

THE REGULATIONS

The Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, more commonly known as the Sealord Deal, repealed section 88(2) of the Fisheries Act 1983. This repeal provided for non-commercial customary fishing rights to be given effect through regulations. These regulations are the Fisheries (South Island Customary Fishing) Regulations 1999.

These regulations recognise and provide for customary food gathering, and input into the management of fisheries resources by tangata whenua. The people appointed to manage these processes are known as Tāngata Tiaki. The regulations also recognise the special relationship between tangata whenua and the places of importance for customary food gathering. Customary food gathering is neither commercial nor for pecuniary gain or trade.

Customary fishing regulations apply whenever tangata whenua wish to fish outside of the Fisheries (Amateur Fishing) Regulations 1986. In order to fish under the customary regulations, tangata whenua must obtain an authorisation from local Tāngata Tiaki.

The health of the people relies on the health of the fishery.

HOW DO THE REGULATIONS EMPOWER THE LOCAL COMMUNITY TO MANAGE THEIR LOCAL FISHERIES RESOURCES?

The regulations provide the framework for fisheries management areas. This framework empowers the local community through tangata whenua to be involved in the decision making process on the management of local fisheries resources.

Customary Fishing management practices focus on the sustainability of fisheries resources not just for tangata whenua but for all New Zealanders. It is important to look after our fisheries so that everybody can benefit from abundant, healthy levels of kaimoana.



FOR FURTHER INFORMATION

Contact
Ngāi Tahu
Customary Fisheries
Kaupapa Taiao
0800 KAI TAHU
(0800 524 8248)



Te Rūnanga o NGĀI TAHU



Te Tapuāe o Rehua
Ka taea te pae tawhiti – Nitere ultra fines



SOUTH ISLAND CUSTOMARY FISHERIES MANAGEMENT

Empowering the local community through tangata whenua to manage their local fisheries resources.

Mo tātou, ā, mo kā uri a muri ake nei
For us and our children after us





THE HISTORY

Traditional resource management practices enabled tangata whenua to sustainably harvest and conserve kaimoana. However, events that have occurred since the signing of the Treaty of Waitangi have altered the ability of tangata whenua to manage resources. These events, along with increased pressure from commercial and recreational fishing and pollution from sewerage outlets and other sources, has resulted in the depletion of fisheries resources and habitat degradation, to the point where Māori and non Māori can no longer enjoy fisheries resources to the same extent, either for food or for recreational pleasure.

Traditional resource management practices are of equal importance to tangata whenua today. The customary fishing rights they have now are a reflection of the traditions practised by their ancestors. Today these practises are reflected in regulations.



WHAT ARE THE AREA MANAGEMENT PRACTICES USED BY TANGATA WHENUA?

The Fisheries Act 1996 and the Fisheries (South Island Customary Fishing) Regulations 1999 provide a number of 'tools' for tangata whenua to manage areas important for customary food gathering. There are three types of fisheries management areas:

Taiāpure – Local Fishery

A taiāpure identifies an area (being estuarine or littoral coastal waters) that has customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons. The provisions for taiāpure are contained within Part IX of the Fisheries Act 1996.

Taiāpure make provision for a management committee to be established to give advice and recommendations to the Minister responsible for Fisheries and for regulations to provide integrated management of the fisheries in that area. Members of the management committee are nominated by tangata whenua and may include representatives from all fisheries stakeholders (including commercial) in the area as well as other interest groups.

The effect of the taiāpure on the fisheries in the area, and on the people using those fisheries will depend on the controls that are established within the regulations.

Mātaitai Reserve

A mātaitai reserve identifies an area that is a place of importance for customary food gathering and allows for tangata whenua to manage these areas. Mātaitai can be promulgated over any area of the New Zealand Fisheries waters of the South Island. They are declared under the Fisheries (South Island Customary Fishing) Regulations 1999. Tangata Tiaki are appointed by tangata whenua to manage the reserve through the making of bylaws. These bylaws must be approved by the Minister responsible for Fisheries and must apply generally to all individuals. A mātaitai reserve prohibits commercial fishing within its boundaries, unless otherwise authorised by the Minister of Fisheries.

Rāhui (temporary closure)

The temporary closure provisions of section 186B of the Fisheries Act 1996 allows for the closure or restriction of fishing methods in an area within the New Zealand Fisheries waters of the South Island. The purpose of a rāhui is to improve the size and or availability of fish stocks, or to recognise the use and management practises of tangata whenua. They can be applied for a period not exceeding two years and can apply to particular days, weeks, months or seasons. This process is completely at the discretion of the Minister responsible for Fisheries after consultation with interest groups.

Rāhui apply to all individuals, including customary fishers.

HOW CAN MARINE RESERVES BE USED TO SUPPORT THESE FISHERIES MANAGEMENT AREAS?

Marine reserves can provide valuable support for fisheries management, provided they are established adjacent to fisheries management areas and the information generated from scientific study of marine life within the marine reserve assists decision making in the fisheries management areas.

In preserving an area of sea and foreshore, marine reserves provide for the natural regeneration of the marine environment in those areas. As such marine reserves act as a kōhanga (nest) to replenish fish stocks adjacent to the reserve.