

**From:** s 9(2)(a)  
**To:** s 9(2)(a); s 9(2)(a); s 9(2)(a) (ext)  
**Cc:** s 9(2)(a); s 9(2)(a)  
**Subject:** RE: Proposed Kaikoura mataitai - public notice  
**Date:** Friday, 6 November 2015 2:01:00 PM  
**Attachments:** 2015.11.12 - Kaikoura presentation to hand out.pdf  
image001.png  
image002.png  
image003.png

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Kia ora

Please find attached MPI's presentation for next Thursday's public meeting.

s 9(2)(a), s 9(2)(a) and I should get to Kaikoura early afternoon-ish.

---

**From:** s 9(2)(a) @ngaitahu.iwi.nz  
**Sent:** Thursday, 29 October 2015 4:34 p.m.  
**To:** s 9(2)(a) @mpi.govt.nz; s 9(2)(a)  
<s 9(2)(a) @ngaitahu.iwi.nz>; s 9(2)(a) (ext) <s 9(2)(a) @xtra.co.nz>  
**Cc:** s 9(2)(a) @mpi.govt.nz; s 9(2)(a)  
<s 9(2)(a) @mpi.govt.nz>  
**Subject:** RE: Proposed Kaikoura mataitai - public notice

Yes please

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**From:** s 9(2)(a) @mpi.govt.nz  
**Sent:** Thursday, 29 October 2015 4:31 p.m.  
**To:** s 9(2)(a); s 9(2)(a); s 9(2)(a) (ext)  
**Cc:** s 9(2)(a); s 9(2)(a)  
**Subject:** RE: Proposed Kaikoura mataitai - public notice

Kia ora

Thanks for the reminder, I'm working on the presentation at this very moment.

Do you want to see a draft prior to the 12<sup>th</sup>?

s 9(2)(a) and s 9(2)(a)

If you would like to see a draft before the 12<sup>th</sup>, please let me know and I'll email it down.

---

**From:** s 9(2)(a) @ngaitahu.iwi.nz  
**Sent:** Thursday, 29 October 2015 4:27 p.m.  
**To:** s 9(2)(a) @mpi.govt.nz; s 9(2)(a)  
<s 9(2)(a) @ngaitahu.iwi.nz>; s 9(2)(a) (ext) <s 9(2)(a) @xtra.co.nz>  
**Cc:** s 9(2)(a) @mpi.govt.nz; s 9(2)(a)  
<s 9(2)(a) @mpi.govt.nz>  
**Subject:** RE: Proposed Kaikoura mataitai - public notice

Kia ora [REDACTED],

I'm not sure if you have begun developing the powerpoint for the 12<sup>th</sup> but as per the presentation at Waikouaiti can we make sure there is a statement very early on that the mataitai do not control the fishing of whitebait and do not impact on land tenure (we're getting queries already on those points).

Thanks

Na  
[REDACTED]

**From:** s 9(2)(a) [REDACTED]@mpi.govt.nz]  
**Sent:** Monday, 12 October 2015 5:03 p.m.  
**To:** s 9(2)(a) [REDACTED]; s 9(2)(a) [REDACTED] (ext)  
**Cc:** s 9(2)(a) [REDACTED]; s 9(2)(a) [REDACTED]; s 9(2)(a) [REDACTED]  
**Subject:** Proposed Kaikoura mataitai - public notice

Kia ora s 9(2)(a) [REDACTED] and s 9(2)(a) [REDACTED]

Please find attached an advanced copy of the public notice that MPI is placing in *The Marlborough Express* on 14 October 2015 and 7 November 2015, and *The Kaikoura Star* on 4 November 2015.

The public notice notifies that an application has been made, invites submissions from the local community (closing date 18 December 2015), and advertises the public meeting that we are jointly holding at the Marae on 12 November 2015.

Consultation details will also be loaded onto MPI's website [here](#), in the Fisheries section.

Please feel free to forward these details to others, as you see fit.

Kind regards  
[REDACTED]

s 9(2)(a) [REDACTED] | Senior Analyst, Spatial Allocations  
Fisheries Management | Regulation & Assurance  
Ministry for Primary Industries - Manatu Ahu Matua | Pastoral House 25 The Terrace | PO Box 2526 | Wellington | New Zealand  
Telephone: s 9(2)(a) [REDACTED] | Web: [www.mpi.govt.nz](http://www.mpi.govt.nz)




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Ministry for Primary Industries  
Mātauranga Ahu Matua

**Proposed Kahutara and Tūtaeputaputa  
mātaaitai reserves and  
Oaro Mātaaitai Reserve extension**

Public meeting 12 November 2015  
Takahanga Marae, Kaikōura

Growing and Protecting New Zealand



[www.mpi.govt.nz](http://www.mpi.govt.nz)

### Tonight's meeting

- What is a mātaaitai reserve?
- What does it do, and not do?
- What are bylaws?
- The application, consultation and decision processes.
- What is being proposed?
- Questions?
- What is your view on the applications?

### Customary fishing regulations

- Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
- Regulations to:
  - Recognise and provide for customary food gathering.
  - Recognise the special relationship between tangata whenua and places of importance for customary food gathering.

### Customary fishing regulations (continued)

- Fisheries (Kaimoana Customary Fishing) Regulations 1998.
- Fisheries (South Island Customary Fishing) Regulations 1999.
- A major part of the regulations relate to mātaaitai reserves.



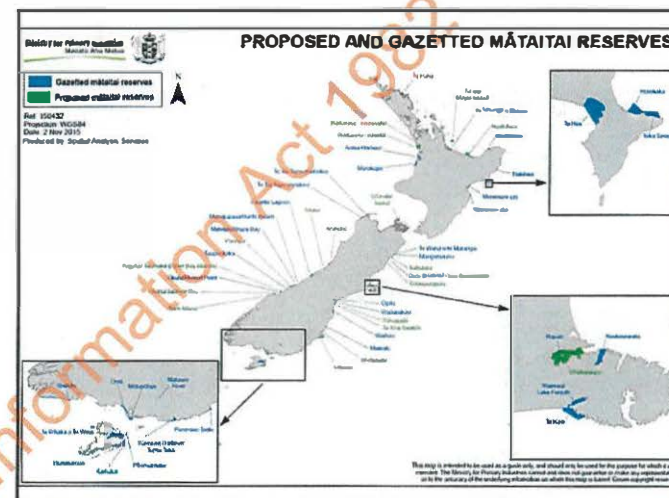
## A couple of definitions

### Customary food gathering

- The traditional right to take and manage fisheries resources for a purpose authorised by Tangata Tiaki/Kaitiaki consistent with tikanga Māori, which is neither commercial nor for pecuniary gain or trade.

### Identified traditional fishing ground

- A fishing area that tangata whenua have a special relationship with.
- Managed by Tangata Tiaki/Kaitiaki to achieve the sustainable management of the fisheries resources.



## What does a mātaiai reserve NOT do?

- **Does not** exclude recreational fishing.
- **Does not** control whitebait fishing.
- **Does not** impact land tenure.
- **Does not** prevent access to the area or change access to private property.
- **Does not** prevent non-Māori from fishing, or require recreational fishers to obtain permits.

## What does a mātaiai reserve do?

- **Excludes commercial fishing.**
  - Many commercial fishing vessel activities remain unchanged (transiting, mooring, recreational fishing).
  - Commercial catch cannot be landed in a reserve.
  - Holding pots cannot be used in a reserve.
  - Can only be reinstated by a regulation.
- **Allows for bylaws to be made.**

### Reinstatement of commercial fishing

- Tangata Tiaki/Kaitiaki may recommend a regulation to reinstate commercial fishing.
- Consultation is required.
- No regulations have been recommended to date.

### Bylaws

- Tangata Tiaki/Kaitiaki may recommend bylaws to the Minister.
- Bylaws can restrict or prohibit fishing in all or any part of a mātaihai reserve.
- Bylaws must be for the sustainable management of fisheries resources.
- Consultation is required.

### Bylaws (continued)

- Bylaws apply to everyone fishing in a mātaihai reserve.
- Bylaws cannot be used to exclude non-Māori from fishing.
- Recreational fishers must comply with existing fishing rules until bylaws are approved.
- Nine mātaihai reserves have bylaws.

### Examples of some bylaws

- **Rapaki Bay:** species, quantity, reporting catch.
- **Koukourarata:** species, quantity, method, time period, prior approval.
- **Mataura River:** species, method.
- **Horomamae:** time period.
- **Pikomamaku:** no fishing.

### Application process

- **Who can apply:** Tangata Tiaki/Kaitiaki for the customary food gathering area, or the tangata whenua who nominated them.
- Applicant must nominate Tangata Tiaki/Kaitiaki for the proposed mātaihai reserve.
- Appointments are for up to 5 years.

### Consultation

- **Local community consultation**
  - Notify the application.
  - Public meeting.
  - Written submissions.
- **Fishing Interest consultation**
  - Written submissions.
- Minimum of 20 working days for submissions.
- The applicant may amend their application.

### Minister's decision

The Minister must be satisfied that:

- There is a **special relationship** between tangata whenua and the proposed mātaihai reserve.
- The general aims of the proposed mātaihai reserve are consistent with **sustainable management** of the fishery.
- The proposed mātaihai reserve is an **identified traditional fishing ground** and is of a **size appropriate to effective management** by the tangata whenua.
- The Minister and tangata whenua agree on suitable conditions (if any) for the proposed mātaihai reserve.

### Minister's decision (continued)

- The proposed mātaihai reserve will **not**:
  - **Unreasonably affect** the ability of the **local community** to fish for non-commercial purposes.
  - **Prevent persons with a commercial interest** in a species taking their entitlements within the QMA.
  - **Prevent persons with a commercial fishing permit for a non-QMS species** exercising their right to take fisheries resources under their permit within the area for which that permit has been issued.
- The proposed mātaihai reserve is **not a marine reserve**.

### Minister's powers

- Advise and assist Tangata Tiaki/Kaitiaki to remedy any management concerns.
- Require a management strategy to be development.
- Require the management strategy to be observed.
- Cancel Tangata Tiaki/Kaitiaki appointments for failing to follow a management strategy.

### Summary

Effects on the local community:

- A mātaihai reserve **does not** affect the ability of the local community to fish for non-commercial purposes.
- Any future effects would occur by way of the **bylaw setting process**, which involves public consultation.

### Three proposed freshwater mātaihai reserves

- **Applicant:** Te Rūnanga o Kaikōura.
- **Proposed reserves:** Kahutara, Tūtaepūtapūta and Oaro.
- Nine nominated Tangata Tiaki/Kaitiaki.

### Local community consultation

- Public notices: *The Marlborough Express* and *The Kaikoura Star*.
- Submissions due **Friday, 18 Dec 2015**.
- MPI will advise applicants of any submissions received (subject to the Official Information Act).
- Applicants **will** advise MPI of any amendments to their application.

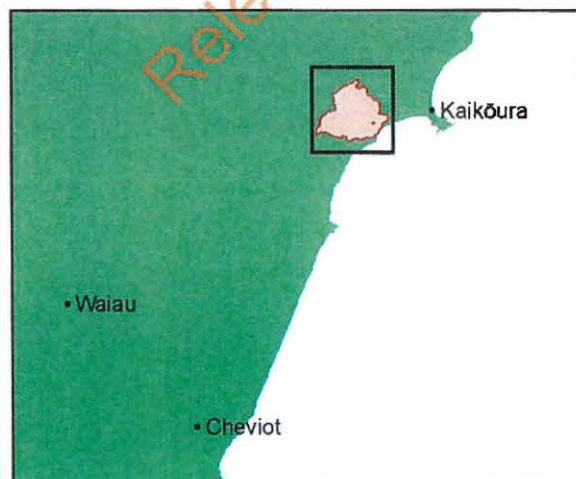
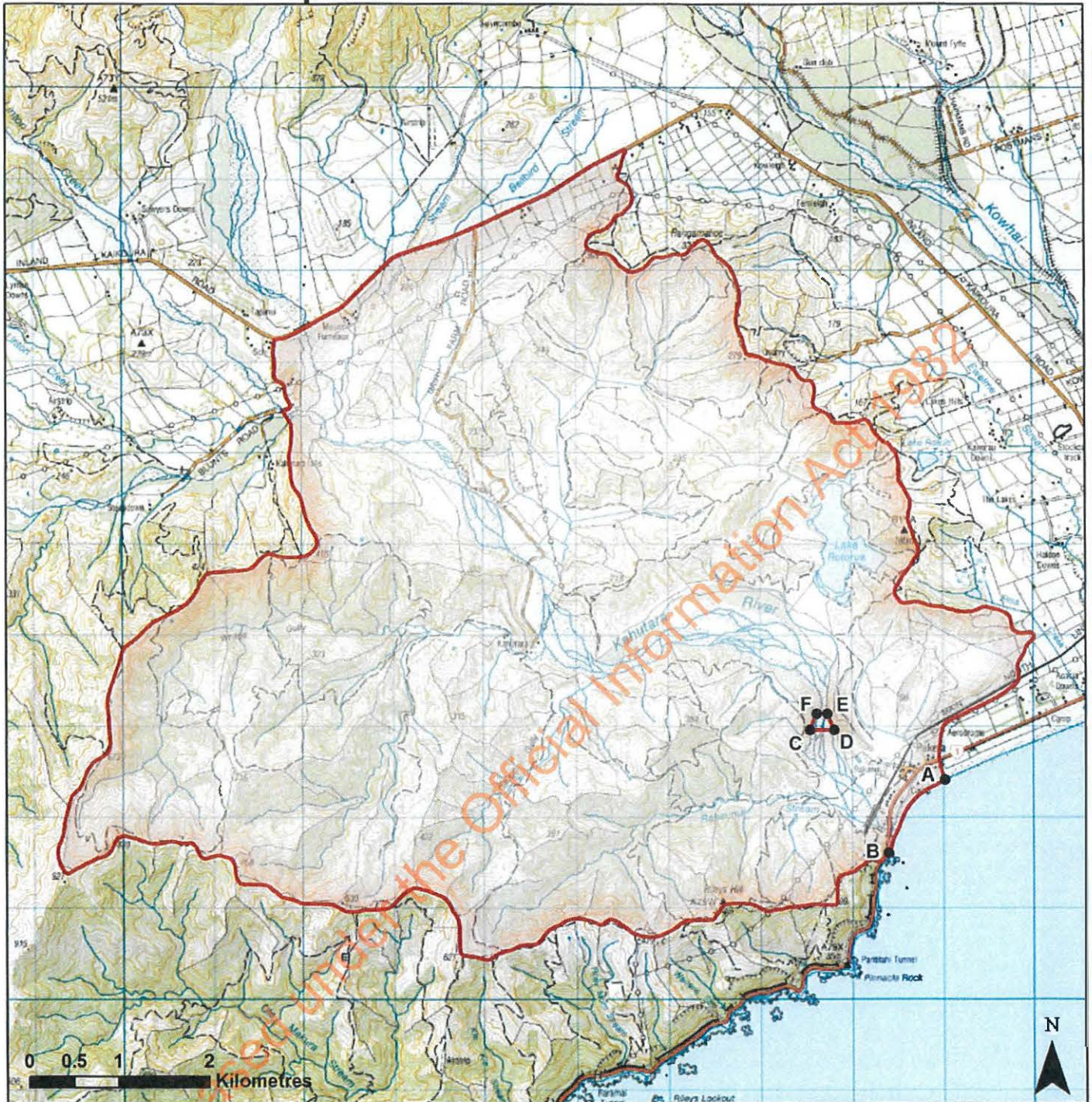
#### Next steps

- Consultation with fishing interests.
- Assess the application.
- Advise the Minister.
- Minister declares the reserve and appoints Tangata Tiaki/Kaitiaki **OR**
- Minister declines the application.

Released under the Official Information Act 1982



# Proposed Kahutara mātaimai reserve



## Legend

- Proposed mātaimai reserve coordinates
- ▭ Proposed mātaimai reserve boundary

## Coordinates

A: 42°25.740'S 173°35.750'E  
 B: 42°26.180'S 173°35.300'E  
**Excluding the area within:**  
 C: 42°25.451'S 173°34.664'E  
 D: 42°25.450'S 173°34.860'E  
 E: 42°25.354'S 173°34.806'E  
 F: 42°25.354'S 173°34.719'E

Ref: 150408  
 Date: 19 October 2015  
 Map Projection: NZTM 2000  
 Coordinate Projection: WGS84 (Lat/Long)  
 Produced by: Spatial Analysis Services

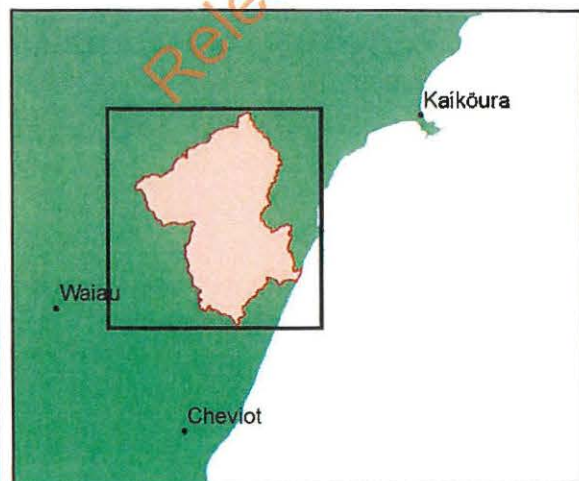
Ministry for Primary Industries  
 Manatū Ahu Matua



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# Proposed Tūtaeputaputa mātaimai reserve



## Legend

- Proposed mātaimai reserve coordinates
- ▭ Proposed mātaimai reserve boundary

## Coordinates

A: 42°36.240'S 173°28.500'E  
B: 42°37.320'S 173°27.900'E

Ref: 150407  
Date: 16 October 2015  
Map Projection: NZTM 2000  
Coordinate Projection: WGS84 (Lat/Long)  
Produced by: Spatial Analysis Services

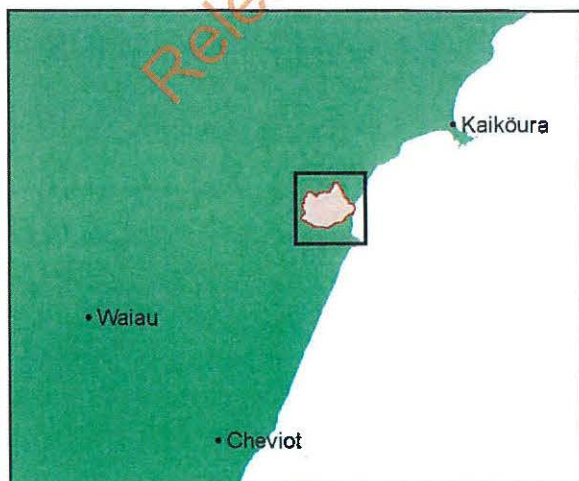
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## Proposed Oaro mātaimai reserve



### Legend

- Proposed mātaihai reserve coordinates
-  Proposed mātaihai reserve boundary

## Coordinates

**A:** 42°30.800'S 173°30.420'E  
**B:** 42°31.200'S 173°30.300'E  
**C:** 42°29.680'S 173°27.714'E

Ref: 150406

Date: 15 October 2015

Map Projection: NZTM 2000

**Coordinate Projection: WGS84 (Lat/Long)**

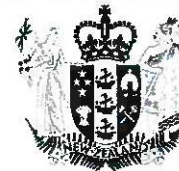
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## **Purpose**

The purpose of this handout is to provide background information and an overview of the mātaihai reserve application process and answers to frequently asked questions.

## **Background**

Under Section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 there is an obligation on the Crown to develop regulations that recognise and provide for customary food gathering by Māori and the special relationship between Tangata Whenua and places of spiritual and cultural importance.

Customary food gathering refers to the traditional rights confirmed by the Treaty of Waitangi 1840 and the Settlement Act 1992 for authorised take of fisheries resources to the extent that they are consistent with tikanga Māori (customs) and are neither commercial in any way nor for pecuniary gain or trade.

The Crown's obligation to develop regulations resulted in the enactment of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, which apply to waters around the North Island and the Chatham Islands, and the Fisheries (South Island Customary Fishing) Regulations 1999, which apply to waters around the South Island and Stewart Island. These regulations enable Tangata Whenua to manage customary fishing by defining their rohe moana (boundaries) and nominating Tangata Kaitiaki/Tiaki (under the Kaimoana Regulations) or Tangata Tiaki/Kaitiaki (under the South Island Regulations). The Tangata Kaitiaki/Tiaki or Tangata Tiaki/Kaitiaki manage the fisheries resources in particular areas and issue customary fishing authorisations.

Mātaihai reserves can be established over traditional fishing grounds to help ensure fisheries resources are available for customary food gathering purposes. Mātaihai reserves also provide for the expression of customary management practices.

## **Application process**

The Kaimoana and South Island Regulations outline the mātaihai reserve application process. The Ministry for Primary Industries is responsible for co-ordinating the application process, which requires two consultation phases. MPI publicly notifies both consultation phases in a newspaper circulated in the vicinity of the proposed mātaihai reserve.

The first consultation phase calls for written submissions from the local community. The local community is defined as those who own land in the proximity of a proposed mātaihai reserve, or have a place of residence in the proximity of a proposed mātaihai reserve, and have been in occupation for a cumulative period of no less than 3 months in the 3 consecutive years immediately preceding the date of the application for that mātaihai reserve. The first consultation phase also includes a public meeting with the local community.

The second consultation phase calls for written submissions from those who have a fishing interest in any of the stocks in the area specified in the application and whose ability to take fisheries resources may be affected by establishing the proposed mātaihai reserve.

MPI assesses the application against the legal requirements outlined in the Kaimoana or South Island Regulations, which include an assessment of the effects on the local community and recreational and commercial fishing interests. In addition, MPI assesses whether or not the application meets other requirements, such as the area being a traditional fishing ground and the applicant having a special relationship with that area.

Throughout the application process there are opportunities for the applicant to make amendments to the application and for MPI and the applicant to agree on suitable conditions for the proposed reserve.

MPI is responsible for formulating advice to the Minister on the application. Should the Minister approve an application, the decision would be publicly notified in a newspaper circulating in the vicinity of the mātaihai reserve.





**Frequently asked Questions:**

**Q. Who can apply for a mātaimai reserve?**

A. Only the Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki established under the Kaimoana or South Island Regulations or those who nominated them can apply for a mātaimai reserve.

**Q. What changes occur when a mātaimai reserve is established?**

A. In most cases, the only change that occurs initially is that commercial fishing must cease within the boundaries of the mātaimai reserve.

**Q. Does a mātaimai reserve affect access to the beach or the area within the mātaimai reserve?**

A. No, the establishment of a mātaimai reserve does not change the public's ability to access the beach or the marine environment, and it does not change any existing restrictions on access to private land. A mātaimai reserve does not impact land tenure.

**Q. What powers do the Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki have to manage a mātaimai reserve?**

A. The Kaimoana and South Island Regulations provide Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki the power to recommend to the Minister bylaws that restrict or prohibit recreational fishing where it is necessary for the sustainable management of the fisheries resources in the mātaimai reserve. The Minister for Primary Industries may or may not approve any changes to the management of a mātaimai reserve after considering the views put forward during public consultation. Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki also have the power to recommend a regulation to the Minister for Primary Industries that reinstates commercial fishing of specified species by quantity or time period within the mātaimai reserve.

**Q. Can I be involved in the management of a mātaimai reserve?**

A. The Kaimoana and South Island Regulations do not preclude the Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki for a mātaimai reserve from forming management committees with representation by local community members.

**Q. Will I be excluded from recreational fishing, or will I need an authorisation to go fishing?**

A. No, recreational fishers must comply with the Fisheries (Amateur Fishing) Regulations 2013 when fishing within the mātaimai reserve until such time as the Minister for Primary Industries approves any recommended bylaws that change the recreational fishing requirements.

**Q. What are bylaws?**

A. With respect to mātaimai reserves, bylaws are rules to manage fisheries resources, which can apply to species, quantity, size, fishing method, area or any other matters the Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki consider necessary for the sustainable management of the fisheries resources within the mātaimai reserve. Bylaws made under the Kaimoana or South Island Regulations apply generally to all people fishing within a particular mātaimai reserve, and so they cannot be used to exclude non-Māori.

**Q. Who monitors the fish stocks within a mātaimai reserve?**

A. The area within a mātaimai reserve remains part of the relevant fisheries management area or quota management area for fisheries management purposes. The status of the stocks in the area will, therefore, continue to be monitored by MPI, although Tangata Kaitiaki/Tiaki or Tiaki/Kaitiaki may have a role in monitoring local fisheries.

**Q. Where can I obtain further information?**

A: You can obtain further information about mātaimai reserves by contacting the Spatial Allocations Team, Ministry for Primary Industries, P O Box 2526, Wellington, ph (03) 545 7796. You can also visit MPI's website: [www.mpi.govt.nz](http://www.mpi.govt.nz)