



# Kaimoana regulations

Tangata whenua in the North and Chatham Islands are now able to manage customary fresh water fisheries following a significant change to regulations.

The 1998 Fisheries (Kaimoana Customary Fishing) Regulations have been extended to cover fresh water fisheries, which means iwi and hapū are now able to manage customary fishing and fisheries across their rohe moana (area) in rivers, lakes, streams, estuaries, and in the ocean.

“The kaimoana regulations provide for customary food gathering by tangata whenua and recognise the special relationship between tangata whenua and important places for food gathering,” says MFish Policy Manager, Terry Lynch.

The initial intent of the kaimoana regulations was that they would apply to fresh water as well as in the sea. However, due to legal proceedings and a lack of clarity at the time about what the fisheries settlement meant for some iwi, the kaimoana regulations excluded fresh water in the North Island and Chatham Islands.

Iwi and hapū throughout the country now have the opportunity to consider and integrate their fisheries interests with a range of tools provided under fisheries legislation, such as mātaihai reserves.

The South Island Customary Regulations already apply to fresh water and Tangata Tiaki are currently using the provisions for fresh water. There is already a mātaihai reserve in place on the Mataura River in Southland and two other mātaihai reserve applications for fresh water environments are currently being processed. These are the Orari/Opihi Catchment in South Canterbury and the Waihao River Catchment south of Orari/Opihi Catchment.

“All tangata whenua will now be able to develop management plans across their rohe moana that are consistent with their own tikanga,” says Terry.

“They can also implement these plans in a way that supports their fisheries aspirations, which was always the intent of the customary regulations.”

The process for iwi and hapū groups to manage their fresh water fisheries under the kaimoana regulations is the same as for the marine area.

They need to define and publish their rohe moana boundaries, which may need to be agreed with neighbouring iwi and hapū,



# extended to fresh water



**TOP: Lake Tutira, Hawkes Bay.**  
**LEFT Kawakawa Catchment, Northland.**

then notify their Tangata Kaitiaki and have the appointments confirmed by the Minister of Fisheries.

Under the new regulations Tangata Kaitiaki will have the power to do the following in fresh water and the marine environment:

- authorise customary fishing
- take part in planning for customary management
- apply for the establishment of mātaimai reserves
- recommend mātaimai reserve by-laws.

Once appointed, only Tangata Kaitiaki have the power to authorise customary food gathering in their rohe moana.

“Extending the coverage of the kaimoana regulations to fresh water will allow iwi and hapū to manage all their fisheries, from the mountains to the sea, in accordance with their own tikanga to achieve their own aspirations,” says Terry.

MFish received 15 submissions on the changes, mainly from tangata whenua, with the majority supporting the amendment. The regulations came into effect on November 20. 