



Customary fishing requires a Customary Authorisation

Only duly appointed Tangata Tiaki/Kaitiaki have the authority to authorise customary fishing, including any customary fishing within a Mātaitai Reserve.

- > A customary authorisation must be sought and obtained from an appointed Tangata Tiaki/Kaitiaki prior to any harvesting taking place.
- > All fishing must comply with any instructions and authorisation conditions such as harvest date, area, species, quantity, size and fishing method.
- > Customary fishers must ensure they carry the authorisation form with them while fishing and to show it to a Fishery Officer or Honorary Fishery Officer on request.

Unlawful to sell or trade any catch

- > It is an offence to sell or trade any recreational or customary fishing catch.

A Guide to the Law

These notes are provided as a summary guide to applicable law, which is subject to change. Relevant legislation includes: The Fisheries Act 1996, Fisheries (Amateur Fishing) Regulations 1986, Fisheries (Southland and Sub-Antarctic Areas Amateur Fishing) Regulations 1991 and Fisheries (South Island Customary Fishing) Regulations 1999.

For full details on amateur fishing restrictions, contact your nearest Ministry for Primary Industries office. A complete copy of relevant legislation (including Acts and associated regulations) is available from Bennett's Government Bookshops.

Help stop the spread of unwanted invasive aquatic species

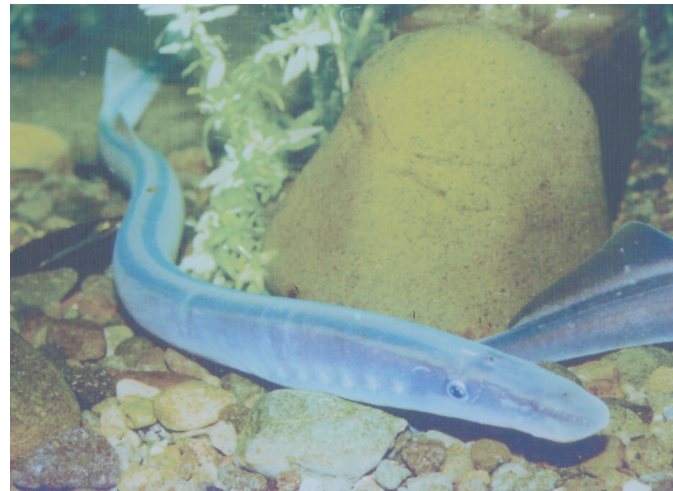
It is crucial for all river users to do their bit to avoid the spread of unwanted invasive aquatic species and pests. The aquatic weed Lagarosiphon is one such pest. Introduced from southern Africa as an aquarium plant, this spiralled leaf perennial herb thrives in ponds, lakes and slow moving streams, forming vast deep meadows that shade out other species.

- > It is important for fishers to check and thoroughly clean all fishing gear including any fyke nets or hīnaki traps, along with any boat propulsion units, water intakes and motors.

Another serious introduced invasive threat is *Didymosphenia geminata*. *Didymo* is a freshwater type of alga, which can form massive blooms, smothering rocks and submerged plants on the bottoms of streams and rivers. *Didymo* is made up of cells that cannot be seen with the naked eye. It only takes one of these cells to survive and be transported to another waterway to spread.

To avoid the spread of *Didymo* between waterways you must:

- > check your fishing gear and equipment including any nets, boats, footwear and clothing; and
- > clean any items that have been in contact with the water by soaking and scrubbing the items for at least one minute in either, hot (60°C) water, a 2 percent solution of household bleach or a 5 percent solution of household detergent; and
- > dry all items, waiting an additional 48 hours before contact or use in any other waterway;
- > fish, plants, rocks and other river items should not be moved between waterways.



Contact the Ministry for Primary Industries

Invercargill
137 Spey Street
(03) 211 0060

0800 4 POACHER
(0800 4762 2437 to report illegal poaching)

For further information visit www.mpi.govt.nz

If you require more information please visit www.biosecurity.govt.nz/didymo
Hokonui Runanga Ph 03 208 7954

Mataura River Mātaitai

Effective from 1 December 2009. Subject to change without notice



Introduction

The mahinga kai (food gathering) custom underpins Ngāi Tahu culture. It is central to the relationships with places, species and resources, to the cultural, spiritual, social and economic well-being of Ngāi Tahu, and is a vehicle for the transfer of traditional knowledge from generation to generation. Mahinga kai was identified as one of the “nine tall trees” or nine major grievances Ngāi Tahu lodged against the Crown as part of the Ngāi Tahu Claim (WAI 27), such as its importance to the Iwi.

Mahinga kai refers to the custom of gathering food and natural resources, the practises involved, and the places where they are gathered. The associated custom of kai hau kai (exchange of food/resources) was one of the major economic institutions in traditional life, being the means by which food and resources as well as knowledge was traded and exchanged between iwi (tribe) hapū (sub-tribe) and whānau (family).

Along with whakapapa, this provides the genealogical connection to resources, mahinga kai explains the traditions of use associated with flora, fauna and resources, from which springs mātauranga or traditional knowledge relating to these taonga.

The Mātaitai Reserve remains an important mahinga kai for Ngāi Tahu Whānui because of its use as an access route between coastal Murihiku (Southland) to Fiordland and the West Coast for the gathering of pounamu. The Mātaitai was particularly noted for the gathering of kanakana (lamprey) and tuna (eels), with annual fishing expeditions in season to favoured nohoanga (campsites) along the river.

A guide

The content of this brochure is, according to the Ministry for Primary Industries’ best efforts, accurate at the time of publication. However, the Ministry for Primary Industries may amend the information at any time. This brochure is intended to be a guide to the regulations and its contents should not be construed as legal advice. For full details on amateur fishing restrictions contact your nearest office of the Ministry for Primary Industries.

What Is a Mātaitai Reserve?

Mātaitai reserves are one of the suite of management tools created under Part IX of the Fisheries Act 1996. These are designed to give effect to the obligations stated in the Treaty of Waitangi Fisheries Claims Settlement Act 1992 to develop policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights. The Part IX tools provide practical recognition of the rights guaranteed to tāngata whenua¹ under the Treaty of Waitangi.

Under the Fisheries (South Island Customary Fishing) Regulations 1999, tāngata whenua may apply to the Minister for Primary Industries to establish a mātaitai reserve on a traditional fishing ground for the purpose of recognising and providing for customary management practices and food gathering.

The mātaitai is managed by appointed Tangata Tiaki/Kaitiaki (guardians) who manage all fishing and gathering of fish within the mātaitai through the creation of bylaws. The bylaws apply equally to all individuals.

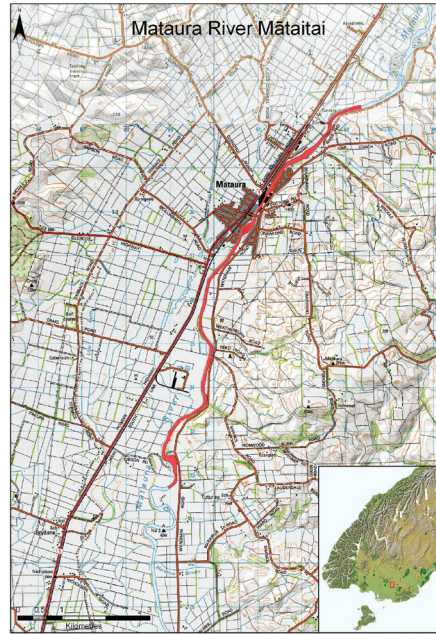
There is one Tangata Tiaki/kaitiaki appointed by the Minister for Primary Industries, supported by Murihiku Papatipu Rūnanga the mātaitai bylaws are the result of this collaborative approach.

¹ Tāngata whenua in relation to this particular area means – The whānau or hapū of Ngāi Tahu Whānui that hold manawhenua manamōana over that area and are represented by Te Rūnanga o Ngāi Tahu.

Mātaitai Reserve Area

As illustrated in the map, the Mātaitai Reserve encompasses the waters of the Mātaitai River within:

- the northern boundary being a line in an easterly direction across the Mātaitai River (from a point at 46°10.45’S and 168°53.67’E on the eastern bank to a point at 46°10.45’S and 168°53.87’E on the western bank) about 500 metres upstream of the Mātaitai tannery; and
- the southern boundary being a line in a westerly direction across the Mātaitai River (from a point at 46°13.96’S and 168°50.97’E on the western bank to a point at 46°13.96’S and 168°51.03’E on the eastern bank) at a bend in the Mātaitai River about 1 kilometre downstream of Shanks Road.



Bylaws for Mātaitai Reserve

No person may:

- > Take or possess Lamprey, Shortfin or Longfin eel within the Mātaitai Reserve or
- > Possess Lamprey, Shortfin or Longfin eel taken from the Mātaitai Reserve

No person may use, set or possess any fyke net within the Mātaitai Reserve

Offence and Penalties

- > Under Regulation 25(3) of the Fisheries (South Island Customary Fishing) Regulations 1999, a person commits an offence against those regulations if the person breaches any of the above bylaws
- > Penalties for breach of bylaws maximum of \$10,000 or \$20,000 for repeat offending.

NOTE: Offences of a commercial nature will be subject to the Fisheries Act 1996 which include forfeiture and a maximum fines of \$250,000.

Exceptions

Tāngata Tiaki may authorise the taking of fish from the Mātaitai, despite any restrictions that apply, for the purpose of sustaining the functions of a marae and for the taking of fish to enhance fish stocks.

Method restrictions

General netting restrictions

- > Nets must be hauled by hand.
- > Any net or nets used either individually or jointly must not extend across more than one-quarter of the width of any river, stream, or channel, measured at right angles to the bank of that river stream or channel.
- > No net may be used in a way that causes fish to be stranded by the falling tide.

Return of unlawful fish

- > Any person engaged in recreational or customary fishing shall immediately return any unlawful fish (whether excess, undersize or unlawfully taken species) back into the waters from which the fish was taken, taking all reasonable care to ensure their survival.
- > Only those persons physically involved in taking fish are entitled to claim a catch within the daily limit.

Sport fish restrictions

Within the Mātaitai River and Mātaitai Reserve any taking of Sports fish, including Brown trout and Quinnat or Chinook salmon species must comply with the relevant Sports fisheries provisions contained in District Anglers Notices, the Conservation Act 1987, the Conservation Law Reform Act 1990 and the Freshwater Fisheries Regulations 1983.

Taking sports fish within the Mātaitai Reserve without a licence is prohibited

- > No person may take any sports fish from any freshwater at any time, unless that person is the holder of a valid Fish and Game licence.
- > No person may possess any sports fish taken from any freshwater, unless the fish have been taken lawfully.
- > No licence holder shall fish for sports fish except by using a rod and running line and authorised lure.

Return of unlawfully taken sports fish dead or alive

- > Any person who, having unintentionally taken any freshwater fish contrary to the regulations, must immediately return the fish with as little injury as possible, to the water.

For further information on Sports fishing please contact; Fish & Game New Zealand, Southland Region office, 159 North Road, Invercargill, Ph: (03) 215-9117.

Commercial Fishing Prohibited

- > All commercial fishing within the Mātaitai Reserve is prohibited.

Customary Fishing

The Fisheries (South Island Customary Fishing) Regulations 1999 apply to non-commercial customary fishing of all fisheries resources managed under the Fisheries Act. The customary regulations do not apply to species managed under the Conservation Act 1987 such as whitebait and native trout.