



**Te Ohu Kaimoana's Response to  
the Transport and Infrastructure  
Committee on the Maritime  
Transport Amendment Bill**

Te Ohu  
**Kaimoana**  




# Contents

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Executive Summary	3
About Te Ohu Kaimoana	4
Te hā o Tangaroa kia ora ai tāua	4
Recommendation to the Transport and Infrastructure Select Committee	5
Appendix A	6

# Executive Summary

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1. Thank you for providing an opportunity for Te Ohu Kaimoana to provide comment on the Maritime Transport Amendment Bill. Our apologies for submitting this response the day after submissions close.
2. The Iwi Chairs Forum has alerted us to their concerns that the Bill will not achieve what is intended and that it will undercut the protections in the Maritime Transport Act. We support the concerns of the Iwi Chairs Forum. It is vital that companies operating offshore facilities have sufficient insurance and financial protections in place to address the impacts of oil spills. The amendment bill to the Martine Transport Act should therefore be a means to strengthen rather than loosen the current arrangements.
3. Aotearoa has a unique and diverse marine environment and biodiversity — these are taonga which need to be safeguarded for future generations. Protection of the reciprocal relationship between Māori and Tangaroa is an inherent part of the Māori Fisheries Settlement agreed by Māori and the Crown in 1992. If this relationship is to be maintained, offshore operators must meet any liabilities they incur for damage, including environmental restoration, damage to property and compensation for loss of profits.
4. This response is not intended to usurp the mana of Iwi to make their own submissions. It is also not intended to override or conflict with any responses from Iwi<sup>1</sup>.

Noho ora mai rā,



**Dion Tuuta**

Te Mātārae - Chief Executive  
Te Ohu Kaimoana

<sup>1</sup>Our usual approach would be to seek iwi views before making a submission of this nature. Unfortunately, there was not the time to do that in advance of the submission closing date. We intend to further discuss this with Mandated Iwi Organisations.

## About Te Ohu Kaimoana

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5. Te Ohu Kaimoana was established to implement and protect the Māori Fisheries Settlement. Its purpose, set out in section 32 of the Māori Fisheries Act 2004, is to “advance the interests of Iwi, individually and collectively, primarily in the development of fisheries, fishing and fisheries-related activities, in order to:
  - a. Ultimately benefit the members of Iwi and Māori generally;
  - b. Further the agreements made in the Māori Fisheries Settlement;
  - c. Assist the Crown to discharge its obligations under the Māori Fisheries Settlement and the Treaty of Waitangi, and
  - d. Contribute to the achievement of an enduring settlement of the claims and grievances referred to in the Māori Fisheries Settlement.
6. We work on behalf of 58 Mandated Iwi Organisations (MIOs)<sup>2</sup>, who represent all Iwi throughout Aotearoa. MIOs have approved our Māori Fisheries Strategy and three-year strategic plan, which has as its goal “that MIOs collectively lead the development of Aotearoa’s marine and environmental policy affecting fisheries management through Te Ohu Kaimoana as their mandated agent”. We play a key role in assisting MIOs to achieve that goal.
7. Māori rights in fisheries can be viewed as a share of the productive potential of all aquatic life in Aotearoa’s waters. These rights don’t just involve a right to harvest. They also include using aquatic resources in a way that provides for their social, cultural and economic wellbeing. Iwi have directed us to lead development of national and regional fisheries policy based on Māori values and principles in light of their rights. We are working on how we can best assist Iwi to achieve these objectives.

## Te hā o Tangaroa kia ora a tāua

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8. Iwi/Māori have a unique and ongoing connection with the environment. Our challenge is to ensure that this connection is maintained. Te Hā o Tangaroa kia ora ai tāua (the breath of Tangaroa sustains us) is an expression of a Māori World View. It contains the principles we use to analyse modern fisheries policy, and other policies that may affect the rights of Iwi under the Māori Fisheries Settlement. Te Hā o Tangaroa kia ora ai tāua is outlined in Appendix A.
9. In essence, Te Hā o Tangaroa kia ora ai tāua highlights the importance of an interdependent relationship with Tangaroa, including his breath, rhythm and bounty, and the way those aspects work together to sustain both Tangaroa and humanity in an enduring way.

<sup>2</sup> MIO as referred to in The Maori Fisheries Act 2004: in relation to an iwi, means an organisation recognised by Te Ohu Kai Moana Trustee Limited under section 13(1) as the representative organisation of that iwi under this Act, and a reference to a Mandated Iwi Organisation includes a reference to a recognised iwi organisation to the extent provided for by section 27.

10. Protection of the reciprocal relationship with Tangaroa is an inherent part of the Māori Fisheries Settlement agreed by Māori and the Crown in 1992. If this relationship is to be maintained, offshore operators must meet any liabilities they incur for damage, including environmental restoration, damage to property and compensation for loss of profits.

## **Recommendation to the Transport and Infrastructure Select Committee**

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11. We recommend that the Committee seriously consider the concerns put forward by the Iwi Chairs Forum to ensure any Bill referred back to Parliament will strengthen, not undermine, the requirements on offshore operators to meet all liabilities in the event they cause an oil spill.

## The concept of “Te Hā o Tangaroa Kia Ora Ai Tāua” underpins the work of Te Ohu Kaimoana.

This statement means “the breath of Tangaroa sustains us” and refers to the ongoing Māori relationship with Tangaroa – including his breath, rhythm and bounty. Recognising our ongoing interdependent relationship acknowledges the Māori worldview that humanity is descended from Tangaroa and all children of Ranginui and Papatūānuku. We are part of the ongoing cycle of life.

The concept of “Te hā o Tangaroa kia ora ai tāua” is underpinned by whakapapa, tiaki, hauhake and kai.

Whakapapa recognises that when Māori (and by extension Te Ohu Kaimoana as an agent of iwi) are considering policy affecting Tangaroa we are considering matters which affect out tupuna – rather than a thing or an inanimate object.

### WHAKAPAPA

Māori descend from Tangaroa and have a reciprocal relationship with our tupuna

### HAUHAKE

Māori have a right and obligation to cultivate Tangaroa, including his bounty, for the betterment of Tangaroa (as a means of managing stocks) and support Tangaroa’s circle of life

# TE HĀ O TANGAROA KIA ORA AI TĀUA

### TIAKI

Māori have an obligation to care for Tangaroa, his breath, rhythm and bounty, for the betterment of Tangaroa and for the betterment of humanity as his descendants

### KAI

Māori have a right to enjoy their whakapapa relationship with Tangaroa through the wise and sustainable use of the benefits Tangaroa provides to us

We recognise that as descendants of Tangaroa, iwi Māori have the obligation and responsibility to Tiaki – care for our tupuna so that Tangaroa may continue to care and provide for iwi.

Our right and obligation of hauhake (cultivation) is underpinned by our tiaki obligations and responsibilities to Tangaroa. Ultimately our right to kai – to enjoy the benefits of our living relationship with Tangaroa and its contribution to the survival of Māori identity – depends upon our ability to Tiaki Tangaroa in a meaningful way.

Te Hā o Tangaroa underpins our purpose, policy principles and leads our kōrero every time we respond to the Government on policy matters. It is important to us that the Government understands the continuing importance of Tangaroa and recognises the tūhonotanga that Māori hold as his uri.

All decisions and advice offered by Te Ohu Kaimoana on fisheries is underpinned by this kōrero to ensure the sustainability of Tangaroa’s kete for today and our mokopuna yet to come.

Te Ohu  
**Kaimoana**

