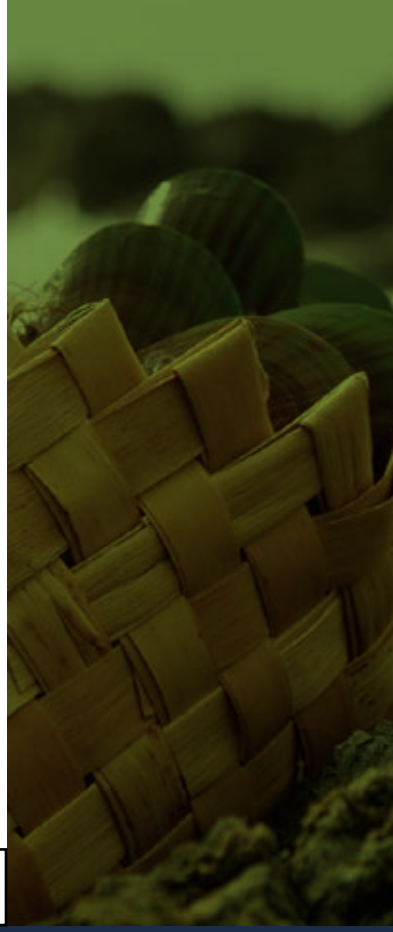

MAORI COMMERCIAL AQUACULTURE SETTLEMENT

Consultation on a plan to fulfil the Crown's settlement obligations

Minister of Fisheries

June 2008

ABOUT THIS DOCUMENT

The Maori Commercial Aquaculture Claims Settlement Act 2004 provides iwi with 20% of all new aquaculture space created from 1 January 2005. The settlement also provides iwi with the equivalent of 20% of existing aquaculture space (called "pre-commencement space") created between 21 September 1992 and 31 December 2004.

This document deals with the obligation relating to pre-commencement space.

The Act requires the Minister of Fisheries to prepare a plan that assesses the progress made by the Crown in complying with its pre-commencement space obligations to iwi. Where the Crown has not yet complied with its pre-commencement space obligations, the plan will describe how the Crown intends to fulfil these outstanding obligations by 31 December 2014. The purpose of the plan is to provide more certainty about how the settlement will be delivered to iwi.

We are seeking your views on the proposals and options contained in this plan.

The key issues for consultation are:

- how the Crown might purchase marine farms
- how the Crown will determine the financial equivalent
- the proposed valuation methodology
- the potential options to amend the Act to improve the delivery of settlement assets to iwi.

This plan is presented for the purpose of consultation with all iwi aquaculture organisations and recognised iwi organisations whose rohe includes a part of the coastal marine area that has pre-commencement space that the Crown is obliged to settle. Te Ohu Kai Moana Trustee Limited is also included in the consultation process.

Please let us know what you think about the proposals and options outlined in this plan, as well as any other matters relating to how the Crown can meet its pre-commencement obligation, before Friday 31 October 2008.

You can make your views known by:

- email to Aquaculture.Settlement@fish.govt.nz; or
- post to:

  The Aquaculture Settlement
  Ministry of Fisheries
  PO Box 19747
  Avondale 1746
  Auckland

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FOREWORD FROM THE MINISTER

Tena koutou katoa, he mihi nui ki runga i te ahua o te ra nei.

Maori have a strong relationship with the coastal marine area. This is based upon whakapapa, the exercise of rangatiratanga, mana, tikanga, and kaitiakitanga. In 1992 the Crown reached a full and final settlement with Maori for all claims under the Treaty of Waitangi I Te Tiriti o Waitangi relating to New Zealand's wild fisheries. Aquaculture was the unfinished business of that settlement, being the use of New Zealand's coastal marine space to commercially farm kaimoana.

Settling Maori claims to commercial aquaculture since 1992 is an important element of the relationship between tangata whenua and the Crown.

I have a duty under the Maori Commercial Aquaculture Claims Settlement Act 2004, which gives effect to this settlement, to assess the Crown's progress in complying with its "pre-commencement space" obligations and to set out a plan of how the Crown intends to comply with these obligations by 31 December 2014. This plan meets my duty; but I see it as more than that. The plan is an important part of moving forward the relationship between tangata whenua and the Crown. We need to finalise this settlement. We need to ensure that settlement assets reach where they need to go and start providing the benefits that I know they promise.

I encourage you to read the plan carefully, think about the proposals, and give us your ideas. This is an opportunity for me to hear your views for taking the settlement forward and making sure that the settlement works.

I am confident that iwi have a bright future in aquaculture, and the Government is committed to doing all it can to help along the way.

No reira ma te Atua koutou e manaaki, e tiaki i nga wa katoa.
Naku noa na

Hon Jim Anderton
Minister of Fisheries

PART 1: INTRODUCTION

1. During the late 1990s the Government began to develop a new regime for managing aquaculture in New Zealand. The proposed aquaculture reforms sought to introduce and amend existing legislation relating to aquaculture management in the coastal marine area.
2. The possibility of conflict between the principles of the Treaty of Waitangi and the proposed aquaculture reforms was raised in claims before the Waitangi Tribunal by a number of iwi.
3. The Waitangi Tribunal agreed the proposed reforms would breach the principles of the Treaty of Waitangi, as it found Maori have an interest in marine farming that forms part of a bundle of rights in the coastal marine area that represent a taonga protected by the Treaty of Waitangi.[1]
4. The Maori Commercial Aquaculture Claims Settlement Act 2004 (the Act) was a legislated response to give effect to the findings of the Waitangi Tribunal.

Maori Commercial Aquaculture Claims Settlement Act 2004

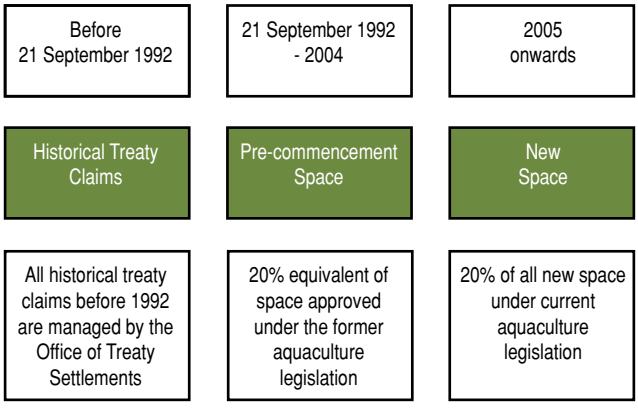
5. The purpose of the Act is to:

   (a) provide a full and final settlement of Maori claims to commercial aquaculture on or after 21 September 1992; and

   (b) provide for the allocation and management of aquaculture settlement assets.

6. The settlement requires that iwi are provided with 20% of all new aquaculture space created through the establishment of "aquaculture management areas" (AMAs) from 1 January 2005. The settlement also establishes the Crown's obligation to provide iwi with the equivalent of 20% of the aquaculture space created between 21 September 1992 and 31 December 2004 ("pre-commencement space").
7. Pre-commencement space also includes any space that was approved under the former aquaculture legislation but issued after 1 January 2005. The Crown's pre-commencement space obligation for the entire country as at 1 June 2008 is 2,299 hectares.
8. This document deals with the obligation relating to pre-commencement space. Attachment 1 summarises administrative steps already taken to support settlement of the Crown's pre-commencement space obligation.
9. Treaty of Waitangi claims to aquaculture space before 21 September 1992 are addressed through the historical treaty claims settlement process managed by the Office of Treaty Settlements (see following diagram).

Aquaculture settlement categories according to the date of approvals for aquaculture space



10. Under the new aquaculture reforms the Resource Management Act 1991 requires that "aquaculture activities" can take place only within an AMA. An AMA is an area zoned specifically to allow for marine farms. AMAs can be created through council-initiated regional coastal plan changes,

1. Ahu Moana: The Aquaculture and Marine Farming Report, *WAI 953, Waitangi Tribunal Report 2002.*

conventional private plan changes, and the new category of "invited private plan change" (IPPC).[2]

11. The settlement provides that all settlement assets are transferred to a trust. Te Ohu Kai Moana Trustee Limited (the Trustee) then transfers the settlement assets to iwi aquaculture organisations (IAOs) within a particular region, or harbour, once all the iwi within a region have attained IAO status and the settlement asset entitlements and allocations have been determined.
12. Settlement assets will be allocated on a region-by-region basis, based around the jurisdictions of regional councils and unitary authorities.[3] The exceptions are those harbours identified in Schedule 2 of the Act where settlement assets will be allocated to IAOs whose rohe abut that harbour.
13. Attachment 2 presents the Act's provisions for an aquaculture settlement trust and the role of the Trustee. Attachment 3 lists IAOs. Attachment 4 provides the schedule of specified harbours.
14. The Act provides the Crown with three methods of complying with its obligations relating to pre-commencement space:
    - ***New space method.*** The Minister of Fisheries has gazetted Orders in Council requiring regional councils and unitary authorities to identify and transfer authorisations to the Trustee for up to an additional 20% of any new aquaculture space created from 1 January 2005. This is in addition to the 20% new space obligation. This method cannot take space from AMAs created by an IPPC to settle pre-commencement space obligations.
    - ***Purchase marine farm method.*** The Crown can purchase marine farms from 1 January 2008 and transfer the coastal permits associated with these farms to the Trustee. The Crown may provide the Trustee with a right of first refusal to purchase the improvements associated with the farm. The Trustee can exercise this right only if it has the agreement of all the IAOs concerned.
    - ***Financial equivalent method.*** Where the necessary space has not been provided to the Trustee under the other methods, the Crown can pay the financial equivalent from 1 January 2013. The amount paid to the Trustee is equivalent, in part or in full, to the value of the pre-commencement space obligation.
15. The Act does not require the Crown at any particular time to comply with the settlement methods in any particular way or combination of ways.
16. The Crown must use its best endeavours to comply with its pre-commencement space obligations by 31 December 2014.

Ministerial plan

17. The Act requires that the Minister of Fisheries must prepare a plan that:
    - provides an assessment of the progress made by the Crown in complying with its pre-commencement space obligations under the Act
    - to the extent that the Crown has not complied with its pre-commencement space

2. Councils may "invite" prospective marine farmers to undertake an "invited private plan change" (IPPC) to create a new AMA. If an IPPC is successful, the proponent is given a preferential allocation to 80% of space after the 20% allocation to the Trustee to meet settlement obligations for new space. Under the IPPC process, no additional new space is available for the Crown to help meet its pre-commencement space obligations.
3. Unitary authorities are combined regional and district councils such as Gisborne District Council, Marlborough District Council, and Tasman District Council.

obligations, provides how the Crown will comply.

18. The purpose of the plan is to provide more certainty about how the methods within the settlement will be used to deliver settlement assets to iwi. The plan deals exclusively with the pre-commencement space obligation and does not include a review of the new space obligation (new marine farming space within an AMA that is created from 1 January 2005).

Process for developing the Ministerial plan

19. The Act requires the Crown, in preparing the plan, to consult with all IAOs and recognised iwi organisations whose area of interest includes any part of the coastal marine area where the Crown has not, by 31 December 2007, satisfied its pre-commencement space obligations. The Trustee will also be consulted on the plan.
20. Comments will also be sought from other tangata whenua groups, the aquaculture industry, and regional councils in whose area there is a pre-commencement space obligation.
21. The key issues for consultation are:
    - how the Crown might purchase established marine farms
    - how the Crown will determine the financial equivalent
    - the proposed valuation methodology
    - potential options to amend the Act to improve the delivery of settlement assets to iwi:
        - Option A: Regional agreements, which provide for agreement among the Crown, regional iwi, the Trustee, and possibly the relevant regional council, to settle obligations in a particular region by negotiation
        - Option B: Change the date for cash payments, bringing forward the date for the use of the financial equivalent method.
22. The process for consultation is detailed in Part 4 of this plan.
23. After considering the responses, the Minister will complete the plan. As soon as practicable after completing the plan, the Minister will provide copies of the plan to the Trustee, IAOs, and recognised iwi organisations.
24. The final plan will be a statement of policy on how the Crown will meet its pre-commencement space obligations.
25. We are seeking your views on the proposals and options contained in this plan.

PART 2: THE CROWN'S PLAN TO MEET ITS SETTLEMENT OBLIGATIONS

26. This part of the plan:
    - assesses the progress made by the Crown in complying with its pre-commencement space obligations since 1 January 2005
    - sets out proposals for how the Crown will comply with its pre-commencement space obligations by 31 December 2014 using the three settlement methods provided for in the Act:
        - new space method
        - purchase marine farm method
        - financial equivalent method.

New space method

Scheme of the Act

27. The only method available to the Crown to fulfil its pre-commencement space obligation between 1 January 2005 and 31 December 2007 was the ability to provide iwi with up to an additional 20% of new AMAs space created by a council-initiated plan change or conventional private plan change. This extra space is in addition to 20% of the space required to satisfy the new space obligation. This method does not apply to AMAs created through an IPPC.
28. Orders in Council to give effect to the new space method have been gazetted and there is no intention to withdraw these.[4]
29. At the time the Act was passed it was understood that the new space method would provide for some but not the entire pre-commencement space obligation.

Delivery of settlement assets since 1 January 2005

30. The Ministry has quantified the Crown's pre-commencement space obligation using a space approach (i.e. one hectare of pre-commencement space obligation can be satisfied with one hectare of new space or purchased marine farm space).
31. Currently none of the Crown's pre-commencment space liability has been met by the new space method, and under current circumstances, substantial space is unlikely to be provided to iwi using this method.
32. Since 1 January 2005 no new space has been created under the new aquaculture planning regime and none is likely to come through in the next 3–5 years. The regions where future AMAs are most likely (Northland, Waikato and Canterbury) are areas where the Crown has limited pre-commencement space obligations.
33. Even when new space is developed, the majority of regional councils and unitary authorities are likely to choose the IPPC planning route, which excludes the possibility of using additional new space to settle pre-commencement space obligations. The Crown's pre-commencement space obligations cannot be reduced by AMAs created by an IPPC.

Discussion

34. Government is aware there are some difficulties developing new space for aquaculture under the new aquaculture law. Advice is currently being considered on a range of options to foster new aquaculture development under the current legislation.
35. A central government aquaculture implementation team is working closely with regional councils, the aquaculture industry, and Maori to facilitate the development of new aquaculture

4. Maori Commercial Aquaculture Claims Settlement (Additional Allocation of Space) Order 2006.

space and the better use of existing aquaculture space.[5] Government support is focused on promoting a collaborative approach between stakeholders and reducing barriers to aquaculture planning and development. In addition, there are initiatives underway that focus on:

- improving public confidence in aquaculture
- promoting Maori success and involvement in aquaculture
- capitalising on research and innovation.

36. Government has also set up a $2 million contestable fund to assist councils with the costs of planning for aquaculture. The fund will support councils in the initial information gathering, consultation, and planning work for new AMAs.
37. However, any new space that may be stimulated through these recent initiatives is likely to be created via the IPPC process, or it may be in regions with low pre-commencement space obligations, or it may not have completed the planning process by 2014. Therefore, despite the Crown's initiatives to create new aquaculture space, little space is likely to be provided to the Trustee and IAOs under the new space method.
38. Although no new space has been created under the new aquaculture law, the Ministry of Fisheries (the Ministry) has made significant progress in processing the backlog of pre-moratorium applications. Since the moratorium on new aquaculture applications was introduced on 28 November 2001, the Ministry has approved over 200 applications for a total of 5,100 hectares (as at 1 May 2008) of new space under the old legislation.
39. There are a number of marine farming applications still to be processed under the old legislation. Any pre-moratorium application that is successful will increase the Crown's pre-commencement space obligation to iwi and be recorded in the aquaculture settlement register (Attachment 5).
40. Issues associated with applications for space that were "frozen" under section 150B(2) of the Resource Management Act 1991 and their relationship to the new space method are discussed at paragraphs 88 to 97.

Purchase marine farm method

Scheme of the Act

41. The option of the Crown to purchase marine farms to satisfy its pre-commencement space obligations became available on 1 January 2008. This method involves the Crown purchasing marine farms (on a willing seller/willing buyer basis) and transferring the coastal permits associated with the farms to the Trustee for allocation to IAOs within a region or harbour. Only the space authorised by the coastal permits associated with the marine farm counts against the Crown's pre-commencement space obligation.
42. If a marine farm is purchased, the Crown would usually be buying associated "improvements in the space" (such as marine farm structures and stock). The Crown is not required to allocate these improvements to the Trustee, but may offer

5. The aquaculture implementation team comprises the Ministry of Fisheries, Ministry for the Environment, Department of Conservation, Ministry of Economic Development, New Zealand Trade and Enterprise, Te Puni Kokiri, Aquaculture New Zealand Ltd, Local Government New Zealand Ltd, Te Ohu Kai Moana Trustee Ltd, and a representative for regional councils.

the Trustee a right of first refusal to purchase the improvements. The Trustee may take up this offer only if it has first secured agreement of all the IAOs concerned.[6] Such a purchase would require the iwi to fund the cost of the improvements.

43. To use the purchase marine farm method, the Act requires the Minister of Fisheries to establish processes and methods, known as the valuation methodology, to determine the appropriate value of the coastal permits associated with a marine farm purchase.
44. The Act also requires that the Crown must use its best endeavours to ensure that the average value of coastal permits purchased and transferred over the period ending 31 December 2014 is not less than the average value of all coastal permits for aquaculture in the region or harbour.

Discussion

45. No coastal permit associated with a marine farm has been purchased or transferred to the Trustee to date.
46. The purchase marine farm method will require that the Crown, the Trustee, and possibly multiple iwi manage the following:
    - purchase of a commercial business
    - valuing coastal permits and improvements in the space
    - funding for improvements in the space associated with the purchase.
47. In using the purchase marine farm method the Crown must have regard to the legislative frame work of the settlement and the wider Crown interest, including an appropriate and effective expenditure of Crown funds.
48. The purchase of marine farms could create commercial risks. To reduce uncertainty and to provide future guidance to iwi, the Trustee, and the aquaculture industry, it is appropriate that the Crown describes how this might occur.

Proposed policy for exercise of the purchase marine farm method

49. This plan details the proposed policy under which the purchase marine farm method may be used.
50. The Crown would consider using the purchase marine farm method where the risks to all parties can be appropriately managed. The following conditions for the exercise of the purchase marine farm method are proposed for consultation:
    - all relevant iwi for a region or harbour have IAOs recognised by the Trustee
    - the Trustee has documented agreement with all relevant iwi as to:
        - their willingness and ability or otherwise to participate in the purchase of a marine farm
        - a strategy for financing any purchase of non-coastal permit assets
        - how ownership of any farm transferred would be held and benefits distributed to relevant IAOs in a manner that both reflects the investments made in the purchase and is consistent with the allocation provisions of the Act
    - the Trustee has discussed the specific

6. The Trustee must not transfer the improvements to an iwi aquaculture organisation except in accordance with sections 48 and 49 of the Act. (All footnote references to sections refer to the Maori Commercial Aquaculture Claims Settlement Act 2004.)

marine farms being considered for purchase (and matters such as the value of the non-coastal permit assets) with the relevant iwi.

51. The general conditions noted above will be supported by more specific conditions that will be determined on a case-by-case basis. Attachment 6 provides a proposed list of specific conditions for using the purchase marine farm method.

Interpretation of "improvements in the space"

52. The Act does not define the phrase "improvements in the space".
53. This plan proposes a definition of improvements in the space as all assets of a marine farm including crop, structures, boats, machinery, and removable assets. The Act makes it clear that a coastal permit to occupy space for aquaculture activities is not an improvement in the space.

Consultation

54. The Crown wishes to hear of any possible barriers that might restrict IAOs interest in the purchase marine farm method. The Crown is prepared to consider ways to reduce any barriers to purchasing marine farms, including, for example, the potential for the Crown to assist iwi purchase of farm improvements through loan finance.

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55. **What are your views on the proposed policy to use the purchase marine farm method? Are there barriers to using this settlement method? If so, what are the ways for reducing the barriers?**

Financial equivalent method

Scheme of the Act

56. The final method to enable the Crown to fulfil its pre-commencement space obligation is to pay to the Trustee an amount equivalent to 20% of the value of pre-commencement space. This method is available only from 1 January 2013. The financial equivalent method allows payments to be made to the Trustee where actual space has not been provided through the other settlement methods.
57. The appropriate amount of any payment made under this method will be determined by the Crown using the same valuation methodology to determine the value of marine farms and coastal permits under the purchase marine farm method.

Discussion

58. There are a number of regions and harbours where, because of regional councils' decisions to use the IPPC process for establishing new AMAs, and/or the limited numbers of marine farms for purchase, financial equivalent method is likely to be the only viable settlement asset delivery method. Regions in this category include Bay of Plenty, West Coast, Wellington, Hawke's Bay and Chatham Islands. In major aquaculture regions (Marlborough and Tasman), the financial equivalent method is also expected to play a very significant part in final settlement outcomes.

Proposed process to determine the quantum of the financial equivalent

59. The Government proposes a four-step process

to quantifying the financial equivalent payment to the Trustee.

Step 1 – Mass valuation

The Ministry will contract appropriately skilled and independent expertise to complete a mass valuation to determine the value of the Crown's outstanding pre-commencement space obligations by region and harbour. The process of undertaking this mass valuation is discussed in paragraph 78.

Step 2 – Peer review

The Ministry will contract appropriately skilled and independent expertise to complete a peer review of the mass valuation.

Step 3 – Consultation

The Minister of Fisheries will consult with the Trustee and all IAOs and recognised iwi organisations by region or harbour on the determination of the financial equivalent quantum.

Step 4 – Crown makes final decision

The Crown will make a decision on the quantification of the financial equivalent payment informed by the consultation process.

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60. **What are your views on the proposed process to determine the financial equivalent?**

Valuation methodology

61. The Act requires the Minister to develop a valuation methodology for coastal permits before purchasing marine farms or providing a financial equivalent.

62. The Ministry contracted LECG Limited (LECG) to provide recommendations for the Minister's consideration on a valuation methodology for determining the appropriate value of coastal space used for aquaculture.[7] LECG has prepared a valuation methodology for the purpose of consultation. The Trustee and iwi representative,[8] regional council representative, and commercial stakeholders have contributed to this work stream. The Ministry contracted PricewaterhouseCoopers (PwC) to peer review the LECG work.

63. The Trustee was involved in drafting the tender document and participated in the tender evaluation process to select LECG and PwC for the respective valuation methodology and peer review engagements.

Outline of proposed valuation methodology

64. The valuation methodology aims to assess the value of coastal permit space that is currently being used, or has potential to be used, for commercial aquaculture activities.

65. The valuation methodology for coastal permits is based on a sequence of valuations:

    • the valuation of future cash flows from a marine farm is used to determine the value of the farm. This method of valuation is commonly referred to as a discounted cash flow method.[9] The valuation of future cash flows is a recognised method to value a business using the concepts of the time value of money. This approach recognises

7. LECG Limited is a global expert services firm conducting economic and financial analysis.
8. Iwi representative to Aquaculture New Zealand Limited nominated by IAOs and recognised iwi organisations in 2006/07.
9. All future cash flows from the business are estimated, including judgments of the risks to future cash flows, and adjusted for the time value of money to give them a present value. The discount rate used to adjust for the time value of money is the appropriate weighted average cost of capital, which is a combination of the risk-free interest rate plus the return on investment that investors require above the risk-free rate adjusted for projections of the industry's volatility.

that over time, the value of a business will reflect its ability to generate economic returns to its owners. By way of extension, the value of coastal permit space will reflect that space's ability to generate income for those who occupy and use it, given that the farm is well operated and improved. Where appropriate, consideration will be given to realistic alternative uses for the permitted marine farm space

- the value of the infrastructure on a marine farm is valued at its depreciated replacement cost. Stock is valued at cost (depending on the length of time to harvest) or the amount for which it can be sold
- the value of the coastal permit space is the residual value, namely the value of a marine farm less the value of improvements in the space (i.e. stock and infrastructure).

	Value of marine farm
less	**Value of improvements**
=	**Value of coastal permit**

66. The valuation methodology recommends cross-checking the value of a marine farm based on future cash flows (discounted cash flow method) with suitable transactions data and other valuation cross-checks such as capitalisation of lease payments and earning multiples where appropriate.[10]
67. A range of other valuation methods were reviewed during the process of selecting the proposed valuation methodology:
    - comparable transactions of marine farms
    - capitalisation of lease payments
    - cost of replacement
    - tenders
    - ratings-based valuations.
68. Attachment 7 summarises these methods and the reasons why they were not recommended as the proposed valuation methodology.

Outline of assumptions used in the proposed valuation methodology

69. A valuation of a marine farm using the valuation methodology would be based on the following valuation assumptions:
    - that marine farm activity ends at the farm gate (that is, the nearest working wharf or shore), which ensures that value added to the product after harvest is not included in the coastal permit value
    - that the "farm gate" price for all aquaculture products can be estimated by observing prices paid in supply contracts, or if none are observable, then by observing prices paid for processed products and the incremental costs of processing and/or gross-margins from processing
    - that existing coastal permits are utilised optimally
    - that costs of growing and harvesting all aquaculture products can be observed in the market
    - that the value of infrastructure can be estimated by the depreciated replacement cost method
    - that the value of stock can be estimated by its realisable value at the time of harvest, adjusted for remaining growing time, or at its cost

10. Multiples valuation methods estimate value based on earnings, production, or other variables, and require comparisons to other similar businesses.

• that the same discount rate can be applied to all aquaculture operations and the parameters for estimating the discount rate for marine farms can be observed in the market

• that compliance with coastal permit conditions is ongoing, and therefore coastal permits are renewable into perpetuity and cash flows are forecast into perpetuity.

70. The following additional assumptions relate to the valuation required for the financial equivalent method:

• that all valuations for the purposes of estimating financial equivalent will be as at 1 January 2013

• that all coastal permits for a particular species within a region or harbour will share the same, or equivalent, terms and conditions relating to monitoring, renewal term, and discharge, but that if significant variations are found within a region or harbour, these will be dealt with in the selection of reference sites

• that the "delphi method" is a suitable process to identify reference sites, standardise data, and identify missing information, such as site productivity, improvement values, and operating costs[11]

• that the relative value of any given site to a reference site can be established using expert input

• that relative site productivity can be used in most instances as a proxy for site value

• that the individual value of any coastal permit space cannot be negative, because the settlement beneficiary cannot owe the Crown money

• that extrapolation of values of key reference sites will provide reliable estimates of the aggregate values required for estimating the financial equivalent and assessing the average current value of space in the part of the coastal marine area concerned.

Discussion

71. The valuation methodology has been peer reviewed by PwC. The peer review considers the value of a coastal permit should be bench-marked to actual transactions involving the purchase and sale of coastal permits with similar characteristics. However, PwC notes that this approach is not practical at present because there are insufficient data on such transactions in the public domain.

72. PwC considers that the valuation methodology is a conceptually appropriate approach for the valuation of coastal permits. However, PwC is of the opinion that there will be challenges in applying the valuation methodology in practice. PwC has identified a number of areas where the valuation methodology could be enhanced and simplified. PwC concluded that the valuation methodology is an appropriate approach to value coastal permits given the limited transaction data currently available. The recommendations arising from the peer review have been reviewed and considered by LECG in the proposed valuation methodology.

11.The "delphi method" is based on a structured process for collecting and refining knowledge from a group of experts by means of a series of questionnaires interspersed with controlled opinion feedback.

73. LECG undertook pilot studies to test the methodology. One pilot undertaken by LECG was to test the appropriateness of the structured expert panel process, the "delphi method", to obtain key valuation and productivity information on marine farms that is unavailable to the Crown. The pilot confirmed that a site productivity index can be estimated by an expert panel, and there is potential for a relative value index to be estimated. This index would be used to attribute the value of reference sites to other sites, and thus to create a national valuation model.
74. An issue highlighted during the pilot study is a difference in perceived value between the discounted cash flow valuation method and unverified anecdotal market transaction values. This difference can be due to assumptions applied in the valuation method not reflecting the perceptions held by purchasers in the market, where purchasers may choose to buy marine farms above their cash flow economic value. It may be difficult to reconcile the valuation method to transaction data for the following reasons:
    - the valuation will not capture the scarcity value of a coastal permit. Transaction data may include additional value due to the perceived scarcity of coastal permits that is not recognised in the valuation
    - economic returns observed in the agriculture and horticulture industries are often low relative to the opportunity cost of investment, suggesting that there are benefits to the investor (e.g. lifestyle choices) in addition to the intrinsic value of the asset. If this principle applies to the aquaculture industry, then the value of a marine farm using the valuation method (which does not capture these additional benefits) will differ from the value derived from transaction data
    - prices paid for marine farms by vertically integrated processors or geographically diversified farmers could include an element of strategic value because of the benefits a new farm brings to the purchaser's portfolio of assets. This additional value could distort value comparisons.
75. The valuation methodology may appear complicated to those not familiar with the economic concepts. This complexity relates to the need to apportion the value of a marine farm between the value of the coastal permit and the other assets associated with the marine farm. This apportionment is not an element of a normal valuation practice when selling or purchasing a marine farm.

Application of the valuation methodology to the purchase marine farm method

76. The purchase marine farm method involves the Crown purchasing marine farms (from willing sellers) and transferring the coastal permits associated with the farms to the Trustee for allocation to IAOs within a region or harbour. Only the space authorised by the coastal permits associated with the marine farm counts against the Crown's pre-commencement space obligation.
77. The following process outlines how the valuation methodology will be applied to the purchase marine farm method:
    - the key inputs used in the valuation methodology will be obtained from the willing vendor either at the time of the

evaluation of the vendor's offer to sell or as part of an agreed due diligence process

- the Ministry will contract independent expertise to apply the valuation methodology to calculate the value of the entire marine farm and apportion value to the coastal permit and improvements
- where available, suitable market transactions and valuation cross-checks will be used to benchmark the value determined by the valuation methodology
- using the value determined by the above process, the Ministry, Trustee, and IAO(s) will work in partnership to agree a recommended value for each of the components of the marine farm and determine a purchase strategy.

Application of the valuation methodology to the determine the financial equivalent

78. The Ministry proposes to apply the valuation methodology in a mass valuation exercise to determine the financial equivalent. The following process outlines how the valuation methodology will be applied to the financial equivalent method:
    - the Ministry will contract appropriate independent expertise to undertake the mass valuation exercise and apply the valuation methodology
    - a sample of individual marine farms within a region will be selected as reference sites and valued using the valuation methodology The values generated from the reference sites will then be extrapolated across the region based on the rankings of all marine farms in that region against the reference sites
    - the financial equivalent for the region will be equal to 20% of the value of pre-commencement space within the region
    - in circumstances where there are information gaps, it is proposed to use a process to allow expert opinion to estimate this information
    - where available, suitable market transactions and valuation cross-checks will be used to benchmark the values generated during the mass valuation exercise.
79. Submitters interested in commenting on the valuation methodology are encouraged to refer to the valuation methodology and the peer review consultant's reports. These reports can be obtained by contacting the Ministry of Fisheries on (09) 820 1990 or downloaded from the Ministry's website (www.fish.govt.nz).

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80. **What are your views on the proposed valuation methodology and its application? Are there alternative valuation methods you believe could be considered?**

Interpretation of "coastal permits"

81. The Act does not define the term "coastal permits". The Act uses the term inconsistently, sometimes on its own, and sometimes in conjunction with the words "to occupy space for aquaculture".
82. The Act states that the Crown may purchase "coastal permits" for the purpose of complying with its pre-commencement space obligation. The Act defines the term "settlement assets" to include "coastal permits to occupy space for aquaculture".
83. Although some consent authorities say that they give "a coastal permit for aquaculture" or "a

coastal permit for marine farming", in fact they are providing a bundle of resource consents (also known as coastal permits in the coastal marine area) covering a range of restrictions provided for in Part 3 of the Resource Management Act.

84. The term "coastal permit" is commonly used to denote a bundle of resource consents that together allow the holder to undertake aquaculture. Typically a marine farm will need a separate permit for each of the following:
    - occupancy of the coastal marine area
    - erection and placing a structure on the seabed
    - discharges from the marine farm
    - other coastal permits required by the regional council's coastal plan.
85. Although a bundle of resource consents has economic value, a "coastal permit for occupation" is only one element of the bundle of consents needed before the holder can operate a marine farm. Therefore, a "coastal permit for occupation" on its own is effectively valueless.
86. The only practicable interpretation of section 27(2) is that the words "coastal permits authorising the occupation of coastal space for aquaculture" must be read as a single phrase that incorporates not only "coastal permits for occupation" but also the other elements of the bundle of resource consents that, in practice, a holder needs for aquaculture.
87. This plan interprets coastal permits to include all the necessary resource consents that are required to operate a marine farm.

Applications under section 150B(2) of the Resource Management Act

Background

88. When the moratorium on new applications for aquaculture space was announced on 28 November 2001, there were many resource consent applications that had been received by councils but had not yet completed the approval process. These applications can be divided into two categories.
89. In the first category are those applications that had been publicly notified before the moratorium and that were allowed to proceed under the old aquaculture law. Because these applications are processed under the old law, any aquaculture space eventually approved through this process is considered "pre-commencement space" and the Crown has an obligation to provide the equivalent of 20% of that space to the Trustee.
90. In the second category are those applications that had been lodged before the moratorium but had not yet been notified; they were frozen from the beginning of the moratorium and remain frozen. These are usually referred to as "section 150B(2) applications" because of the section of the Resource Management Act 1991 that provides for these applications. Section 150B(2) applications can continue being processed only after they eventually fall within an AMA created by a plan change. If they do not fall within an AMA by 2014, they will expire. Because section 150B(2) applications are processed under the new law, space covered by such applications in a newly established AMA is considered "new space", and is subject to the requirement to provide 20% of all new space to the Trustee under the Crown's settlement obligations.

91. Tasman and Waikato regions have a number of council-initiated interim AMAs, on which planning began before the aquaculture legislation was enacted. These interim AMAs will eventually turn into full AMAs if they pass the Ministry's "undue adverse effects" aquaculture test (an assessment on the effects on fishing and the sustainability of fisheries resources). Section 150B(2) applications cover the entire area of these interim AMAs and can begin to be processed if and when the space turns from an interim to a full AMA, but only after provision of 20% of that new space to the Trustee.
92. Although section 150B(2) applications cover approximately 36,000 hectares of the country's coastal space, it seems likely that many of these applications will expire in 2014 because they are unlikely to fall within an AMA (other than in the Tasman and Waikato regions).

Impact of section 150B(2) applications on pre-commencement space obligations

93. The intention of the Crown at the time the settlement was enacted was that up to 20% of the new space from council-initiated and conventional private plan change requests for AMAs (including those covered by any section 150B(2) frozen applications) would be available to help meet the Crown's pre-commencement space obligations. This additional amount of up to 20% of new space (that is, in addition to the initial 20% of new space going to the Trustee) was to be available through council-initiated or conventional private plan change AMAs but would not be available in AMAs created through an IPPC.
94. However, implementation of the Act has highlighted a drafting error, which has the effect of excluding the use of space covered by section 150B(2) applications in council-initiated or conventional private plan change AMAs from being able to be used to meet the Crown's pre-commencement space obligations.
95. Amending the legislation to give effect to the original intention was considered. At this point it was identified that some section 150B(2) applicants had been moving ahead in good faith on planning processes based on the law as drafted (rather than the policy intent). Ministers decided that it would not be appropriate to amend the law at this late stage to allow space covered by frozen section 150B(2) applications to be used to help settle the Crown's pre-commencement space obligation.
96. It appears that the legislative error is likely to have an effect in the Tasman and Waikato regions. In all other areas regional councils appear to be focusing on developing AMAs through the IPPC process rather than council-initiated or conventional private plan change processes. It was never intended that the Crown could take any additional space from IPPC AMAs over and above the new space 20% settlement obligation. However, in Tasman and Waikato the legislative error means the Crown will not have the opportunity to use, and the Trustee will not receive, up to an additional 20% of section 150B(2) space to help meet its pre-commencement space obligations.[12] Under these circumstances the Crown will now be

12.The preliminary undue adverse effects decision on the Tasman interim AMAs was released on 8 February 2008. In this, 108 ha was approved for marine farming, with the remainder of the space subject to reservations relating to commercial fishing, which means it cannot be considered for meeting the pre-commencement space obligation. Hence, based on the original policy intent and according to the preliminary decision, approximately 21.6 ha of space would have been available to help the Crown meet its pre-commencement space obligation in Tasman.

required to either purchase a marine farm or provide a financial equivalent to iwi to fulfil its pre-commencement space obligations in the affected regions.

97. This issue does not alter the Crown's responsibility to ensure it meets its pre-commencement space obligation in all regions (including Tasman and Waikato) by 2014 with one or other of the three methods available under the Act.
98. For a glossary of terms used in this discussion, see Attachment 8.

PART 3: POTENTIAL FOR LEGISLATIVE CHANGE TO REVISE THE DELIVERY OF SETTLEMENT ASSETS

99. During the three years since the start of the aquaculture settlement, some problems with the framework and progress for discharging the pre-commencement space obligation have become evident. These matters are a cause of concern for both the Crown and iwi. A number of suggestions have been made for improvement of the Act to help fulfil the Crown's pre-commencement space obligation in a manner that better suits both iwi and the Crown.

100. Cabinet has indicated a willingness to consider possibilities for amending the Act to better deliver the Crown's pre-commencement space obligation. This section of the plan seeks comment from IAOs, recognised iwi organisations, and the Trustee on two options for potential amendment of the Act.[13]

101. There are several reasons for such suggestions being put forward. One reason is the difficulty of developing new space under the new aquaculture law to settle the Crown's pre-commencement space obligation. Another possible reason is a lack of enthusiasm among IAOs for the purchase marine farm method, because it is too complicated to work where several iwi are involved, and where IAOs may need to provide funds for purchase of assets associated with improvements in the space. Some iwi have indicated that they favour the financial equivalent method and would like to see it become available earlier than the date currently prescribed in the Act (1 January 2013).

102. Two options for potential amendment of the Act are:

- Option A: Regional agreements. Provide for agreements among the Crown, regional iwi, the Trustee, and possibly the relevant regional council, to settle obligations in a particular region by negotiation.
- Option B: Change the date for cash payments. Bring forward the date for the use of the financial equivalent method.

103. IAOs and recognised iwi organisations are invited to comment on the advantages and disadvantages of the proposed options and on conditions for their use.

Option A: Regional agreements

104. Some iwi and a regional council have suggested that an agreement could be entered into with the Crown to settle the pre-commencement space obligation for their region. The Act, however, does not provide for such agreements.

105. The Act could be amended to allow alternative means for the Crown to discharge its pre-commencement space obligations in a particular region by agreement with iwi. The quantum of the settlement itself (that is, the equivalent of 20% of pre-commencement space) and the settlement being structured on regional council boundaries or harbours would not change. However the requirement to use only the delivery methods specified in the Act would be removed under an agreement. Therefore agreements could use modified versions of the methods in the Act. If this option were adopted, Option B (discussed below) would not be required because regional agreements could

13. The substantive "Regulatory Impact Analysis" elements have been included in the discussion of these options. Regulatory impact analysis requirements ensure that adequate analysis and consultation are undertaken on all issues that may lead to the creation of new laws or Government rules.

incorporate that change on a case-by-case basis.

106. Any agreement would need to be unanimous among all the recognised iwi of a region or harbour and the Crown. Such agreements may also involve the regional council, given that any arrangement to settle the obligation in respect of pre-commencement space is likely to affect the council's duties under the Act. Regional councils may be prepared to assist in finding solutions within a regional agreement if a coordinated approach is taken that can deliver greater certainty for general development in the region.
107. Such agreements would need to reflect the wishes of iwi in order to improve on the outcomes currently possible under the Act. An amendment to provide for regional agreements would enable iwi of a region to approach the Crown with proposals that suit their needs.
108. Care would need to be taken by the Crown to ensure that regional agreements are consistent with any agreements entered into by the Crown or regional councils and iwi in relation to the coastal marine space (for example, agreements under the Foreshore and Seabed Act 2004).
109. Any such amendment of the Act would not create a new obligation on the Crown to develop proposals for regional agreements and discuss these with iwi in a proactive way. However, if iwi of a region came forward with a proposal consistent with an amended Act, the Crown would have a duty to give this proposal serious consideration.
110. The Crown must use its best endeavours to comply with its pre-commencement space obligations by 31 December 2014. Regional agreements could result in the complete discharge of the Crown's pre-commencement space obligation for a particular region before this date. Agreements might involve a mix of farm purchase, cash equivalent, and new space proposals. Iwi may wish to work directly with regional councils to explore options for creation of new AMAs specifically intended to discharge some of the obligation as part of a regional agreement. The agreement proposal might include using some of the settlement obligation to assist with planning costs for such a "settlement AMA".[14]
111. It should be noted that these suggestions are intended to indicate the degree of flexibility to fulfil the intentions of the settlement that regional agreements could provide, not to indicate Government preferences. Regional agreement proposals should be a means for iwi to put forward their preferred solutions.

Option B: Change the date for cash payments

112. In light of the current difficulties encountered in creating aquaculture space to meet the Crown's pre-commencement space obligation, the Act could be amended to make the financial equivalent method available at an earlier date. This option could deal with the pre-commencement space obligation with a single cash transaction for each region or harbour.
113. Making cash payments available early would effectively abandon the idea of using the settlement to directly create opportunities for iwi

14. Note that the potential for extended delays in planning processes would need to be taken into consideration in any such proposal.

participation in commercial aquaculture. However, early payments would provide iwi with capital to invest in aquaculture if they wished.

114. This option could provide certainty over outcomes sooner rather than later. However, to bring payment of the financial equivalent forward, the Crown would need to be confident that significant amounts of space would not become available through the other methods before the 2014 deadline.
115. Some criteria might apply to the option of early cash payment. These may include:
    - the use of early payment to be at the Crown's discretion and subject to agreement of the iwi concerned
    - confidence that space would not become available through the other methods
    - the ability of the Crown to spread the fiscal impact (that is, where the Crown did agree to provide cash equivalent early and where total amounts to be paid are large, the payments might be phased over time)
    - the option to pay a proportion of the total liability for each region or harbour early to allow for the possibility that space might become available before 2014.

Discussion on settlement approaches

116. These two possible amendments of the Act represent two different approaches to adapting to the changed circumstances of the aquaculture settlement. The regional agreements proposal (Option A) would open up the possibilities for discharge of the pre-commencement space obligation to include anything that the parties can agree on, as long as it does address the obligation within the current statutory time frame. However, to take advantage of this flexibility, iwi would need to take the initiative to develop such proposals and seek Crown agreement. This may consume both time and resources.
117. Early payment of the financial equivalent (Option B), could address the issue that new space has not created the settlement assets anticipated in 2004. Agreement would still be required among iwi and with the Crown that this was the desired option, and over what would be the conditions of using it in a particular region. In a sense, this would be a restricted version of Option A, where the only option in the agreement is cash payment.
118. In considering the potential for improving outcomes through amending the Act, the time required to prepare statutory amendments and have them passed by Parliament should be contemplated. Any delays may effectively negate potential benefits of improved processes.
119. Submitters are encouraged to give these two options careful consideration and provide their views. Submitters may also wish to provide comments on any alternative options to deliver the Crown's pre-commencement space obligation.

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120. **What are your views on the two options? Is there another option that could be considered?**

PART 4: CONSULTATION

121. The Minister of Fisheries is seeking your views on the proposals and options put forward in this plan. All submissions will be considered and taken into account in final advice and decision-making. It is just as important to let us know of your support for proposals, as it is to tell us why you think they may not work, or to offer an alternative idea.
122. In considering the Crown's statutory obligations to consult when preparing the plan, the Ministry has designed the following consultation process taking into account the principles of good consultation.
123. The consultation process involves sending this plan to all IAOs, recognised iwi organisations, and the Trustee, and seeking their submissions on this document. The Ministry is available to answer any questions and provide clarification to assist parties to provide written submissions.
124. The Ministry is also available to meet with IAOs and recognised iwi organisations to discuss the subject matter of this plan. It is anticipated that a number of IAOs will request to meet on this issue.
125. This plan will also be released to other groups for comment, including Deed of Settlement groups,[15] fisheries iwi forums, regional councils, unitary authorities, and the aquaculture industry.
126. The consultation period is scheduled for four months.
127. Please let us know what you think by Friday 31 October 2008. You can make your views known by:
    - email: Aquaculture.Settlement@fish.govt.nz
    - or by post to the Aquaculture Settlement,
      Ministry of Fisheries
      P.O. Box 19747
      Avondale 1746
      Auckland.
128. The Ministry of Fisheries contact:

> Nicholas Manukau
> Aquaculture Settlement Advisor
> ph: 09 820 1990
> mob: 0274 468 998
> email: nicholas.manukau@fish.govt.nz

129. Please note that all submissions are subject to the Official Information Act and, if requested, the Ministry may need to release information in submissions. If you have any objection to releasing information in your submission, please indicate the parts you think should be withheld and the reasons. The Ministry may still have to release all or part of a submission.
130. A copy of this plan, the valuation methodology and peer review reports, and any questions asked of the Ministry during the consultation period (with associated answers) will be placed on the Ministry's website (www.fish.govt.nz) go to Consultations.
131. The final plan will include a summary of all the submissions received on the consultation document and the response of the Minister of Fisheries to those submissions.
132. As soon as practicable after completing the final plan the Minister of Fisheries will provide copies to the Trustee IAOs and recognised iwi organisations.

15.The Ministry has additional obligations to iwi and hapu that have settled their historical Treaty of Waitangi claims. These obligations relate to consultation requirements regarding fisheries management matters.

PART 5: ATTACHMENTS

Attachment 1:

Background relating to the aquaculture settlement

1. Various steps towards implementing the Crown's pre-commencement space obligations have already been undertaken by the Crown and the Trustee since the enactment of the Maori Commercial Aquaculture Claims Settlement Act. They are summarised below.

Communication to beneficiaries

2. From 1 January 2005 the Ministry has provided a summary of the settlement to all recognised iwi. The Ministry has attended various hui and other meetings to explain the settlement to iwi, and placed all relevant information on its website.
3. Where the Ministry perceived there was a gap in the communication process it has made direct contact with the relevant iwi.

Establishing the role of Trustee

4. The Act established the Maori Commercial Aquaculture Settlement Trust ("the trust").[16] The trust operates under the working name Takutai Trust and is administered by a corporate trustee, Te Ohu Kai Moana Trustee Limited. The Act outlines the purpose of the trust and duties of the Trustee.[17] Attachment 2 provides details of the purpose of the trust and duties of the Trustee.
5. Important tasks of the Trustee are to mandate and recognise iwi organisations listed under Schedule 4 of the Maori Fisheries Act 2004 as IAOs, to receive and allocate settlement assets to IAOs, and to facilitate IAOs to develop agreements on settlement assets entitlement allocations within regions and harbours.
6. The Act also provides that the Trustee may undertake additional activities for related or ancillary purposes if the iwi concerned agree to the Trustee doing so. These activities may include facilitating and coordinating the development and use of settlement assets, and representing the interests of iwi.
7. The Act requires that the Crown meet the reasonable costs and expenses of the Trustee in performing specified duties in relation to the settlement.[18] The Minister of Fisheries, the Ministry, and the Trustee have established a funding agreement to provide for the funding of the Trustee's specified duties. This agreement is designed to balance the fiduciary obligations of the Trustee with the Crown's desire to achieve the purpose of the Act and its duty to manage appropriations. As part of the funding agreement the Ministry and the Trustee have agreed a policy for the annual planning, reporting, and auditing of the trust.
8. The following table details the funding that the Crown has provided to the Trustee since the commencement of the Act.

16. Section 34, Maori Commercial Aquaculture Settlement Trust established.
17. Section 35, Purpose of trust; section 38, Duties of trustee.
18. Section 38(3), Duties of trustee. Note that the Trustee may undertake additional activities if the iwi concerned agree to the Trustee doing so (section 38(2)).

Crown funding provided to the Trustee

Year ended/ ending September	Gross Crown funding provided	Trustee expenses (net of interest)	Refund to Crown from Trustee
2005	$425,000	$295,299	($129,701)
2006	$1,000,000	$472,120	($527,880)
2007	$959,585	$887,050	($71,728)
2008	$1,000,000		

Recognising iwi aquaculture organisations

9. Where an iwi has a coastline in its rohe and the iwi is listed under the Maori Fisheries Act 2004, it may be eligible to receive assets under the aquaculture settlement.
10. Settlement assets (such as new space authorisations, coastal permits, or financial settlement) will initially be transferred from the Crown or regional councils to the Trustee, which will then allocate these to the region's iwi in accordance with the Act. The Trustee can distribute the aquaculture settlement assets only to an IAO. IAOs are responsible for aquaculture settlement assets allocated to that iwi.
11. The Act recognises 57 iwi organisations, listed in Schedule 4 of the Maori Fisheries Act, which may receive aquaculture settlement assets.[19] The iwi organisations must be mandated under the Maori Fisheries Act 2004 and authorised by their iwi members as an IAO (through provisions in their constitutions) to receive aquaculture assets under the aquaculture settlement.
12. An IAO exists for the purposes of
    - receiving and holding aquaculture settlement assets allocated to it by the Trustee under the Act
    - entering into agreements with other IAOs in relation to the allocation of aquaculture settlement assets
    - creating companies to undertake aquaculture activities
    - performing other functions contemplated by or provided for by the Act.[20]
13. The Trustee must recognise an iwi organisation where
    - that organisation is already a mandated iwi organisation under the Maori Fisheries Act 2004
    - the Trustee is satisfied that the constitution of the organisation authorises it to act on behalf of its iwi in relation to aquaculture claims and settlement assets under the Act
    - if the organisation is a joint mandated iwi organisation (within the meaning of the Maori Fisheries Act 2004), the Trustee is satisfied that the constitution of the organisation includes a process for dividing settlement assets between the organisation and any withdrawing group.[21]
14. As of 1 June 2008, 41 of the 57 recognised iwi organisations have been recognised as IAOs (see Attachment 3).
15. Although the total number of recognised iwi organisations established under the Maori Fisheries Act is 57, it is understood that some inland iwi are not claiming any coastlines within their traditional rohe and have chosen not to be recognised as IAOs for this settlement. Some iwi have chosen not to include provisions

19. These iwi organisations are the same recognised iwi organisations established by the Maori Fisheries Act 2004 to receive fisheries assets under the 1992 fisheries settlement.
20. Section 32(2), Functions and powers of iwi aquaculture organisations.
21. Section 33, Recognition of iwi aquaculture organisations.

authorising them to act as an IAO when seeking recognition as mandated iwi organisations, though they will be able to seek IAO recognition in due course.

Agreement of all iwi aquaculture organisations for a region

16. Once all iwi within a region or harbour have established IAOs, they have 12 months to reach written agreement over how their region's aquaculture settlement assets will be divided proportionately.[22]
17. If the iwi within a region do not agree on an alternative method of determining aquaculture settlement asset entitlements within this time frame, the Trustee will determine what proportion of the settlement assets each IAO will receive. The Trustee must do this according to the method set out in the legislation, which is based on iwi claims to coastline length. Because this coastline length method cannot be applied to harbours, if there is more than one iwi within a harbour they must reach agreement on the relative proportions of settlement assets. If, after negotiating in good faith, iwi cannot agree, they may enter a dispute resolution process set out in the legislation, which includes the option of referring the dispute to the Maori Land Court.[23]
18. Once decisions on proportionate share have been made, IAOs then have to agree on how the settlement assets themselves will be allocated. The Trustee will then transfer the settlement assets to the IAOs involved.
19. IAOs may ask the Trustee to make an interim division of settlement assets, before all the region's iwi coastline entitlements have been decided. Any interim division of assets would require the agreement of all IAOs in the region.[24]
20. Currently there are no iwi agreements in place for determining entitlement to settlement assets allocation, nor are there agreements for the allocation of such assets.

Coastal endpoints

21. The Trustee is required to notify coastal end points in the New Zealand Gazette for the regions and harbours under the settlement. The gazetting of coastal endpoints is a required step in determining settlement asset allocation entitlements between iwi of a region or harbour.
22. In order for the Trustee to comply with this duty, the coastal endpoints need to be accurately defined to the mean high-water mark. For the purposes of publishing the coordinates in the Gazette, the Trustee has engaged appropriate expertise to survey the necessary information to confirm the coastal endpoints.
23. Gazetting of the coastal endpoints by the Trustee is planned to occur this year.

Aquaculture settlement register

24. The Ministry must keep and maintain an aquaculture settlement register of new space and authorisations issued to the Trustee.[25]
25. To ensure the register remains current, the Ministry requires information on the transfer of

22. Section 45, Allocation of assets to iwi of region.
23. Section 47, Basis of allocation of settlement assets; Schedule 1, Methodology for determination of settlement asset allocation entitlements; and sections 52 to 55, Dispute resolution. The dispute resolution processes set out in the Act also apply to a range of other possible disputes, including disputes with the Trustee over the recognition or continued recognition of an IAO, iwi disputes over coastline asset entitlements, and allocation of settlement assets.
24. Section 49, Partial allocation of settlement assets.
25. Section 57, Aquaculture settlement register.

new space from regional councils to the Trustee. Regulations requiring regional councils to provide this information have been gazetted.[26]

26. As no new space has been created under the new aquaculture legislation, the register does not contain any reference to new space or authorisations.
27. The register does, however, outline the Crown's pre-commencement space obligations. The register is an important source of information for the Trustee, IAOs, and regional councils because it shows the spatial size of the pre-commencement space obligation by region and harbour.
28. The Ministry compiled the pre-commencement space component of the register from the Ministry's records and cross-referenced the register with regional council and unitary authority's data.
29. Because of the importance of the register, the Ministry and the Trustee jointly engaged Ernst & Young to perform an annual audit of the integrity of the register. Each year the register has received an unqualified audit report. The most recent audit report can be viewed on the Ministry's website.
30. The Crown's pre-commencement space obligations set out in the register will not be finally determined until all pre-moratorium applications that were notified before the aquaculture moratorium have been processed under the old legislation. The Ministry is currently projecting to have the majority of these applications processed by the end of 2008, subject to the supply of information from applicants and any appeal process.
31. Any pre-moratorium application that is successful will increase the Crown's pre-commencement space obligation and will be recorded as a spatial increase in the register.
32. As future new space settlement assets are transferred from a regional council to the Trustee, this transfer will also be recorded in the aquaculture settlement register. A summary of the register is published on the Ministry's website.
33. Attachment 5 is a summary of the register as of 1 June 2008.

Gazetting new harbours

34. During consideration of the settlement through the parliamentary process, Ngati Apa Ki Te Waipounamu Trust proposed the addition of three new harbours (Port Gore, Port Underwood, and Admiralty Bay) to recognise existing aquaculture activity within those harbours. It was agreed that the three new harbours should be included within the new legislation. Unfortunately insufficient technical information was available to allow the coordinates for the three new harbours to be defined in Schedule 2 of the Act at the time of enactment.
35. The Act provides for the amendment to Schedule 2 of the Act by Order in Council to add references to Port Gore, Port Underwood, and Admiralty Bay.[27] The required information has since been obtained and the Orders gazetted to insert Admiralty Bay, Port Gore, and Port Underwood in Schedule 2 of the Act.[28]

26. Maori Commercial Aquaculture Claims Settlement (Aquaculture Settlement Register) Regulations 2006 (SR 2006/87).
27. Section 59, Certain harbours to be added to Schedule 2.
28. Maori Commercial Aquaculture Claims Settlement (Schedule 2) Order 2006 (SR 2006/88).

Attachment 2:

Purpose of the trust and duties of the Trustee

Sections 35 and 38 of the Maori Commercial Aquaculture Claims Settlement Act 2004 are set out below.

35 Purpose of trust

The purpose of the trust is to—

(a) receive settlement assets from the Crown or regional councils; and

(b) hold and maintain settlement assets on trust until they are transferred to an iwi aquaculture organisation; and

(c) allocate settlement assets to iwi on the basis of a model set out in this Act; and

(d) facilitate steps by iwi to meet the requirements for the allocation of settlement assets.

38 Duties of trustee

(1) The trustee must administer the settlement assets in accordance with this Act, including performing the following duties:

(a) allocating and transferring settlement assets:

(b) holding and administering settlement assets pending their allocation and transfer:

(c) determining allocation entitlements:

(d) maintaining an iwi aquaculture register and providing access to the register:

(e) facilitating steps by iwi organisations to be recognised as iwi aquaculture organisations:

(f) facilitating steps by iwi aquaculture organisations to reach agreement—

(i) under section 45(4);[29] and

(ii) about coastline and harbour claims for settlement assets allocation entitlements; and

(iii) about the allocation and transfer of settlement assets:

(g) notifying coastal endpoints in the Gazette.

(2) The trustee may undertake additional activities for related or ancillary purposes (such as facilitating and co-ordinating the development and use of settlement assets, and representing the interests of iwi) if the iwi concerned agree to the trustee doing so.

(3) The reasonable costs and expenses of the trustee in performing its duties under subsection (1) are to be paid out of money appropriated by Parliament for that purpose.

29. Section 45(4), Allocation of assets to iwi of region on the basis of a written agreement of all the iwi aquaculture organisations for the region or harbour.

Attachment 3: Iwi aquaculture organisations

Iwi that are recognised as IAOs by the Trustee as of 1 June 2008 are listed below (left). Iwi that are not yet recognised as IAOs or have chosen not to be recognised as IAOs are also listed (right).

Iwi recognised as IAOs (41)	Iwi not recognised as IAOs (16)
Ngati Whatua	Ngati Kuri
Te Rarawa	Te Aupouri
Ngati Kahu	Ngapuhi
Ngati Wai	Waikato
Ngapuhi/Ngati Kahu ki Whaingaroa	Ngati Raukawa (ki Waikato)
Ngai Takoto	Ngati Manawa
Ngati Maniapoto	Ngati Whare
Iwi of Hauraki	Ngati Porou
Te Arawa	Te Whanau a Apanui
Ngati Tuwharetoa	Nga Rauru
Tuhoe	Ngati Tama (Taranaki)
Ngati Awa	Ngati Hauiti
Ngaiterangi	Ngati Maru (Taranaki)
Whakatohea	Ngati Raukawa (ki te Tonga)
Ngati Ranginui	Ngati Toa Rangatira
Ngai Tai	Muaupoko
Ngati Pukenga	
Ngati Kahungunu	
Te Aitanga a Mahaki	
Rongowhakaata	
Ngai Tamanuhiri	
Te Atiawa (Taranaki)	
Te Atihaunui a Paparangi	
Taranaki	
Ngati Ruanui	
Rangitane (North Island)	
Nga Ruahine	
Ngati Apa (North Island)	
Ngati Mutunga (Taranaki)	
Te Atiawa (Te Tau Ihu)	
Te Atiawa (Wellington)	
Ngati Kuia	
Rangitane (Te Tau Ihu)	
Ngati Koata	
Ngati Rarua	
Ngati Apa ki te Waipounamu	
Ngati Tama (Te Tau Ihu)	
Atiawa ki Whakarongotai	
Ngai Tahu	
Moriori	
Ngati Mutunga (Chathams)	

Attachment 4: Specified harbours

Schedule 2 of the Maori Commercial Aquaculture Claims Settlement Act 2004, Harbours and harbour entrance points.

Harbours	Entrance	Longitude	Latitude
North Island			
Parengarenga	North	172°59.355’	34°31.343’
	South	172°59.417’	34°31.846’
Houhora	North	173°09.348’	34°49.544’
	South	173°09.264’	34°49.641’
Rangaunu	North	173°15.772’	34°53.061’
	South	173°17.153’	34°51.843’
Mangonui	North	173°31.480’	34°58.927’
	South	173°31.680’	34°58.798’
Whangaroa	North	173°45.418’	35°0.127’
	South	173°46.011’	35°0.413’
Upper Bay of Islands—Te Puna Inlet	North	174°04.088’	35°11.740’
	South	174°04.244’	35°12.779’
Upper Bay of Islands—Waikare Inlet	North	174°04.665’	35°14.709’
	South	174°06.704’	35°15.135’
Whangaruru	North	174°22.531’	35°22.755’
	South	174°22.167’	35°24.886’
Whangarei	North	174°31.791’	35°51.841’
	South	174°30.057’	35°50.585’
Mangawhai	North	174°27.790’	35°53.984’
	South	174°27.674’	35°54.479’
Whitianga	North	175°44.852’	36°47.563’
	South	175°46.086’	36°49.305’
Tairua	North	175°52.061’	37°0.413’
	South	175°51.798’	37°0.527’
Tauranga—Katikati entrance	North	175°59.492’	37°28.002’
	South	175°59.745’	37°28.455’
Tauranga—Mt Maunganui entrance	North	176°09.646’	37°38.252’
	South	176°10.086’	37°38.246’
Ohiwa	North	177°08.751’	37°59.276’
	South	177v09.629’	37°59.377’
Aotea and Kawhia—Kawhia	North	174°46.862’	38°05.191’
	South	174°46.460’	38°05.391’
Aotea and Kawhia—Aotea	North	174°47.829’	38°01.084’
	South	174°47.981’	38°01.189’
Raglan	North	174°50.465’	37°48.089’
	South	174°50.497’	37°48.318’
Port Waikato	North	174°42.540’	37°22.049’
	South	174°42.312’	37°22.460’

Harbours	Entrance	Longitude	Latitude
North Island			
Manukau	North	174°31.848’	37°02.052’
	South	174°32.507’	37°02.950’
Kaipara	North	174°09.438’	36°23.270’
	South	174°11.705’	36°25.989’
Hokianga	North	173°21.416’	35°31.511’
	South	173°21.822’	36°32.553’
Marlborough Sounds			
Admiralty Bay	North	173°54.440’	40°55.712’
	South	173°51.334’	40°55.882’
Croisilles Harbour	North	173°40.262’	41°02.322’
	South	173°35.629’	41°03.211’
Pelorus Sound	North (Day Point)	174°01.398’	40°54.737’
	South (Alligator Head)	174°09.531’	40°58.180’
Port Gore	North	174°13.927’	40°59.255’
	South	174°18.789’	40°59.716’
Port Underwood	North	174°7.181’	41°21.152’
	South	174°5.411’	41°21.261’
Queen Charlotte Sound (northern entrance)	North (Cape Jackson)	174°18.896’	40°59.742’
	South (Cape Koamaru)	174°22.957’	41°05.389’
Queen Charlotte South (East and West Head entrance)	North (East Head)	174°19.358’	41°12.748’
	South (West Head)	174°18.913’	41°12.918’

Attachment 5: Aquaculture Settlement Register

Aquaculture Settlement Register
Interim Harbour and Coastal Settlement Obligation at 1 June 2008

Regional authority	Harbour name	Area (ha)	20% allocation (ha)
Coastal settlement assets			
Auckland Regional Council		21.00	4.20
Bay of Plenty Regional Council		4.00	0.80
Chatham Island Council		8.00	1.60
Canterbury Regional Council		171.61	34.32
Hawke's Bay Regional Council		2,465.00	493.00
Marlborough District Council		45.09	9.02
Northland Regional Council		2.50	0.50
Southland Regional Council		188.38	37.68
Tasman District Council		6,031.55	1,206.31
Wellington Regional Council		4.31	0.86
Waikato Regional Council		730.20	146.04
West Coast Regional Council		45.60	9.12
Harbour settlement assets	***North Island***		
Auckland Regional Council	Kaipara	76.00	15.20
Northland Regional Council	Kaipara	20.79	4.16
Northland Regional Council	Parengarenga	56.80	11.36
Northland Regional Council	Houhora	34.99	7.00
Northland Regional Council	Rangaunu	22.16	4.43
Northland Regional Council	Whangaroa	8.00	1.60
Northland Regional Council	Te Puna Inlet (BOI)	3.80	0.76
Northland Regional Council	Waikare Inlet (BOI)	11.61	2.32
Waikato Regional Council	Aotea & Kawhia - Kawhia	2.82	0.56
Bay of Plenty Regional Council	Ohiwa	2.02	0.40
	Marlborough Sounds		
Marlborough District Council	Pelorus Sound	1,125.62	225.12
Marlborough District Council	Queen Charlotte Sound (northern ent)	9.30	1.86
Marlborough District Council	Queen Charlotte South (E & W ent)	64.92	12.98
Marlborough District Council	Croisilles Harbour	83.44	16.69
Marlborough District Council	Admiralty Bay	94.55	18.91
Marlborough District Council	Port Gore	88.03	17.61
Marlborough District Council	Port Underwood	72.56	14.51
Total		**11,494.63**	**2,298.93**

Attachment 6:

Conditions for the purchase marine farm method

The proposed specific conditions for exercise of the purchase marine farm method (see Part 2) include the following:

(a) There is a recognised pre-commencement space obligation in the region or harbour where the purchase marine farm method will be used.

(b) All the recognised iwi organisations in the harbour or region have recognised IAOs in accordance with Act.[30]

(c) Where there are multiple iwi in a harbour or region, there is an agreement in place over how the region's aquaculture settlement assets will be allocated.[31]

(d) There is a common understanding that the pre-commencement space obligation relates to the coastal permit and a common understanding on the future ownership of the improvements in the space associated with the marine farm.

(e) There are established and agreed processes and methods for determining the appropriate value of the established marine farm, the coastal permit, and improvements in the space associated with the established marine farm. This agreement will need to include the Crown, the Trustee, and all relevant IAOs.

(f) The Minister of Fisheries is satisfied that the Crown has met its obligation to use its best endeavours to ensure that on 31 December 2014 the average value of all coastal permits for a region or harbour purchased by it and transferred to the Trustee is not less than the average value of all coastal permits authorising the occupation of coastal space for aquaculture in the region or harbour.[32]

(g) The Minister of Fisheries is satisfied that the processes and methods, known as the valuation methodology, for determining the appropriate value of the coastal permit are established and those process and methods:[33]

(i) avoid increasing demand for coastal permits, which would increase the value of the space

(ii) reduce the risk of collusion among sellers of coastal permits

(iii) are cost effective for the Crown

(iv) assess the average current value of space in the part of the coastal marine area concerned.

(h) Any conflicts of interest between the Crown, the Trustee, and relevant iwi with regarding any potential marine farm purchase are fully declared to the Crown prior to commencement of any analysis of the settlement method by the Crown.

(i) All IAOs involved separately indicate to the Crown that they have had the opportunity to receive independent advice on the nature of any proposed transaction and risks associated with the transaction.

(j) The iwi, Trustee, and Crown negotiate the purchase in partnership, after consideration of any conflict of interests that may exist.

(k) Each party undertakes its own due diligence on the purchase.

(l) Settlement is structured so that the commercial benefit and risk of ownership is transferred to the ultimate beneficiary as soon as possible.

30. Section 33, Recognition of iwi aquaculture organisations.
31. Section 47, Basis of allocation of settlement assets.
32. Section 27(2), Purchase of coastal permits by the Crown.
33. Section 27(3) and 27(4), Purchase of coastal permits by the Crown.

Attachment 7:

Valuation options for the valuation methodology

In the process of selecting the valuation methodology proposed in Part 2 of this plan, LECG Limited reviewed a range of other valuation methods. These are summarised below.

Comparable transactions of marine farms

Under this approach the value of coastal permits is assessed with reference to actual arms-length transactions involving the purchase and sale of marine farms that have coastal permits with similar characteristics.

The concept of an arms-length transaction is to ensure that both parties in the deal are independent, acting in their own self-interest, and are not subject to any pressure or duress from the other party. The resulting trade provides a reflection of a true market value.

This approach was rejected by LECG as the primary valuation tool because of insufficient publicly available data on transactions of marine farms and their improvements. However, LECG does recommend the use of suitable transaction information, where known, to benchmark the values generated by the preferred methodology.

Capitalisation of lease payments

Under this approach the annual lease price for water space is used to estimate a value for the coastal permit. It is understood that it is not uncommon for vertically integrated operators to lease coastal permit space to farmers.

This approach was rejected by LECG as the primary valuation tool because of insufficient publicly available data on lease prices for coastal permits.

Cost of replacement

The value of a coastal permit could be referenced to the actual costs incurred by a marine farmer to acquire the necessary coastal permit to operate a marine farm.

However, the cost of acquiring a coastal permit is set by an administration process rather than a market process and does not reflect the expected future value that may arise from use of the coastal permit. Additionally, there is no readily accessible information on the cost of these applications or the cost of processing applications by regional councils; and there is the issue of the treatment of the costs of unsuccessful applications.

Tenders

Under this method, the valuer would refer to tender prices for authorisations for new space in AMAs created by council-initiated or conventional private plan changes.[34]

This approach was rejected because no new space has been created to enable the use of the tender process. It is unlikely the tender process will be used before 2013. The approach also had several limitations; in particular, adjustments would have to be made for the fact that tenders are for authorisations, not for coastal permit space. An authorisation provides only for the right to apply for a coastal permit to occupy space for aquaculture activities.

Ratings-based valuations

Under this method, the valuer would refer to ratings valuations performed by Quotable Value ("QV").

This method was rejected because the information relates only to oyster and mussel farm leases in the Bay of Plenty and Marlborough regions and the most

34. Tenders received by regional councils under section 165E of the Resource Management Act 1991.

recent valuation date was May 2005.

The valuation method used by QV does not reflect the economic uses of the site (in some cases, the leases are valued on the basis of the value of the adjoining land) and QV relies heavily on word-of-mouth reports of prices paid in transactions of leases and licences as only actual sales of land and physical improvements are required to be reported to the local council under the Local Government (Rating) Act 2002.

This valuation method is not possible under the new aquaculture legislation. All marine farm leases and licences are deemed to be coastal permits, and a coastal permit is not an interest in land and therefore is not rateable.

Attachment 8: Glossary of terms used in the plan

aquaculture management area, AMA	An AMA is an area zoned specifically to allow for marine farms. Aquaculture can take place only within an AMA specified within an operative regional coastal plan. AMAs will be defined, mapped, and described in the regional coastal plans developed by each regional and unitary council. A resource consent is required for every marine farm in an AMA.
council-initiated plan change	A plan change made by the council under clause 2 of the First Schedule to the Resource Management Act 1991. Regional and unitary councils can create new AMAs by initiating a plan change to provide for new space. Once the AMA has been created, the council is required to provide the Trustee with 20% of the space for the new space obligation and up to an additional 20% of the space to settle the Crown's pre-commencement space obligations. The council may then tender the remaining space.
purchase marine farm method	The Crown may purchase a marine farm on a willing buyer/willing seller basis and allocate the coastal permit that authorises the use of the underlying coastal space for aquaculture to the Trustee. The Crown is not required to allocate the improvements of the marine farm to the Trustee, but may provide the Trustee a right of first refusal to purchase the improvements.
financial equivalent method	Where the necessary space has not been provided to the Trustee, by either the new space method or the purchase marine farm method, the Crown can pay a financial equivalent from 1 January 2013.
iwi aquaculture organisation, IAO	An iwi aquaculture organisation is a mandated iwi organisation under the Maori Fisheries Act 2004 that has also been authorised to act on behalf of its iwi in relation to aquaculture claims and settlement assets. An IAO exists for the purposes of receiving and holding settlement assets allocated to it by the Trustee, entering into agreements with other IAOs in relation to the allocation of settlement assets, creating companies to undertake aquaculture activities, and performing duties and functions provided by the Act.
invited private plan change, IPPC and conventional private plan changes	Aquaculture activities can take place only within an AMA specified within an operative regional coastal plan. AMAs can be created by a regional council-initiated plan change or by a private plan change. There are two types of private plan change. The newer category is called an "invited private plan change" (IPPC) made under Section 165Z and clause 21 of the First Schedule to the Resource Management Act 1991. The other is referred to as a "conventional private plan change" made under clause 21 of the First Schedule to the Resource Management Act 1991. The aquaculture reform allows councils to "invite" prospective marine farmers to undertake an invited private plan change to create a new AMA. If an IPPC is successful, the proponent benefits by being given a preferential allocation to 80% of space after the 20% allocation to the Trustee to fulfil the new space settlement obligation. Under the invited private plan change process, no additional new space is available for the Crown to use to meet pre-commencement space obligations. Under the "conventional private plan change" route, where the council has not invited the proposal, there is no guarantee that the proponent will receive space. Where an AMA has been created using this option, the council is required to provide the Trustee with 20% of the space for the new space obligation and up to an additional 20% of the space to settle the Crown's pre-commencement space obligations. The applicants of both types of private plan change pay the costs associated with establishing an AMA.
new space method	In order to satisfy any pre-commencement space obligation for a region or harbour, regional councils are required to identify up to an additional 20% of any new aquaculture space created after 1 January 2005 and transfer the authorisation to the Trustee. (This is in addition to the 20% of new space obligation.) This method does not apply to AMAs created through an IPPC.

plan changes	Aquaculture activities can take place only within an AMA specified within an operative regional coastal plan. AMAs can be created by a regional council-initiated plan change or by a private plan change. (See also IPPC and conventional private plan changes.)
pre-commencement space	Pre-commencement space is any aquaculture space created on or after 21 September 1992 and up to 31 December 2004. This also includes space that is still being created by applications processed under the previous legislation that were lodged and notified prior to 28 November 2001. The term "existing space" was used in the Aquaculture Reform Bill, but in the Maori Commercial Aquaculture Claims Settlement Act 2004 such space is referred to as "pre-commencement space".
risk-free interest rate	Risk-free interest rate is the rate that is assumed can be obtained by investing in financial instruments with no default risk. Though a truly risk-free investment exists only in theory, the risk-free interest rate is an element of the capital asset pricing model theory.
section 150B(2)	When the moratorium on new applications for aquaculture space was announced on 28 November 2001, there were many resource consent applications that had been received by councils but had not yet completed the approval process. Those applications that had been lodged before the moratorium, but had not yet been notified, were frozen and remain frozen by the moratorium. These are usually referred to as "section 150B(2) applications" because of the section of the Resource Management Act that provides for these applications. Section 150B(2) applications can continue being processed only if they eventually fall within an AMA. If they do not fall within an AMA, they will expire in 2014. Because section 150B(2) applications are processed under the new law, space covered by such applications in a newly established AMA is considered new space, and therefore is subject to the requirement to provide 20% of all new space to the Trustee under the Crown's settlement obligations. Section 150B(2) applications are not considered pre-commencement space.
the Act	Maori Commercial Aquaculture Claims Settlement Act 2004.
the plan	The nature of this consultative document is determined by section 23 of the Maori Commercial Aquaculture Claims Settlement Act 2004, which sets out the requirements for the plan: **23 Preparation of plan** (1) The Minister of Fisheries must, by 31 December 2007, have started preparing a plan that— (a) provides an assessment of the progress made by the Crown in complying with section 22; and (b) to the extent that the Crown has not complied with section 22, provides how the Crown is going to comply with that provision. (2) In preparing the plan, the Crown must consult all iwi aquaculture organisations and recognised iwi organisations— (a) whose area of interest includes a part of the coastal marine area; and (b) in relation to which the Crown has not, by 31 December 2007, satisfied its obligations under this Act. (3) As soon as practicable after completing the plan, the Minister of Fisheries must provide copies to the trustee, iwi aquaculture organisations, and recognised iwi organisations.
the trust	Maori Commercial Aquaculture Settlement Trust, which operates under the working name of Takutai Trust. Te Ohu Kai Moana Trustee Limited acts as the trustee of the Takutai Trust.
the Trustee	Te Ohu Kai Moana Trustee Limited, a company established in accordance with section 33 of the Maori Fisheries Act 2004.
vertically integrated marine farms	Vertical integration occurs where there is common ownership of the farming, harvesting, packaging, and the distribution functions.

Attachment 9:

Sources of additional information

Information about the Maori aquaculture settlement and commercial aquaculture in New Zealand is available on the Ministry of Fisheries website (www.fish.govt.nz).

A series of five information sheets have been developed to explain different aspects of the reforms and are available on the Ministry for the Environment's website (www.mfe.govt.nz):

A beginner's guide to the 2004 aquaculture law reforms

Aquaculture reform 2004: An overview

Aquaculture reform 2004: From the old to the new – moving to the new regime

Aquaculture reform 2004: The rules of the game – creating Aquaculture Management Areas

Aquaculture Reform 2004 – settling Maori claims.

A copy of the relevant aquaculture settlement legislation can be found at: www.legislation.govt.nz:

Maori Commercial Aquaculture Claims Settlement Act 2004

Maori Commercial Aquaculture Claims Settlement (Aquaculture Settlement Register) Regulations 2006

Maori Commercial Aquaculture Claims Settlement (Additional Allocation of Space) Order 2006

Maori Commercial Aquaculture Claims Settlement (Schedule 2) Order 2006

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004.

More information on the Government's aquaculture work programme can be found at: www.aquaculture.govt.nz

Please let us know what you think by Friday 31 October 2008. You can make your views known by:

- email: Aquaculture.Settlement@fish.govt.nz
- or by post to:

  Aquaculture Settlement
  Ministry of Fisheries
  P.O. Box 19747
  Avondale 1746
  Auckland.

The Ministry of Fisheries contact:

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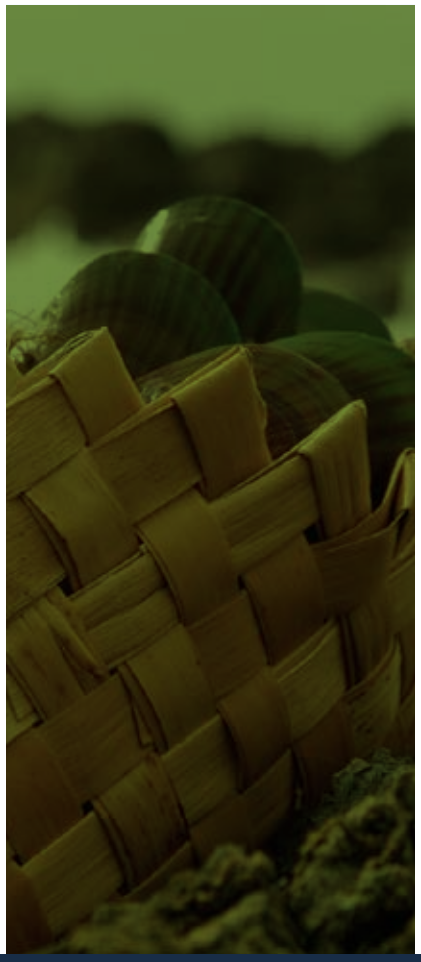

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