



MINISTRY OF FISHERIES
Te Tautiaki i nga tini a Tangaroa

Section 186B Temporary Closure

1.0 Temporary closures

Section 186B of the Fisheries Act 1996 allows the Chief Executive to temporarily close or temporarily restrict or prohibit a method of fishing in any area within the New Zealand Fisheries Waters of the South Island, including freshwater and tauranga ika.

The purpose of the closure or method restriction is to improve the size and/or availability of fish stocks that have been depleted, or to recognise and provide for the use and management practises of Tāngata Whenua. Temporary closures or method restrictions may provide legal support for a rāhui.

Anybody can suggest to MFish that a temporary closure or method restriction should be put in place, however the Chief Executive must be sure that it will meet the intended purpose before implementing it. Hence the Chief Executive must provide for the input and participation of Tāngata Whenua and have regard for kaitiakitanga when assessing a proposal.

Temporary closures or method restrictions can be applied for a period not exceeding two years and can apply to particular days, weeks, months or seasons within that two year period. If the objectives for which the rāhui was put in place are not achieved over the period that it was in place for, Tāngata Whenua can apply for the rāhui to be extended for another rotation.

Temporary closures or method restrictions apply to everyone, including customary fishers. Refer to Appendix Three for the establishment process for 186B closures.

1.0.0 Frequently asked questions about temporary closures

Q. *What is the discretion of the Chief Executive in deciding whether to establish a proposed 186B closure or restriction?*

A. *Implementation of a temporary closure or method restriction is totally at the discretion of the Chief Executive after consultation with interest groups, including commercial, recreational, local community and Tāngata Whenua.*

The Chief Executive will assess the proposal in terms of its size, the impact it will have on the general welfare of the community, the impact on recreational and commercial fishers and the impact on fisheries management in general.

Q. *Once a proposal has been made for a temporary closure or method restriction, what is the expected timeframe before it can be gazetted?*

A. *There is no set process for assessing a 186B proposal and therefore no set timeframes. However, as an indication Tāngata Whenua should expect the processing of a proposal, including public consultation, to take approximately 9 months – as with mātaimai. Refer to Appendix Three for more details.*

Q. *What are the costs for Tāngata Whenua in establishing a temporary closure or method restriction?*

A. *The main costs of developing and implementing such a proposal is in the time that must be invested by members of the Tāngata Whenua. Financial costs should be small.*

Q. *What are the penalties for committing an offence against this provision?*

A. *LIABLE for a fine of up to \$100,000. However, if the offender(s) can prove the offence was for non-commercial purposes then a fine of up to \$5000 could be imposed.*

Q. *Who will enforce this provision?*

A. *Fisheries compliance remains the role and function of MFish.*

1.0.1 Content of a model 186B proposal

Outline the problem

The proposal should state what the problem is in the fishery concerned, and how the use and management practises of Tāngata Whenua are being affected.

Justification for a 186B closure or restriction

The proposal should state why a 186B is the most appropriate tool to address the issues associated with the area and the aims and objectives of management. The proposal must highlight the likelihood of the objectives being attained within two years. The proposal should outline why mātaimai, taiāpure or voluntary measures could not be more effective.

Location and boundaries

The proposal must state the geographic location and boundaries of proposed 186B. As with mātaimai, Tāngata Whenua should describe the area with reference to latitude and longitude, and landmarks if possible. And compliance issues must be considered when designing the boundary.

Impact on other user groups

The proposal should identify all the user groups and detail their current involvement in the area. The proposal should identify the effect the closure or restriction is likely to have on these groups. It is also a good idea to outline any pre-proposal consultation that has been facilitated with these groups.

ESTABLISHMENT PROCESS FOR TEMPORARY CLOSURES OR METHOD RESTRICTIONS



