



MINISTRY OF FISHERIES
Te Tautiaki i nga tini a Tangaroa

Mätaitai Reserves

Mätaitai 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 Mäori in the exercise of non-commercial fishing rights. The Part IX tools provide practical recognition of the rights guaranteed to tängata whenua under the Treaty of Waitangi.

Under the Customary Fishing Regulations (Kaimoana Customary Fishing Regulations 1998), tängata whenua may apply to the Minister of Fisheries to establish a mätaitai reserve on a traditional fishing ground for the purpose of recognising and providing for customary management practices and food gathering.

A mätaitai reserve will have the following effect:

- Excludes commercial fishing (though can be permitted through regulations);
- Does not exclude recreational fishing;
- Does not require recreational fishers to obtain permits or prevent non-Mäori from fishing;
- Does not prevent access to beaches or rivers not on private land;
- Allows for bylaws for fishing to be made.

Criteria

When considering whether to grant a mātaimai reserve, the Minister must take account of the following factors:

- That there is a special relationship between tāngata whenua and the proposed mātaimai reserve;
- That the general aims of the proposed mātaimai reserve are consistent with sustainable management of the fishery;
- That the proposed mātaimai reserve is an identified traditional fishing ground and is of a size appropriate to effective management by the tāngata whenua;
- That the Minister and tāngata whenua agree on suitable conditions for the proposed mātaimai reserve;
- The local community to take fish, aquatic life, or seaweed for non-commercial purposes will not be unreasonably impacted;
- Persons with a commercial interest in a species will not be prevented from taking their quota entitlement or ACE within the Quota Management Area for that species;
- Persons with a commercial fishing permit for a non-quota management species will not be prevented from taking fish, aquatic life, or seaweed under their permit within the area for which that permit has been issued; and
- The proposed mātaimai reserve is not a marine reserve.

What should be contained in the application?

The regulations, under Form 4 (attached), require that the application for a mātaimai reserve must contain:

- (a) The name and contact of the applicant
- (b) The name(s) of the proposed Tāngata Tiaki/Kaitiaki for the mātaimai reserve
- (c) The boundaries of the proposed mātaimai reserve and a map
- (d) Relationship of the applicant to that fishing ground
- (e) The aims of management for the mātaimai reserve.

Appointment of Tāngata Tiaki/Kaitiaki for a Mātaimai Reserve

Tāngata Whenua must notify the Ministry of Fisheries on the approved form under regulation 17 of the Customary Regulations of their intention to nominate someone as Tāngata Tiaki/Kaitiaki for the corresponding mātaimai reserve. There are no grounds for making submissions against Tāngata Tiaki/Kaitiaki for a mātaimai reserve. It is a different process to the process for Tāngata Tiaki/Kaitiaki for rohe moana.

Consultation

The Ministry of Fisheries will consult with the following (through public meetings, newspaper advertisements and letters where applicable):

- Tāngata Whenua (local runanga/iwi/marae)
- Recreational and Commercial Fishers
- Local Community/Community Boards
- Regional/District Councils
- Department of Conservation
- Te Puna Kokiri
- Te Ohu Kaimoana
- Conservation Groups

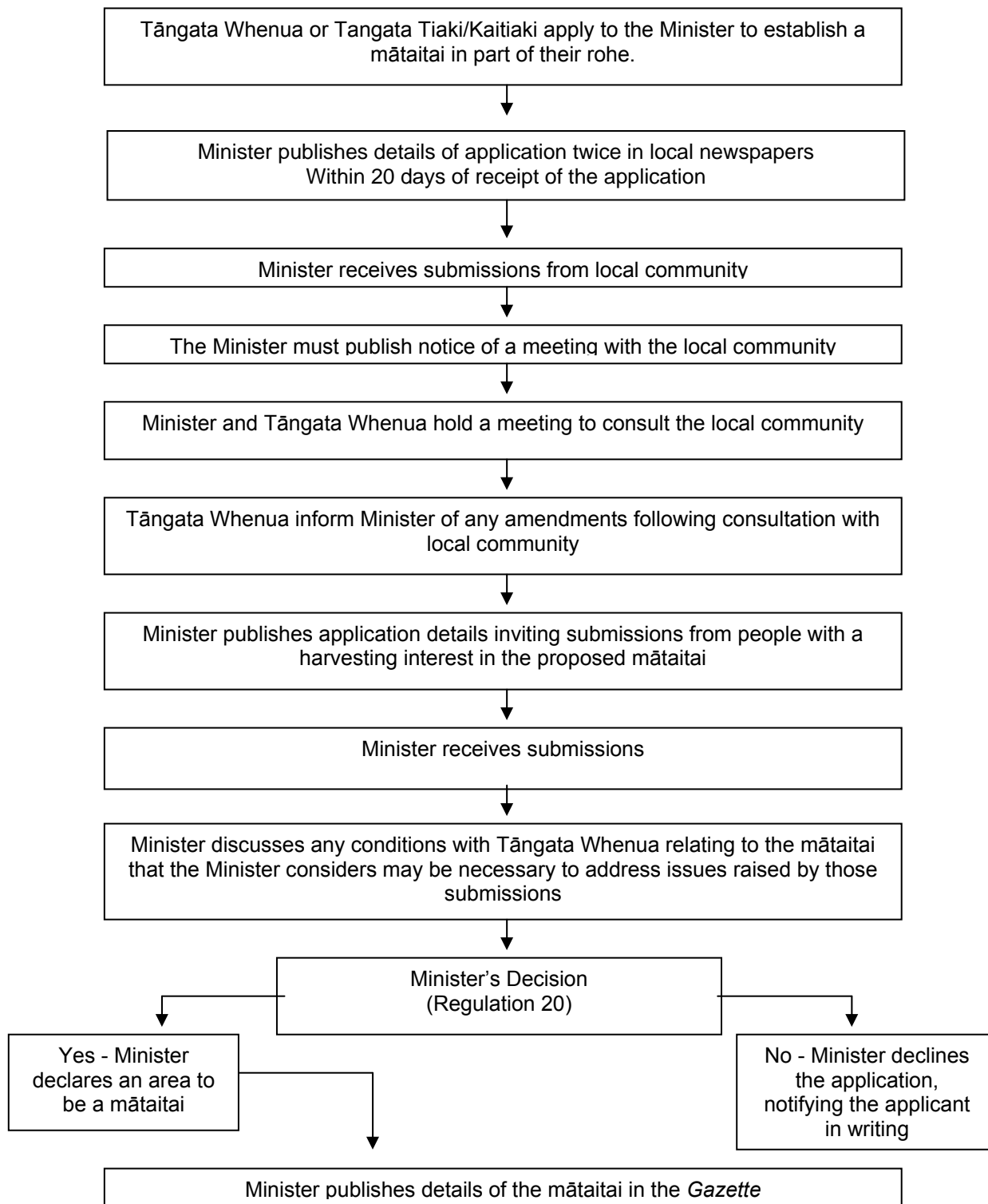
Bylaws

Tāngata Tiaki/Kaitiaki will recommend by-laws to be approved by the Minister of Fisheries, who will consider issues of sustainability. These by-laws will directly control the taking of fish for non-commercial purposes. An extensive consultation process with all affected parties is required to be undertaken by MFish prior to implementation.

Bylaws can restrict or prohibit the taking of fish, aquatic life, or seaweed (e.g. species, quantity, size, area, etc.) from within the whole or any part of the mātaihai reserve for the purpose of sustainable management. Bylaws apply to all persons fishing in the mātaihai reserve and cannot be used to exclude non-Māori from utilising the fisheries resources.

Bylaws apply only to those species managed under the Fisheries Act 1996. Recreational fishers must comply with the Fisheries (Amateur Fishing) Regulations 1986 when fishing within the mātaihai reserve and do not apply to those species managed under the Conservation Act 1987 (e.g. trout). Sport fishers must have the appropriate licence when fishing within the mātaihai reserve.

ESTABLISHMENT PROCESS FOR MĀTAITAI



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*If you would like any further information, please call Jonathan Dick on
(03) 545 7792 or 0800 313 626.*
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APPLICATION FOR MATAITAI RESERVE

Applicant: (Tāngata Whenua or Tāngata Kaitiaki/Tiaki):

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Area of Application (Identified Traditional Fishing Ground):

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Location:

Please specify the geographic location of the area of application and attach a map of the site:

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Relationship of Applicant with that Fishing Ground:

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Aims of Management for the Mataitai Reserve:

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Tāngata Kaitiaki/Tiaki Nominated to Manage the Mataitai Reserve:

Name:.....

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Address:.....

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Please send this form to:

Chief Executive
Ministry of Fisheries
PO Box 1020
Wellington