. There is a significant cost to user groups to manage these processes, often to the detriment of their 'core business'
- Government and stakeholders must be aware of the issues involved in overcoming possible jurisdictional and administrative difficulties in jointly managed fisheries and with other Commonwealth/NT legislation, such as the Aboriginal Land Rights Act (ALRA).

- The support for indigenous people in the seafood industry needs to be developed in the NT. This includes building capacity by and within the Government
- The Government needs to be kept fully informed by stakeholders on progress and discussion that take place between sectors on a range of issues.

TRAINING

The NZ Experience

- NZ seafood industry has great leverage for training: - \$0.1 to \$4.2M
- Have a participatory training program that meets needs of indigenous people
- Assessments can be undertaken in Māori instead of English – trained interpreter are provided and used if necessary
- Allow the use of Recognition of Prior Learnings (RPL) to gain qualifications
- Cultural awareness training is provided
- Māori traditional activities are assessed and certified (i.e. Certificate in traditional fishing)

Applications for the NT

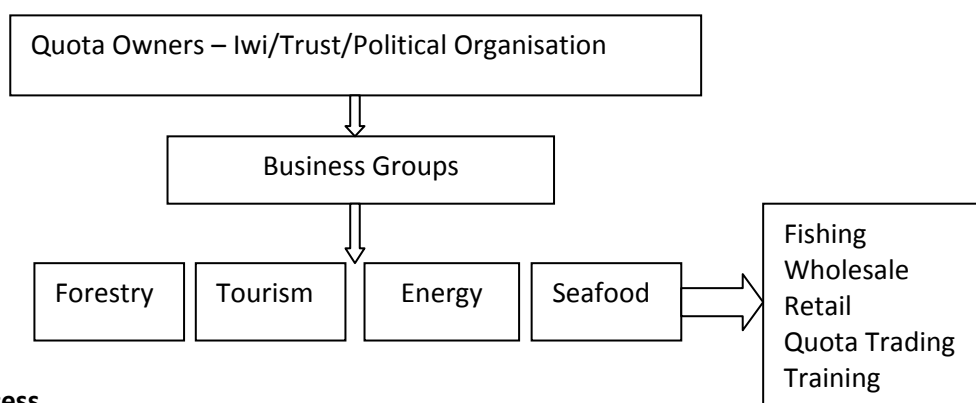
- Need training that leads to a job – not just training for training sake
- There is a need to develop a ‘real skills training’ program that is not necessarily school based, eg work experience, apprenticeships or on the job training.
- Training delivery needs to be on ground
- Consider using other sectors to training aboriginal participants
- Need to find way to access training funds – traineeships, indigenous funding, WELL
- Look to get assessment undertaken in language instead of English – (see Māori model)
- Literacy and numeracy skill are important and are generally at a very low level in communities
- Develop a real indigenous commercial fishing program at all levels (look at rangers program or Māori as a model?)
- Training for all sectors needs to understand the values of belief contained within each culture/sector (i.e. balanda –v- yolngu; commercial –v- recreational –v- aboriginal).
- Cultural awareness training should be provided – this not just a commercial issue

GENERAL COMMENTS

- Clarify that ESD is the overarching principle for fisheries management in the NT with customary fishing rights as second only to sustainability.
- There may need to compromises to possibly reach something less than ideal outcome to everyone to move the process forward
- People involved in the transition process must be determined and strategic
- It may require a fundamental jump to get a new system operating, but do not expect a 100% perfect outcome, so allow for processes to redefine and improve the system
- Negotiation still tend to rely on ‘champions’ to drive the process
- Look to get Māori expertise to assist in any process that is developed (this has been offered)
- Need to develop and maintain strong political connections
- Improve and define access rights for all stakeholder groups
- State –v- Commonwealth legislative and administrative issues must be clearly understood and addressed by all sectors
- Consider using an ‘independent’ body to hold licences in trust for Aboriginal operators
- Consider whether the NZ process of internalising dividends for community based projects is a model for Aboriginals to consider (i.e. no cash dividend to individuals)

- Separate political arm from business operations
- The benefits of maintaining relationships and contacts in the future, regardless of court outcomes, is seen as beneficial for all sectors. The ability to discuss issues fully and frankly will show benefits in the long-term
- It was strongly felt that there is a need for a small temporary working group to develop some broad options. These could then be further refined and evaluated by a joint working party as an options paper for consideration by the parties. The terms of reference for the joint working party would need to be developed in consultation and the process for this managed by NT Fisheries with Federal government at some stage on the joint working party. The working group might be the group which toured NZ and would be best served if it was apolitical.
- Consider designing a project to seek funding and resources for the working group to work towards an outcome.

Simplified Example of the Māori Business Model



Māori Mandate Process

Presentation to Delegation of indigenous, recreational and commercial representatives from the Northern Territory (NT) of Australia

[Handout]

Saturday 5 April 2008

TREATY SETTLEMENTS MANDATE PROCESS: 10 KEY TIPS

1. **Strategy**
 - Bottom line
 - Resources
 - Documentation
 - Staying prepared
 - Inclusive
 - Challenges
 - Media
2. **Political connections**
3. **Transparency**
 - "mandate strategy"
 - Consultation
 - Discussions
 - Scrutiny
4. **Organised body**
5. **Communication**
6. **Consultation**
7. **Register**
8. **Good team – the wider team**
9. **Forward planning – after the mandate**
10. **Know your stuff**

**APPENDIX X: Background Paper Outlining the NZ Fisheries
Experience and Māori** (*NB: Prepared Prior to High
Court Decision on Blue Mud Bay*)

THE NEW ZEALAND FISHERIES EXPERIENCE AND MĀORI

BACKGROUND PAPER TO DELEGATION REPORT

May 2008

**Heather Brayford
Department of Regional Development, Primary Industry, Fisheries and Resources
and
Chris Calogeras
C-AID Consultants**

BACKGROUND

A number of native title cases within Australia have recognized that Aboriginal people have rights and interests in relation to waters and land. Fisheries agencies around Australia have endeavoured, to varying degrees, to encompass these rights within fisheries management arrangements and processes. This has included recognition by some jurisdictions of Aboriginal fishers as a separate resource user sector, the provision for the continuation of customary fishing practices within regulatory regimes, and the exemption from the requirement to comply with recreational controls or hold a recreational fishing licence where applicable.

In the case of the Northern Territory (NT), Aboriginal people have cultural connections to and traditional management obligations for waters, fish and aquatic life resources of the Territory. For many years Aboriginal people have expressed a strong desire to have a greater involvement in the sustainable management of the Territory's waters and aquatic resources, as well as participation in the fisheries sector.

In March 2007, the Full Federal Court, in what is commonly referred to as the Blue Mud Bay case, recognised the rights of Aboriginal land owners in relation to fishing activities in waters overlying Aboriginal land which had been granted under the *Aboriginal Land Rights Act* (ALRA). Among other things, and in general terms, the Court found that-

- The *Fisheries Act* does not apply in waters overlying relevant Aboriginal land
- The public right to fish and navigate does not apply to waters overlying relevant Aboriginal land.

The NTG has appealed the decision to the High Court. The High Court has reserved its decision which is expected to be handed down some time in 2008.

The Federal Court decision was the catalyst for a range of discussions between Government, relevant Land Councils and commercial and recreational fishing stakeholders, and for follow-up discussions between the stakeholders groups themselves with a view to considering future systems and arrangements for fishing in waters overlying Aboriginal land and Territory waters in general. Discussions between the stakeholders culminated in a FRDC supported fact finding mission to New Zealand to examine and review the New Zealand fisheries management model and Māori involvement.

This paper provides an overview of the New Zealand arrangements and experiences based on that study tour. It should be noted that the New Zealand experience, as it relates to interaction with Māori, is long and complex and this paper is provided as a snapshot only.

INTRODUCTION

General

New Zealand has a population of approximately 4.2 million people, of which Māori make up about 14% of the population. Māori are defined by the *Māori Land Act 1993* and the *Rungunga Iwi Act 1990* as "a person of the Māori race of New Zealand or a descendent of any such person."

Māori people have strong and valued links with the South Pacific Islands. Approximately 6% of the New Zealand population in 2006 was comprised of South Pacific Islanders. Extended family plays a vital role in communal and family life as do marae (meeting house), *karakia* (prayer) and *kapa haka* (song and dance). Personal identity of a Māori person links back to their tribal group (*iwi*) and kinship arrangements.

There are no provinces, states or territories in New Zealand. Local government administers regions within New Zealand in a two tier approach. There are 12 regional councils responsible for regional environmental and transport issues, and 73 territorial authorities responsible for administering roads, sewage building consents and other local matters.

Fisheries

Fishing is one of New Zealand's principal export industries. The industry has an estimated value of \$1.75 billion annually, of which \$200 million per annum is from aquaculture (compared to an NT value of approximately \$25 million wild harvest and \$26 million from aquaculture in 2006/7¹⁰). Wild harvest fisheries are concentrated on deepwater stocks, such as squid, hoki (blue grenadier), ling, oreo dories, orange roughy and silver warehou. Inshore species, such as spiny rock lobster, paua and snapper, are also important commercial species.

Recreational fishing is an important pastime in New Zealand. The main species targeted include finfish (particularly snapper in the North Island and blue cod in the South Island), rock lobster and shellfish. Fishing activity is restricted by way of specific regulations pertaining to fishing gear, methods, permitted fishing areas and daily catch limits. There are five recreational fishery management areas (Auckland & Kermadec, Central Region, Southern Region, Challenger and Fiordland), each of which have specific recreational fishing regulations.

Commercial fisheries in New Zealand are predominantly managed by way of a quota system whereby a Total Allowable Catch (TAC) for each species harvested is determined by the Minister for Fisheries. Each sector (eg recreational, commercial and customary) is allocated a share of the TAC or has an allowance established. The commercial allocation of the TAC is referred to as the Total Allowable Commercial Catch (TACC) which is set annually. Each licensee has a share or percentage of the TACC. The extent to which a licensee can fish their share of the TACC annually is determined by the Annual Catch Entitlement (ACE) which is the tonnage equivalent of the TACC.

The customary and recreational shares of the TAC are by way of a general allowance for each sector, not a specific entitlement.

Fisheries Governance

The *Constitution Act 1986* defines the constitutional structure of New Zealand. The Treaty of Waitangi is recognised as the founding document of New Zealand and forms part of the constitutional basis of the New Zealand government (refer 3 below).

Fisheries in New Zealand are managed by the New Zealand government in accordance with the *Fisheries Act 1996*. The Ministry of Fisheries (MFish) is responsible for administration of the Act and is headed by a Chief Executive reporting to the Minister for Fisheries. The Ministry is organised into six business groups, Fisheries Policy, International, Fisheries Science, Fisheries Operations, Fisheries Compliance and Corporate Services.

Approximately 400 staff are employed by MFish throughout New Zealand with its head office in Wellington. Fisheries staff work in policy development, legislative change and strategic planning, this includes treaty settlements. Fisheries Operations provides a wide range of baseline fisheries

¹⁰ ABARE 2006

services including introduction of new fish stocks into the Quota Management System (QMS), regional recreational advisory groups, marine reserves, biosecurity, aquaculture, review of fisheries sustainability. The group also provides a framework for liaison with *tangata whenua* (people of the land) at regional level.

Fisheries compliance is undertaken at a district and regional level by MFish officers which undertake surveillance, investigation and prosecutions, as well as education and liaison. The group also manages and trains Honorary Fisheries Officers.

Fisheries licensing and logbook/returns services is outsourced to an independent organisation, FishServe.

Fisheries research is undertaken by the New Zealand Institute of Water and Atmosphere (NIWA), although MFish runs a separate fisheries observer program.

MFish has a cost recovery program in place for the commercial sector with public good services funded by the Government on behalf of the nation.

TREATY OF WAITANGI

The Treaty of Waitangi (first signed in 1840) guaranteed that the Māori would maintain the right to keep their lands, forests, fisheries and all their treasures, but sovereignty in the English version, and governorship in the Māori version, would be passed to the Crown. The Treaty recognised that Māori held property in sea fisheries and furthermore the sovereign Government of New Zealand was required to protect those rights.

The *Treaty of Waitangi Act 1975* provided for the establishment of the Waitangi Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determine whether certain matters are inconsistent with the principles of the Treaty. Initially the Tribunal had power to only examine claims from the date of its establishment. The *Treaty of Waitangi (Amendment) Act 1985* provided the Tribunal with power to consider claims of treaty breaches since 1840.

INTRODUCTION OF THE QUOTA MANAGEMENT SYSTEM (QMS)

In 1986 the New Zealand government moved from an open access system of managing fisheries to a system of individual quotas to stop depletion of the country's fish stocks. The Quota Management System (QMS), introduced under the 1986 Fisheries Amendment Act, was a means by which New Zealand would conserve and administer its main commercial fisheries and create a process for allocation of Individual Transferable Quota to incumbent commercial fishers with relevant catch history, commitment and dependence.

The QMS aimed at allowing individuals the flexibility to harvest their quota in the most economically efficient way while restricting each fisher to a maximum harvest. The right to harvest a particular quota was given in perpetuity and was tradeable. This effectively privatised rights to commercially harvest fish and impinged directly on Māori rights under the Treaty of Waitangi. The Waitangi Tribunal subsequently found that the QMS was in fundamental breach of the Treaty as the Government had wrongly given to non-Māori a right of a type which was guaranteed to Māori. Significantly, while finding that the allocation of rights under the QMS was prejudicial to Māori, the Tribunal found that the purpose of the QMS to restrict harvest and conserve fisheries was not in conflict with the Treaty.

In November 1987 Māori successfully gained an interim declaration from the Court of Appeal against

the government, preventing the extension of the QMS to further fisheries. This resulted in a series of negotiations and agreements between the Māori and government.

FISHERIES SETTLEMENTS

1989 Interim Settlement

In 1989 an interim agreement was reached between the Crown and Māori which involved the transfer of 10% of New Zealand's fishing quota (approximately 60,000 tonnes), shareholdings in fishing companies and \$50 million in cash to the Treaty of Waitangi Fisheries Commission to be allocated to *iwi*.

1992 Deed of Settlement

In 1992, a second (and final) part of the deal (referred to as the Sealord Deal) saw an additional 10% of quota, through the acquisition of 50% of Sealord Fisheries, shares in other fishing companies, \$18 million in cash and 20% of all new species brought in under the quota system being transferred to the Treaty of Waitangi Fisheries Commission in trust for *iwi* and *hapū* (sub-tribe or extended family group). As a result of the Settlement, Māori acquired a 50% stake in New Zealand's largest fishing company (Sealord) which owned around 26% of all New Zealand ITQ (by tonnage) at the time.

The Crown also agreed that it would, in consultation with Māori, "cause" Māori to participate in Fisheries Statutory Bodies so as to reflect the special relationship between Crown and Māori. The Deed also provided for legislation which would empower the making of regulations recognising and providing for customary food gathering and the special relationship between the *tangata whenua* (people of the land, Indigenous people with occupation rights) and those places which are of customary food gathering importance to the extent that such food gathering is not commercial in any way nor involves pecuniary gain or trade.

The deal gave Māori 20% of the TACC of current and future stocks. Māori agreed that as a result of this settlement all current and future claims with respect to commercial fishing rights were fully satisfied and discharged and that all legal proceedings relating to those claims discontinued.¹¹

The agreement was reached after extensive national consultation by Māori negotiators with *iwi* and *hapu*. However as with the original Treaty, Māori support for the Deed of Settlement, although widespread was not universal.¹²

The *Māori Commercial Aquaculture Claims Settlement Act 2004* was implemented to settle all Māori claims with respect to commercial aquaculture on or after 21 September 1992. The principles of the Act are consistent with the 1992 Sealord Deal and will provide *iwi* with the equivalent of 20% of the water-space rights created in coastal waters since September 21 1992, including any new space allocated in Aquaculture Management Areas in the future. Assets will be allocated by Te Ohu Kai Mona to mandated *iwi* aquaculture organisations, who have received authorisation from their *iwi* members for the allocation of aquaculture assets. Allocations will be on a regional basis.

¹¹ From Kerinns S.P and McClurg T. (1997) unpublished

¹² From Kerinns S.P and McClurg T. (1997) unpublished

Supporting Legislation

The understandings reached in the Deed of Settlement were enshrined in the *Treaty of Waitangi (Fisheries Claims) Settlement Act 1992* which also amended or expanded part of the existing *Māori Fisheries Act 1989*. The *Māori Fisheries Act 1989* was superseded by the *Māori Fisheries Act 2004*. The Act provides for the allocation of fisheries settlement assets to *iwi* which were provided to Māori in the 1989 interim settlement and those assets contained in the 1992 Fisheries Settlement (Sealord Deal).

The *Māori Fisheries Act 2004* also established Te Ohu Kai Moana, a private trust, which is primarily responsible for allocating assets held in trust through the 1989 and 1992 Sealord Deal to mandated *iwi* (57) organisations. Te Ohu Kai Moana is also responsible for the advancement of Māori interests in the marine environment as well as the provision of advice to *iwi*. Te Ohu Kai Moana also play a large role in building Māori capacity in fishing industry skills and techniques and business associated with fisheries.

ALLOCATION OF SETTLEMENT ASSETS

Overall, the Settlement provided for the transfer of some half a billion dollars in assets to the Māori, gave them close to 40% on the New Zealand commercial fishery with the potential to acquire a significantly greater proportion from the resource with the funds provided by the Settlement. The estimated value of the settlement assets in 2005 was \$750 - \$800 million¹³.

The allocations of assets by Te Ohu Kai Moana to *iwi* and *hapu* are both monetary and quota arrangements, and are done so in accordance with the *Māori Fisheries Act 2004*. Māori now constitute the major player in the New Zealand fishing industry. Allocations are based on the length of their coastline and the size of their population compared to the total Māori population.

Only mandated *iwi* can receive their allocation of assets by Te Ohu Kai Moana. Mandating is a formal process which ensures that each *iwi* has adequate systems in place (governance arrangements – constitutions, structures and register of members) and agreements between *iwi*. Overall approximately 75% of Settlement assets have been transferred to *iwi*.

MĀORI CUSTOMARY FISHING

Customary fishing, which is administered by MFish, is managed under its own set of regulations. These regulations let *iwi* and *hapu* manage their non-commercial fishing in a way that best fits their local practices, without having a major effect on the fishing rights of others. When the government sets the total catch limits for fisheries each year, it has an allowance for customary use, but, unlike the commercial sector, it does not allocate a specific quota.

Customary fishing regulations authorise guardians (*tangata kaitiaki* and *tangata tiaki*) to issue anyone a permit to catch fish in their area for customary use (in excess of recreational possession limits), which is restricted to the use for *hui* (meeting or gathering) and *tangi* (funeral). *Iwi* and *hapū* groups must decide who has *tangata whenua* (ownership of the land) status over a fishery, which may be shared by a number of groups. Groups choose people to act as guardians for the area. The guardians are then appointed by the Minister of Fisheries after public consultation.

¹³ Tom McClurg (May 2008) Presentation provided to Northern Territory Delegation

Customary fishing catches are required to be reported to MFish so the government can allow for customary use when it sets the TAC for the following year.

In addition, *tangata whenua* can ask for special management areas (*mātaitai* reserves, *taiāpure* and temporary area closures for the purpose of exercising customary rights) to encompass some of their traditional fishing grounds. The Minister for Fisheries may establish a *mātaitai* reserve on traditional fishing grounds in recognition of and for providing customary management practices and food gathering. Within *mātaitai* reserves, guardians can bring in changes to the rules for customary and recreational fishing including temporary closures, as well as whether some types of commercial fishing should continue in the reserve.

Taiāpure is a local fishery management area mechanism which enables *tangata whenua* to exercise *rangatiratanga* (chieftainship) over fisheries in an area which is of customary significance to *iwi* or *hapu*. The *kaitiaki* with the support of the *iwi*, and following pre-consultation with other stakeholder groups in the area, may apply to the Minister for Fisheries for the establishment of *taiāpure* over a certain area. The Minister in consultation with the Minister for Māori Affairs, and following public comment, may establish *taiāpure* and a management committee consisting of all stakeholder groups to provide advice to the Minister for Fisheries on the sustainable management of fish and aquatic life in the area. *Taiāpure* may provide for the continuation of all forms of fishing and are generally established in response to localised fisheries resource depletions.

Mātaitai reserves and *taiāpure* are often established conjointly.

APPENDIX XI: Executive Overview of NZ Deputation's Findings.

A copy of the document is available at <http://www.ntsc.com.au/council.htm>

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Moving Forward Together for the NT Fishing and Seafood Industry

An overview of a Northern Territory multi-sector fishing and seafood industry fact finding mission to New Zealand

The Fisheries Research and Development Corporation (FRDC) in conjunction with the Northern Territory Seafood Council (NTSC), the Amateur Fishermen's Association of the NT (AFANT) and the Northern Land Council (NLC) supported an historic NT fishing and seafood industry fact finding delegation to New Zealand (NZ) in April 2008. The delegation included commercial, recreational, Aboriginal Territorians and NT government representatives who investigated fishery resource management arrangements in NZ to identify how Indigenous participation in commercial operations and recreational and customary use of fish stocks are undertaken.

This document highlights the delegation's key findings. These findings have been documented for use by the various stakeholder groups and Government agencies as discussions continue on future arrangements for the NT fishing industry, particularly Aboriginal aspirations.

The delegation developed a set of key principles and a suggested way forward to progress these discussions in such a way that the goal of the project - 'Moving To a Common Vision and Understanding for Equitable Access for Indigenous, Recreational and Commercial Fishers in the Northern Territory' can be achieved.

The fact finding mission was beneficial for all delegates, allowing each to gain an understanding of how the Maori have been able to increase ownership and use of NZ fisheries and how the various sectors within the NZ fishery and NZ Government are dealing with the changing fisheries environment. NT stakeholders, especially Aboriginal Territorians, will be able to use the lessons learned from this experience to more effectively deal with future developments in the NT.

Following the delegation's return to Darwin, and after a series of meetings, it was agreed to finalise the FRDC project and outline the findings in this executive summary so as to provide stakeholders with a working document to assist with their ongoing discussions.



Djumbulwa Murrawul of Blue
Mud Bay greets
Ngahiwi Tomoana, the Chair of
Ngati Kahungunu

OPENNESS, TRANSPARENCY, CLARITY AND TRUST

WHY GO TO NEW ZEALAND?

What Happened in the NT?

In March 2007 the full bench of the Federal Court, in what is commonly referred to as the Blue Mud Bay case, recognised the rights of Aboriginal land owners in relation to fishing activities in waters overlying Aboriginal land, granted under the Aboriginal Land Rights Act (ALRA).¹ This decision could have impacted on the NT commercial fishing and seafood industry, valued at approximately \$25 million per annum, and the recreational sector which is a considerable driver of the NT economy.

This case was the catalyst for a series of discussions which took place between the NLC, commercial and recreational fishing stakeholders and Government to consider future systems and arrangements for fishing in waters overlying Aboriginal Land, and Territory waters in general. This led to the proposal for a fact finding mission to NZ, supported by the FRDC, to examine and review the NZ fisheries management model, investigate Maori involvement in the industry and identify best practice, as well as identify impediments to achieving increased Aboriginal participation in the NT industry.

Currently there is limited Aboriginal participation in the NT industry. Irrespective of the Blue Mud Bay case, there is general agreement that opportunities to increase Aboriginal participation in all sectors of the seafood and fishing industry should be investigated, while still allowing for the ongoing operation and sustainable growth of the industry.

1. The decision was appealed to the High Court, which on 30 July 2008 found that although the legislation (Fisheries Act) was valid, Aboriginal traditional owners have the authority to exclude others (including recreational and commercial fishers) from entering or remaining on waters overlying land granted under ALRA. Coastal land granted under ALRA typically includes the inter-tidal zone. For full decision see: <http://www.austlii.edu.au/au/cases/cth/HCA/2008/29.html>

What Happens in New Zealand?

The Treaty of Waitangi guarantees the rights of Maori to their lands and fisheries, and for the NZ Government to protect those rights. In 1986 as a result of overfishing and sustainability concerns for many fisheries, NZ moved to a quota management system (QMS) to commercially harvest fish. This was considered a breach of the Treaty. Subsequent court rulings, negotiations and agreements between Maori and Government resulted in Fisheries Settlements in 1989 and 1992.

These settlements saw the transfer of some \$0.5 billion in assets to the Maori, giving them close to 40% of the NZ commercial fishery quota. All Maori commercial fishing claims were resolved as a result of the settlements. The estimated value of the settlement assets in 2005 was \$750 - \$800 million. The commercial fishing industry in NZ has a current estimated annual value of \$1.75 billion. The

settlements also guaranteed Maori rights to customary food gathering and places of customary food gathering importance.

A private trust, Te Ohu Kai Moana (TOKM), was established to allocate the assets to mandated iwi (Maori organisations). TOKM was also responsible for the advancement of Maori interests in the marine environment and to provide advice to iwi. TOKM plays a major role in building Maori capacity in fishing industry skills and techniques, and business associated with fisheries.

Although each sector in NZ has an allowance under the QMS, the customary and recreational shares of the Total Allowable Catch (TAC) are only by way of a general entitlement, not a specific allocation in the form of quota. This has led to concern for the sustainability of some inshore fisheries and significant issues in dealing with resource reallocations between sectors.



NT delegates at the TOKM offices in Wellington. Standing L to R: Samuel Bush-Blanesi (NLC), Katherine Sameckis (NTSC), Steve Sly (NT Govt), Doug Neville (NTSC), Heather Brayford (NT Govt), Chris Makepeace (AFANT), Bunug Galaminda (NLC), Chris Calogeras (IC-AD Consultants), Kim Hill (NT Govt), Sitting Djumbulwa Murrawul (Blue Mud Bay). (Kim is now CEO of the NLC)

Moving Forward Together for the NT Fishing and Seafood Industry

Key Principles from the NZ Delegation

The following guiding principles have been put forward by the Aboriginal and industry delegates for consideration when developing arrangements for fishery management regimes in the NT, in particular when seeking to increase Aboriginal participation in the industry. These principles are:

- > Management arrangements must be developed in line with the principles of Ecologically Sustainable Development (ESD)
- > A strategic framework should be developed to deal with the whole management 'process' (including stakeholder aspirations and needs covering economic, cultural and social matters)
- > Stakeholders must ensure that a clear and agreed vision, goals and principles are developed
- > As allocation and reallocation of resources for all user groups is complex, an agreed framework must be established as part of any management regime and must include fair and agreed methods to allocate and reallocate resources amongst stakeholders
- > Cost efficiency considerations must be built into any management reforms
- > Stakeholder groups must have, or must develop, sound governance structures
- > All parties need to understand and recognise the rights, aspirations and values of stakeholders utilising the fisheries resource, particularly that of traditional owners.
- > Poor or unreliable data, although often an impediment to decision making, should not be a stumbling block to change as lower risk scenarios can be used to overcome data deficiencies
- > Openness, transparency, clarity and trust continue to be paramount in any process surrounding development or changes to the NT's fisheries management regime
- > Stakeholders must identify the right people to speak with knowledge and who have a mandate to represent them and negotiate on their behalf in any management discussions
- > The differences between recreational and customary fishing needs to be understood by stakeholders and the public
- > Particular species may require a specific allocation of any TAC based on that species importance to a sector, not on some generic allowance across all species
- > Management may require a regional and/or a staged approach.

Key Lessons for the NT

- > Identify who sits at the table and ensure they are empowered to negotiate outcomes
- > Look for a cooperative way forward – seek win-win outcomes
- > Be inclusive and transparent
- > Understand each other's rights, aspirations and values
- > Develop shared vision, goals and principles
- > Control and manage expectations
- > Develop an agreed framework and timeframes
- > Be open to different ways forward
- > Be aware this will be a work in progress.



Bunug Galaminda holding a lobster from Ngati Porou (Maori fishing group)

OPENNESS, TRANSPARENCY, CLARITY AND TRUST

Moving Forward Together for the NT Fishing and Seafood Industry

The Way Forward – What Do We Do With These Learnings?

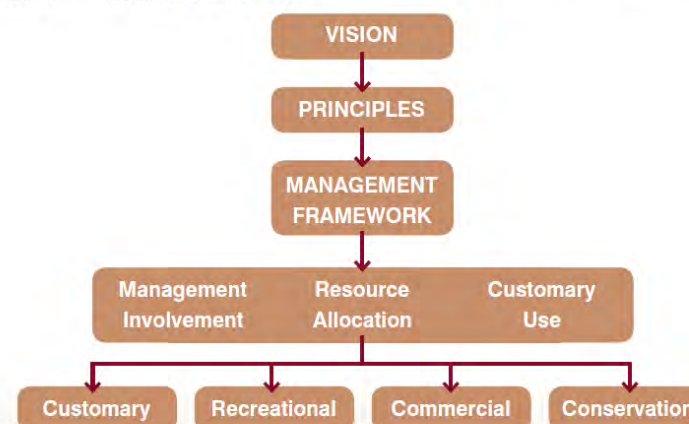
Since returning from NZ the delegates had two follow up meetings where the key principles and learnings were agreed to. These are generic in nature so they can be applied across all sectors. Importantly they reflect the delegates' own positions based on individual experiences and learnings from the trip.

The delegation also determined that it was appropriate to finalise the FRDC component of the process and move forward. This executive summary was considered an ideal vehicle for each sector and government to use in its internal consultative processes and discussions.

The delegation believed that it was appropriate that the stakeholder discussions between the NLC, NTSC and

AFANT, which began prior to the fact finding mission, should recommence as a matter of priority to build on the processes and agreements reached during that period. Delegates also felt that it would be highly beneficial to utilise their experience, skill sets and new learnings as part of future planning groups that seek to develop models or policies to increase Aboriginal participation in the NT fishing and seafood industry.

The flow chart below was developed by the group to allow consideration of the guiding principles with the three key areas identified by the delegation; i.e. customary use, resource allocation/reallocation and enhanced involvement of the Aboriginal people in fisheries management.



Further Contacts

If you have further queries in relation to the matters contained in this document or would like to have input you should contact your peak body, or representative group below

Commercial fishers
ceo@ntsc.com.au

Indigenous fishers
fishing@nlc.org.au

Recreational fishers
afant@afant.com.au

NT Fisheries
fisheries@nt.gov.au

Acknowledgments

Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fishers:- Northern Territory fishing and seafood industry delegation to New Zealand" was supported by FRDC on behalf of the Australian Government.

This mission could not have taken place without the support of the Aboriginal Investment Group (AIG), the NT Government and the generosity and hospitality shown by the Maori representatives, Government and Industry Agencies in NZ.

APPENDIX XII: Media Releases and General Media Associated With NZ Delegation



26 November 2008

Working Together on Blue Mud bay

The Northern Territory Government is committed to working together with all stakeholders affected by the Blue Mud Bay High Court ruling.

Chief Minister Paul Henderson today met with the Northern Land Council, Tiwi Land Council, Anindilyakwa Land Council and representatives from the fisheries industry including the Seafood Council, NT Guided Fishing Industry and AFANT.

Mr Henderson said the Government has begun the process of negotiating with all stakeholders to work towards an agreement between the parties.

"We want to facilitate a negotiated outcome which respects the rights of Traditional Owners and recognises the importance of fishing for all Territorians," Mr Henderson said.

"Today I was pleased to receive a report from a New Zealand fact finding delegation which set out to look closely at the Maori involvement in New Zealand fisheries.

"The report is an indication of the spirit of cooperation between the parties and is beneficial to negotiating an agreement in the Territory.

"We hope to build on the experience of New Zealand to develop a Fisheries Management Framework in the Territory which incorporates greater Indigenous involvement.

"Already the Territory's Indigenous marine rangers are doing fantastic work and they will play a greater role in the management of our fisheries.

"The Territory Government will establish more ranger units across the Top End beginning with a new Marine Ranger unit on the Cox Peninsula.

"Fishing is a great part of the Territory lifestyle for Indigenous and non Indigenous Territorians.

"We are committed to reaching an outcome which recognises the cultural importance of tidal waters for Traditional owners and allows recreational fishers continued access to waterways without individual permits.

"The Government is also committed to negotiating a Fisheries Management Framework which meets the needs of both commercial fishers and Traditional land owners."



*Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fisheries:-
Northern Territory fishing and seafood industry delegation to New Zealand*

MEDIA RELEASE

Moving Forward Together

The Chief Minister was today presented with a document summarising the key findings from a Northern Territory multi-sector fishing and seafood industry delegation which travelled to New Zealand earlier this year.

A total of ten representatives from the Northern Land Council (NLC), Amateur Fishermen's Association of the Northern Territory Inc. (AFANT), the NT Government, C-AID Consultants and the Northern Territory Seafood Council (NTSC) travelled to New Zealand in April 2008.

"The fact finding trip, allowed us to collectively meet and discuss issues with a range of stakeholder groups in New Zealand about best practice resource management with regards to Indigenous, commercial and recreational use and management of fish stocks," said NTSC CEO and delegate, Katherine Sameckis.

"The delegates can hopefully now apply the lessons learnt by being part of future planning groups seeking to develop models or policies to increase Aboriginal participation in the NT fishing and seafood industry" she said.

"The project afforded an invaluable opportunity for peak stakeholders groups to work and travel together and this provided a unique opportunity for information transfer within and between the sectors," said Independent facilitator and delegate, Mr Chris Calogeras of C-AID Consultants.

"A key finding of the delegates was that by working in an environment of openness, transparency, clarity and trust it should be possible for the industry to move forward together to achieve win-win outcomes on resource use issues", he said.

The project "Moving to a common vision and understanding for equitable access for indigenous, recreational and commercial fisheries:- Northern Territory fishing and seafood industry delegation to New Zealand" is supported by funding from the FRDC on behalf of the Australian Government.

Media Inquiries:

Katherine Sameckis, CEO, Northern Territory Seafood Council on 8981 5194.

Attachments:

- Djambawa Marawili of Blue Mud Bay greets Ngahiwi Tomoana, the Chair of Ngati Kahungunu
- Photo showing NT delegation
- PDF of report presented to Government



Northern Territory fishing and seafood industry delegation to New Zealand is supported by funding from the Fisheries Research and Development Corporation (FRDC) on behalf of the Australian Government.

The project has been profiled in:

- A media story was provided in March 2008 to FRDC for the FISH magazine
- ABC Country Hour interview 4 April 2008
- Radio Waatea in New Zealand conducted two interviews in April 2008
- Front page coverage in Te Tai Pari (the widely distribute magazine prepared by TOKM in May 2008)
- The last edition of Kantri Life – (Kantri Life is a newspaper that communicates and promotes the aspirations, research activities and results of Indigenous land and sea management initiatives across northern Australia).