



MINISTRY OF FISHERIES  
Te Tautiaki i nga tini a Tangaroa

## Section 186A closures

Section 186A of the Fisheries Act 1996 allows the Minister of Fisheries to temporarily close an area to fishing.

The specific purpose is to provide for the use and management practices of tāngata whenua in the exercise of their customary rights and they are designed to respond to localised depletion of fisheries resources.

### Criteria in evaluating a s 186A request

The criteria used in evaluating a 186A closure request is to determine:

- Whether the request is likely to improve the availability of a species or recognise a customary fishing practice within the timeframe specified;
- The impact upon other resource users such as commercial fishers' ability to take their quota, cumulative effects, and sustainability considerations such as transfer of effort; and
- If the request is for a method restriction or prohibition, an assessment of whether the method is having an adverse effect on the use and management practices of tāngata whenua is required.

### Duration

There is flexibility as to the duration for which a closure or restriction may be in place. Notified closures or restrictions may be in force for a maximum of 2 years, with the potential for a renewal of the closure or restrictions, which also is restricted to a maximum of 2 years.

There is no restriction on how many times a temporary closure can be renewed, however careful assessment would be required to satisfy the Minister that a further closure or restriction would be the most appropriate tool under the circumstances.

If after the expiry of a renewed closure there is still a need for some form of ongoing management, other options may need to be considered rather than a further temporary closure.

Other options include:

- Mātaitai (with appropriate bylaws)
- Taiapure (with appropriate regulations),
- Voluntary closures or restrictions,
- Statutory closures under s 297 (general regulations)
- S 298 (regulations relating to sustainability measures) or
- Other customary fishing regulations under s 186 of the Act.

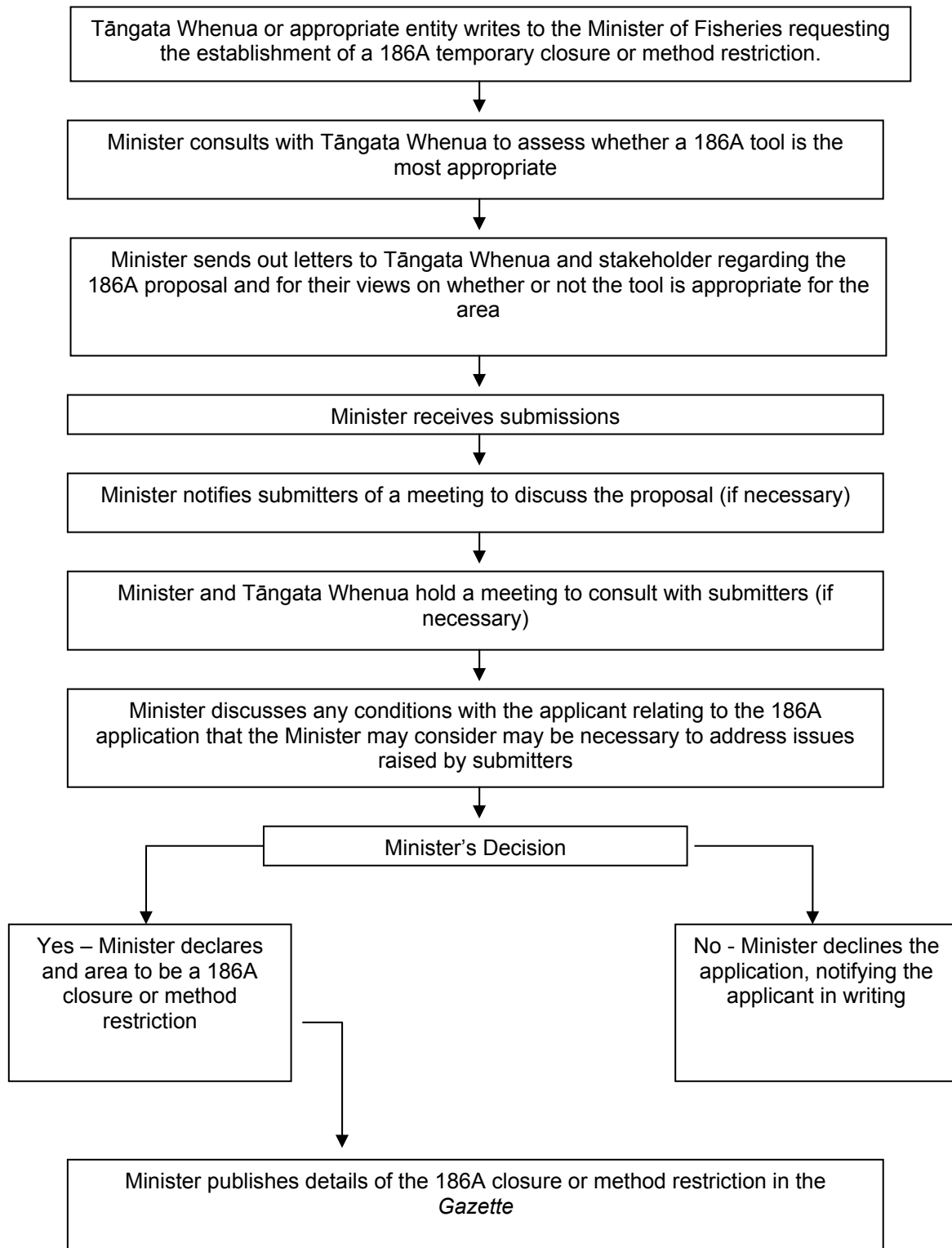
**Required material/information for an initial request:**

1. Describe tāngata whenua non-commercial customary fishing use and management practices;
2. Provide reason(s) for requesting the temporary closure, i.e. the fishing activity of concern;
3. Explain how the customary use and management practices are being impacted upon;
4. Indicate how a s 186A temporary closure, for up to two years, will recognise use and management practices through improving either the availability and/or size of a species, or recognising a customary fishing practice. [While the section requires that only one of the elements of s186A needs to be established, it is preferable to address both these elements so that all relevant information is available];
5. Indicate how a s 186B temporary closure, for up to two years, will likely to assist in replenishing the stock of a species or recognise and provide for the use and management practices of tāngata whenua in the exercise of their customary rights. [While the section requires that only one of the elements of s186B needs to be established, it is preferable to address both these elements so that all relevant information is available];
6. Describe the proposed area/s and boundaries;
7. List the species at issue (each individual species must be identified);
8. Describe the fishing method and how this is having an adverse effect (if applicable);
9. Define the length of time for temporary closure, method restriction or prohibition proposed; and
10. Outline the consultation already undertaken with other stakeholders, especially with tāngata whenua.

The required material/information for a renewal request:

1. Provide reason(s) for requesting a renewal of the temporary closure;
2. Indicate how a s 186A temporary closure, will recognise use and management practices through either improving or the availability or size of a species, or recognising a customary fishing practice for the timeframe requested;
3. Indicate how a s 186B temporary closure, will likely to assist in replenishing the stock of a species or recognise and provide for the use and management practices of tāngata whenua in the exercise of their customary rights for the timeframe requested;
4. Provide information on any studies completed or anecdotal evidence of changes in species population numbers and size over the initial temporary closure timeframe;
5. Outline the consultation already undertaken with other stakeholders, especially with tāngata whenua.

## ESTABLISHMENT PROCESS FOR SECTION 186A TEMPORARY CLOSURES OR METHOD RESTRICTIONS



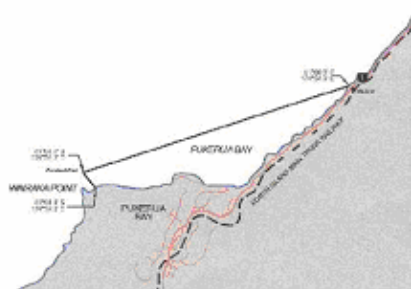
.....  
*If you would like any further information, please call Jonathan Dick on  
0800 313 626.*  
.....

**x1**

## **PUKERUA BAY FISHING METHOD RESTRICTIONS**

### **Temporary Closure Until 16 December 2006**

**Pursuant to section 186A of the Fisheries Act 1996, the Ministry of Fisheries has prohibited the taking of shellfish, aquatic life, seaweed & the taking of fish except by the method of hand-held line-fishing.**



The prohibition area is from Wairaka Point to a line extending to within a 50 metre radius of the prominent rock north of Wairaka Point, then in a direct line in a Northeast direction to a landmark, a slip scar above State Highway 1 (Centennial Highway).

**For a more detailed description of the area & further information please phone the Ministry of Fisheries Petone (04) 576 8040**

**THE PENALTIES FOR BREACHING THIS LAW RANGE FROM  
A FINE OF \$5,000 UP TO \$100,000 SEIZURE & FORFEITURE  
PROVISIONS OF THE FISHERIES ACT 1996 WILL ALSO APPLY**



MINISTRY OF FISHERIES  
Te Tautiaki i nga tini a Tangaroa