



Te Ohu Kaimoana and Moana  
**New Zealand's response to the**  
wider roll out of onboard  
cameras



# This is **Te Ohu Kaimoana and Moana New Zealand's** response to the wider rollout of onboard cameras

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1. This document provides our comments to the proposed wider rollout of onboard cameras. Our comments focus on the Government's approach to engagement with Māori and key issues that we have identified in the consultation document. We have discussed the proposal with Moana New Zealand and this response reflects a joint view between Te Ohu Kaimoana and Moana New Zealand.
2. Moana New Zealand holds both settlement and post-settlement assets arising out of the Fisheries Deed of Settlement 1992 (on behalf of Mandated Iwi Organisations and their Asset Holding Companies). Moana New Zealand has eight years of experience with operating cameras on boats, therefore we write from a place of experience of how this works in both an operational context and in ensuring the sustainable utilisation of fisheries resources.
3. We appreciate that in releasing the consultative proposals, the Government's expectations were that parties to the consultative process would respond by 13<sup>th</sup> December. However, during the consultation period, it became apparent that there would be slippage around linked Government-led processes and there was a lack of structure for meetings of the Technical Advisory Group that was formed to assist with the camera initiatives. We found this changing scene problematic to connect to and it became difficult, if not impossible, to have a structured conversation with so many moving parts. Hence our response falls outside the consultative timeline.
4. Further, we are uncomfortable with the camera agenda being entirely Government-led and lacking a sense of connectedness to the initiatives that have been put in place by Moana New Zealand, and the wider industry (such as in support of the tarakihi rebuild plan). While we have not managed to meet the imposed deadline for a response, we nevertheless seek an ongoing commitment to discuss our response prior to this initiative being further progressed.
5. In addition to the connections to the camera-related matters being problematic, this consultation is one of many ultimately contributing to an oceans reform agenda that is currently being fast-tracked by the Government. We find this "piecemeal" approach exhaustive as it allows little time to wānanga and test the merits and pitfalls of the proposals as a package. It does not allow the space to design an overarching framework that addresses the multifaceted impacts that affect the health of Tangaroa. We argue that this approach risks delivering minimal beneficial impact and exemplifies a top-down approach whereby the Government both sets the agenda and seeks to control rule development.
6. We support efforts to place a greater emphasis on ensuring sustainability while retaining the requirement to provide for utilisation. The definition of utilisation under the Fisheries Act speaks to an enabling rather than a top-down approach. Our experience is that there is a place for cameras in achieving that part of the purpose of the Act. However our view is that the proposal has underlying

issues that should be addressed before it can be progressed. The issues we have identified are as follows:

- The Government inadequately approach their statutory obligations to Māori by working with Regional Iwi Fisheries Fora, which are not representative of Māori interests under the Deed of Settlement
- There is a lack of evidence to support the basis for, and the costs and benefits of, the rollout
- The proposed changes to cost recovery contain policy changes which may not align with the broader cost recovery framework
- The additional \$10 million to fund the rollout will directly impact Māori and iwi quota owners.

We have also identified opportunities that could be realised if a broader approach is adopted by the Government:

- There is the opportunity to capitalise on the commitment and leadership within and across the Māori fishing industry through investment in technology that will provide greater assurance to iwi/hapū/whānau that operations are sustainable.
- The data gathered could be used to better inform management measures. In a way that aligns with our principles of data sovereignty.

7. In summary, a holistic and collaborative approach is required to ensure the sustainability and health of Tangaroa. This approach prioritises whanaungatanga and the relationships with our people as an extension of te taiao. We believe that such a short time frame to respond to multiple proposals does not allow the space to evaluate and critically analyse the relative merits and pitfalls that come with specific proposals.

## **We base our advice on Te hā o Tangaroa kia ora ai tāua**

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8. The reciprocal relationship that Māori have with Tangaroa is underpinned by whakapapa. Protection of this relationship with Tangaroa is an inherent part of our identity as Māori. There are multiple facets to the relationship with Tangaroa, all of which are inherent parts of Māori identity. In a contemporary context, the management and protection of fisheries resources, as a facet of the relationship with Tangaroa, is expressed through our expression of kaitiakitanga and tino rangatiratanga. This relationship is enabled under Te Tiriti o Waitangi and articulated in the Deed of Settlement.
9. Te hā o Tangaroa kia ora ai tāua is an expression of the unique and lasting connection Māori have with the environment. It contains the principles we use to analyse and develop modern fisheries policy and other policies that may affect the rights of iwi under the Deed of Settlement. In essence,

Te hā o Tangaroa kia ora ai tāua highlights the importance of our whakapapa to Tangaroa, ultimately ensuring our mutual health and wellbeing.

10. In accordance with this view, "conservation" is part of "sustainable use". It is carried out to sustainably use resources to benefit current and future generations. The Fisheries Act's purpose is "to provide for the utilisation of fisheries resources while ensuring sustainability." The purpose and principles as defined in the Act echo elements of Te hā o Tangaroa kia ora ai tāua.

## Our advice on the wider rollout of onboard cameras

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Notwithstanding the difficulties we have experienced with being involved with the camera initiative, we have identified four key issues that are highlighted below:

### **The Government approach statutory obligations to Māori by focussing on Regional Iwi Fisheries Fora, which are not fully representative of Māori interests**

11. Māori have a wide range of interests regarding the protection and sustainable use of their taonga. Fisheries New Zealand has compartmentalised and represented these interests in this consultation overly simplistically. For example, Māori customary commercial interests have been categorised separately and Māori customary non-commercial interests have been depicted as part of a Fisheries New Zealand's mandate – and delivered through Iwi Fisheries Fora. These fora were established by the then Ministry of Fisheries as part of a distinctly different approach.
12. This strategy of channelling "Treaty of Waitangi obligations" through the fisheries fora is in support of a view that Fisheries New Zealand considers only some fishing interests to be part of their obligations to Māori under either Te Tiriti o Waitangi or the Deed of Settlement. We do not buy into this divisive approach of separating our interests and further emphasise the need for the Government and its well-resourced agencies to work directly with iwi/hapū/whānau, the Settlement Entities (Moana New Zealand) and Māori owned fishing companies on mutually acceptable terms.

### **There is a lack of evidence to support the wider rollout being either necessary or cost effective**

13. We note that the proposal commits outcomes that extend beyond the information gathered in the proof of concept trial and consequently has promised more than can be delivered. Our concern is that the Government has developed this proposal without evidence, but rather is overly influenced by voices that have little or no appreciation of how the QMS works. Further, it is entirely silent on how fishing outside the QMS could benefit from the use of cameras – other than observing the capture (or non capture) of protected species by commercial operators. The case for the rollout seems to be based more on the proposition that Fisheries New Zealand consider that they now know how to run a camera system in a commercial setting. Rather than using the experience to date to consider the use of cameras in a cost-effective way and so ensure that the purpose of the Fisheries Act can be met.

14. The Cabinet decisions of earlier this year and the consultative documents both place considerable emphasis on the “proof of concept” for the rollout of cameras. Yet the rationale for that initiative was to check whether the industry claims that they were not catching Māui dolphins could be substantiated. In recovering footage on hard drive devices Fisheries New Zealand made it clear that they would inspect it for other compliance-related reasons. It is our understanding that to date there has been no follow up action as a result of viewing that footage implying that the concerns over both misreporting of protected species and wider non-compliant behaviour regarding the handling of QMS stocks have yet to be substantiated. This suggests to us it is time to pause and reassess.
15. If the focus on an extended rollout of cameras is to validate QMS species being retained on the vessel in situations where the law prevents them from being returned to the sea, then that justification requires further and careful evaluation. The recent emergence of the catch balancing forum as a critical step in evaluating the reasons behind catch not being balanced by ACE has not been taken into account. This highlights the lack of consideration of key policy settings before the conclusion that cameras are a cost-effective and necessary compliance option can be reached.
16. We see considerable merit in pursuing this line of investigation before investing in an expensive and extensive exercise requiring the further rollout of cameras across the inshore and highly mitigatory species fleets. Te Ohu Kaimoana is aware of discussions being held with other jurisdictions over the way cameras could be used to improve compliance. Rather than being included in those conversations, Te Ohu Kaimoana has had to follow up on its own behalf. It has become clear to us that the experience from other jurisdictions has limited carry over to the situation in Aotearoa given the focus placed on QMS management here.
17. In the meantime, despite a non-statutory requirement, Moana New Zealand is an early adopter of digital monitoring to generate better information for fisheries management. This is a positive indication of how the wider use of cameras could occur. Moana New Zealand fulltime contract trawlers have been carrying cameras for the past eight years and long-term are keen to support a fishery which provides confidence around what is happening on the water. There is a clear net benefit for deployment in these situations being identified. It speaks to the responsibilities that go with the rights that the Māori fishing industry have in actively ensuring the sustainable utilisation of fisheries resources.
18. However, decisions are not yet forthcoming on key factors such as who pays for the equipment, it's installation and maintenance, data transfer, monitoring of the footage, who has access to the footage and for what purpose. We welcome a dedicated focus on these key issues to enable sound decision making.

**The proposed changes to cost recovery contain policy changes that may not align with the cost recovery framework as adopted following the signing of the Deed of Settlement**

19. We are concerned that this consultation is in part dependent on what was going to be a concurrent first principles review of the fisheries cost recovery framework. The consultation document notes that an overarching cost recovery review is expected in late 2021. However, this timeline has been delayed and so there is no longer any connection between the two initiatives.
20. Further, we note that proposed changes to the cost recovery framework may require retrospective changes to legislation to ensure the approach is consistent with the law. The changes were expected to be set out in a Fisheries Amendment Bill scheduled to be introduced to Parliament before the end of the year, but this too has been delayed. However, the regulatory proposals that connect to the review of cost recovery and amendments to the Act are proceeding. This approach does not seem to be constitutionally sound and the lack of an open discussion over how the wider approach works to meet Te Tiriti and Deed of Settlement obligations is problematic.

**The additional \$10 million to fund the rollout will directly impact Māori and iwi quota owners**

21. Fisheries New Zealand has estimated an additional \$10 million would be cost recovered from quota owners over the first four years of the rollout using a phased-in approach. This is on top of the \$35 million recovered annually from the fishing industry. Beyond the first four years, Fisheries New Zealand has estimated that a further \$8 million per annum of cost recovered funds will be needed to fund cameras. This will contribute to the minimum \$15 million needed per annum estimated for camera operating costs. We note that all these costs are estimates and that any further increases would be charged to industry and consequently quota owners. The proposed additional cost recovered funds will directly impact Māori and iwi quota owners.
22. As a result of increasing the cost recovered levies to install, operate, and maintain onboard cameras will directly impact the value of quota and settlement assets. Our view is that any impacts to the capital value of settlement assets critically undermine what was agreed upon by Māori and the Crown through the 1992 Fisheries Deed of Settlement. Therefore, we advise that if the Government decides to proceed with this approach, further discussions with Settlement entities need to be conducted.

In addition to the four key concerns outlined above, we have two further observations that we consider to be appropriate to this consultation:

**Commitment and leadership of fishing industry to invest in technology that provides greater assurance to iwi/hapū/whānau that operations are sustainable**

23. The feedback we receive from iwi/hapū/whānau is that they are concerned about the health of Tangaroa and that they seek to remedy the multiple impacts that cause degradation to the moana. To the extent that this concern relates to extractive activities, this could be addressed in the first instance by showcasing the practices of Māori/iwi owned fishing companies who have a connection to Te Ao Māori. For instance, through Te hā o Tangaroa as an ethic that governs commercial fishing

practices. In that case, investing in technology that could monitor the sustainability of fishing practices is a means of mitigating and remedying the impacts observed by iwi/hapū/whānau. Supporting such an approach could further embed Te hā o Tangaroa into commercial operations, but it does not require a myopic focus on top-down approaches to achieve that.

24. The leadership of Moana New Zealand, a commercial fishing business owned 100% by iwi, who have used cameras onboard its vessels for the last eight years is an important part of this process moving forward and requires its experiences to be documented in order to inform the right decision making and outcomes.

#### **The data gathered could be used to inform management measures**

25. We note that the approach set out in the consultation document lays claim to aspirational goals that explore the potential of cameras on boats in the context of technological advancement. We believe that if executed to the extent where data on individual fish within the catch are collected from fishing events this could have wider uses. Fisheries New Zealand recognise this and signals that it intends to use artificial intelligence to first trial, and potentially implement, such an approach. While far from being seen as a practical initiative at this point in time, we encourage further evaluation of this potential. This must be approached collaboratively and be cognisant of issues with indigenous data sovereignty. We refer the Government and its agencies to Te Mana Raraunga's Principles of Māori Data Sovereignty and suggest it should govern the Government's approach to managing that data<sup>1</sup>.

Nāku noa, nā



Lisa te Heuheu

**Te Mātārae**

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<sup>1</sup>**Te Mana Raraunga (2018). Principles of Māori Data Sovereignty.** Retrieved from <https://www.temanararaunga.maori.nz/nga-rauemi>

