

## Te Whaka ā Te Wera Mātaimai Reserve

### Introduction

From earliest time Te Whaka ā Te Wera/ Paterson Inlet has held spiritual significance to tangata whenua and provided a rich food basket for mahinga kai to sustain Ngāi Tahu Whānui and later mixed Māori and Pakeha communities, who settled the bush clad shores of Rakiura/Stewart Island.

For centuries Te Whaka ā Te Wera/ Paterson Inlet has provided safe haven for mariners seeking shelter and replenishment from the often tempestuous waters of Te Ara a Kiwa/ Foveaux Strait. One of the largest sheltered harbours in Southern New Zealand, Paterson Inlet's ancient submerged river valley basin extends 16 kilometres inland from its seaward entrance between Ackers and Bullers Points to the tidal mudflat deltas of the Freshwater and Rakeahua Rivers.

With a maximum depth of 45 metres, the Inlet's combination of rocky reef, sand and soft mud floor bottom is an important habitat for a prolific and diverse range of marine life, including at least 56 different species of fish. The Inlet's estuaries, beaches, reefs, islands and inner depths continue to provide a bountiful harvest of kaimoana (seafood), enjoyed by locals and ever increasing number of visitors.

Since 1994 all commercial fishing is prohibited within Paterson Inlet, being all internal waters lying inside a straight line between Ackers Point and Bullers Point on The Neck.

In recognition of Te Whaka ā Te Wera/ Paterson Inlet's continuing special importance, Rakiura Māori, together with support from the Stewart Island Community, successfully sought and secured legislation protection with the establishment of Te Whaka ā Te Wera/ Paterson Inlet Mātaimai Reserve in December 2004.

### What is a Mātaimai Reserve?

Mātaimai Reserves are specifically provided for in the Fisheries (South Island Customary Fishing) Regulations 1999 in fulfilment and in accordance with statutory provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Ngāi Tahu Deed of Settlement.

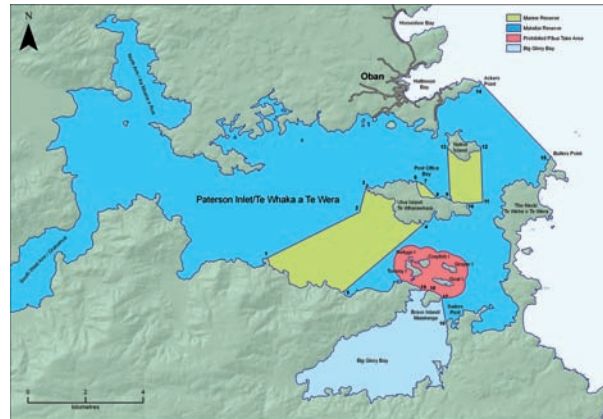
The Fisheries (South Island Customary Fishing) Regulations 1999 provide for the establishment of Mātaimai Reserves over traditional fishing grounds and the appointment of Tangata Tiaki/ Kaitiaki (Guardians) to manage all fishing and gathering of kaimoana within the Mātaimai Reserve through bylaws. The bylaws apply equally to all individuals.

There are four Tangata Tiaki/ Kaitiaki appointed by the Minister of Fisheries, supported by a Mātaimai Reserve Advisory Committee comprising representatives from the Stewart Island community, Murihiku Papatipu Rūnanga and Te Rūnanga o Ngāi Tahu. The Mātaimai Reserve bylaws are a result of this collaborative approach.

Rakiura Māori and the local Stewart Island community request all fishers, visitors and Inlet users to respect and observe the Mātaimai Reserve bylaws and recreational fishing rules, which are enacted to protect and enhance the diverse taonga of Te Whaka ā Te Wera for present and future generations to use and enjoy in a sustainable manner.

## Mātaimai Reserve Area

Te Whaka ā Te Wera/ Paterson Inlet Mātaimai Reserve area encompasses all the internal waters of Paterson Inlet, Stewart Island, lying to the southwest of a straight line drawn from Ackers Point (at 46°53.74'S and 168°09.86'E) to Bullers Point on The Neck (at 46°55.21'S and 168°11.65'E), excluding the Ulva Island/ Te Wharawhara Marine Reserve and Big Glory Bay.



### Know and observe the limits

The restrictions on recreational fishers are relatively simple. The main points to remember are:

- > **Don't take more than the daily limit**
- > **Don't take undersize fish**
- > **Don't sell or trade your catch**
- > **Spread your fishing effort to avoid depletion**
- > **Don't abuse your recreational entitlement\***

**\*Note:** Only those persons physically involved in taking finfish, rock lobster or shellfish are entitled to claim a catch within the daily limit.

**All fish taken and consumed during any trip must be counted within daily limit entitlement.**

In addition to the information provided in this pamphlet, Fishers are encouraged to obtain a copy of the *Southern Region: Recreational Fishing Rules* pamphlet, which contains restrictions on closed seasons, closed areas, fishing gear and method prohibitions that apply within the Southland Fishery Management Area, including Foveaux Strait and Stewart Island.

The following Mātaimai Reserve bylaws and Amateur Fishing regulations apply to all fishing within the Te Whaka ā Te Wera/ Paterson Inlet Mātaimai Reserve area:

## Finfish

Within Te Whaka ā Te Wera/ Paterson Inlet Mātaimai Reserve the **combined daily bag limit is 15 finfish** (which includes all species)

Inside the combined daily bag limit the following **individual species limits apply:**

Finfish species	Maximum daily limit per person	Minimum fish length (cm)
Blue cod	10	33
Flatfish - All flatfish species	10	as below
- All flatfish excluding sand flounder	as above	25
- Sand flounder	as above	23
<b>Other main species limits also apply including:</b>		
Blue moki, Red moki	15	40
Butterfish/Greenbone, Trumpeter	15	35
Red cod, Red gumard, Tarakhi, Trevally	15	25
Spiky dogfish, Wrasse	15	-
Eels	6	-
Hāpuku/Groper, Rig, School shark, Skate ray	5	-
Quinat salmon	2	-
Other sharks including Blue shark, Seven gilled shark †	1	-
All other finfish species (includes Sea perch/Jock Stewart)	15	

† Excludes prohibited species Mako shark and White pointer shark.

### Length measurement

Finfish length is measured from the tip of the nose to the V in the tail.



### Mako shark and white pointer shark prohibitions

No person may on any day:

- > Take any mako shark or white pointer from within Te Whaka ā Te Wera Mātaimai Reserve; or
- > Possess any mako shark or white pointer in the Mātaimai Reserve area; or
- > Possess any mako shark or white pointer taken from within the Mātaimai Reserve area.

## Finfish - Method and gear restrictions

### Hook size

Use of small fish hooks less than size 6/0 or smaller than 50mm (measured from the eye of the hook to the crown as illustrated) is prohibited for taking fish on board any fishing vessel within Te Whaka ā Te Wera Mātaimai Reserve.



### Line fishing

In regards to line fishing, a line means any line to which hooks, whether baited or not, are attached (whether the line is held in the hand or otherwise), which is set, moored, or placed, and that is capable of taking fish.

Within Te Whaka ā Te Wera Mātaimai Reserve no person may:

- > Use more than one (fishing) line:
- > Use any (fishing) line that has more than 2 hooks attached:
- > All surface floats attached to any line that is set must be clearly and legibly marked with the fisher's surname and initials.

### Fishing method prohibitions

- > No person may use, set or possess any set net or cod pot within Paterson Inlet, including Te Whaka ā Te Wera Mātaimai Reserve.
- > No person may use or possess a drag net within Te Whaka ā Te Wera Mātaimai Reserve.
- > No person shall use or possess a dredge within Paterson Inlet including Te Whaka ā Te Wera Mātaimai Reserve.

### Return of unlawful fish

- > Any person engaged in amateur fishing shall immediately return any finfish, shellfish, or aquatic life (that has been unlawfully taken or is of unlawful state or size) back into the waters from which the finfish, shellfish, or aquatic life was taken.



## Shellfish

Shellfish species	Maximum daily limit per person	Minimum size (mm)
Pāua - Inside Mātaimai Reserve - all species	5	as below
- Blackfoot	as above	125
- Yellowfoot	as above	80
Other main species limits also apply including:		
Cockles	150	-
Kina (sea eggs)	50	-
Mussels - Stewart Island	50	-
Oysters - Dredge * †	50	58
Pipi	150	
Scallops Paterson Inlet ( <i>temporary prohibition</i> )		
Tuatua	150	-
All others (combined)	50	-

**\* Note:** No Rock or Pacific oysters are known to exist in the Southland FMA. "Oysters" as above, refers to the native bivalve mollusc *Ostrea chilensis*, commonly known as dredge oysters, which occur on a range of bottom habitat in Foveaux Strait and intertidally around Stewart Island. Dredge oyster restrictions of daily limit, minimum size and closed season apply to all oysters including those growing intertidally, adhering to rocks etc

† Subject to Dredge oyster open season.

### Scallops

To allow depleted scallop stocks to regenerate within Paterson Inlet, no person may:

- > Take any scallops from within Paterson Inlet including Te Whaka ā Te Wera Mātaimai Reserve; or
- > Possess any scallops in that area; or
- > Possess any scallops taken from that area.

### Open seasons

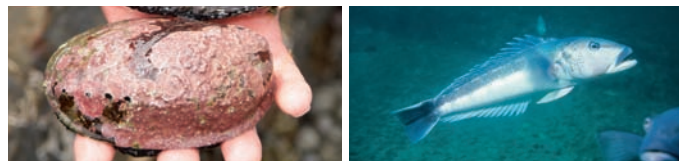
**Dredge Oysters:** Within the Southland Fishery Management Area the open season is 1 March to 31 August inclusive.



### How to measure shellfish

**Pāua:** measure the greatest length of the shell in a straight line, parallel to the ventral surface. (Do not measure over the curve of the shell)

**Dredge Oysters:** must not pass through a rigid circular metal ring with an inside diameter of 58 mm.



### Shellfish to be landed in a measurable state

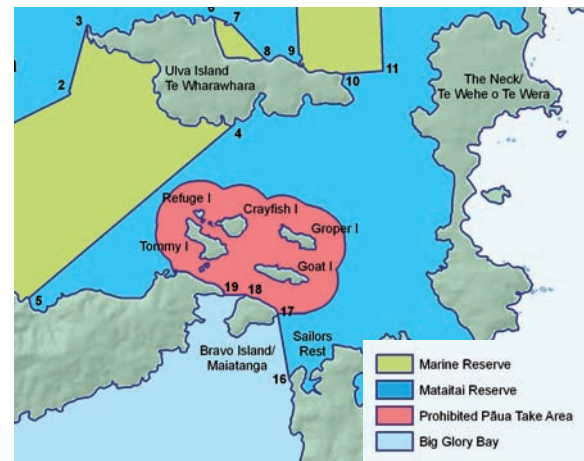
All shellfish to which a minimum size restriction applies (including pāua and dredge oysters) must be landed in the shell and cannot be shucked or shelled seaward of the mean high-water mark. Provision now exists within prescribed limits, permitting the opening of oysters for consumption on board a vessel.

### UBA - Underwater breathing apparatus (does not include snorkels)

- > No person may take pāua using UBA.
- > No person may be in possession of pāua while in possession of UBA. This includes possession, in or on any vessel or vehicle.

### Prohibited pāua take area

No person may, on any day, take or possess any pāua from the Bravo Islands' prohibited take area (refer map).



For the purposes of this bylaw all taking and possession of pāua is prohibited within a 400 metre radius, extending seaward from the mean high-water springs mark of Tommy Island, Refuge Island, Crayfish Island, Groper Island, Goat Island and including the northern shoreline of Bravo Island, commencing at the Island's north-eastern most point and extending seaward from the mean high-water springs mark in a generally westerly direction across the sand spit and along the Stewart Island coast to the eastern head of Gentian Cove.

### Rock lobster

#### Maximum daily limit

No person may take or possess more than 6 rock lobsters on any one-day.

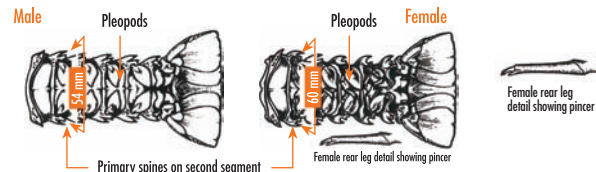
#### Minimum sizes

No person may take or possess

- > Male spiny rock lobster with a tail width less than 54 mm.
- > Female spiny rock lobster with a tail width less than 60 mm.

#### How to measure spiny rock lobster

The tail width is measured in a straight line between the tips of the two large (primary) spines on the second segment of the tail, as shown in the diagram, which follows:



The sex is easily determined

- > Females have small pincers on the rear pair of legs.
- > Pleopods are in paired form on each side of the under surface of female tails, and are in single form in male tails.

If you are unsure of the sex, use the 60 mm measurement and you will be safe.

#### Possession

Rock lobster may not be possessed seaward of the mean high-water mark in an unmeasurable state.

#### Protected rock lobster

The following types of rock lobster must be immediately returned to the water:

- > Undersized rock lobsters.
- > Any rock lobster carrying external eggs (these are carried between the pleopods on the underside of the tail).
- > Any rock lobster in the soft shell stage.
- > Any rock lobster that cannot be measured (e.g. because of damage to the tail preventing accurate measurement).

It is an offence to remove external eggs or the egg-bearing appendages from any rock lobster.

#### Method restrictions

It is unlawful to:

- > Use a spear or device, which could puncture the shell when taking rock lobster, or possess any rock lobster, which has been speared.

- > Use or set a baited net for taking rock lobsters, or possess any rock lobster with a baited net (but does not prohibit the use of a hand pulled ring pot, bob or scoop net).

#### Rock lobster pot restrictions

A rock lobster pot means any pot, whether baited or not, which is capable of catching or holding rock lobster; and includes any device capable of catching, holding, or storing rock lobster. It is important to note the following restrictions apply to all rock lobster pots.

It is unlawful to:

- > Use or set a rock lobster pot unless the pot and the surface buoy or float, attached to the pot and float line are clearly and permanently marked with the fisher's surname and initials. This includes possession on any vessel.
- > Set or possess a rock lobster pot unless it has escape gaps as detailed in the "Escape gaps for rock lobster pots" section.

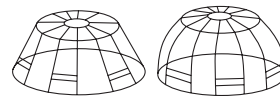
#### Rock lobster pot limits

Within Te Whaka ā Te Wera Mātaitai Reserve and Paterson Inlet the following rock lobster bylaw limits apply:

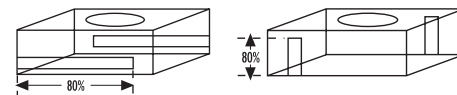
- > Individuals may use, set or possess up to a maximum of 2 rock lobster pots.
- > Two or more individuals fishing from a vessel may use, set or possess up to a maximum of 4 rock lobster pots.
- > It is unlawful for any person to use, set or possess any rock lobster pot larger than 1000 mm long, by 1000 mm wide, by 500 mm deep maximum size.

#### Escape gaps for rock lobster pots

- > Round or beehive shaped pots must have at least 3 escape gaps/or apertures (other than the mouth). Each aperture must have an inside dimension of not less than 54 mm x 200 mm.



- > Square or rectangular shaped pots must have at least 2 escape gaps/or apertures (other than the mouth) in opposite faces of the pot. Each aperture shall not be less than 80% of the height or length of the face of the pot in which the apertures are contained. Each aperture shall have an inside dimension of not less than 54 mm x 200 mm.



- > Any rock lobster pot constructed entirely of unaltered spot welded mesh with inside dimensions of 54 mm x 140 mm does not have to have escape gaps/or apertures but the pots must be used without covers or liners or with covers or liners that leave unencumbered at least 80% of the surface area of each of 2 opposite sides.
- > No escape gap or aperture shall be incorporated in either the top or the bottom of any pot.
- > Escape gaps or apertures are designed to allow undersized rock lobster to escape.

### 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. Only duly appointed Tangata Tiaki/ Kaitiaki have the authority to authorise customary fishing within a Mātaitai Reserve. A customary authorisation must be sought and applied for prior to any harvesting taking place. In addition to complying with all instructions and authorisation conditions, customary fishers must ensure they carry the authorisation form with them at the time of harvest and to show it to a Fishery Officer or Honorary Fishery Officer on request. Any fish or shellfish harvested pursuant to a customary authorisation cannot be used for trade, exchange for money, or any form of pecuniary gain.

### Marine Reserve

#### Ulva Island/ Te Wharawhara Marine Reserve

The Ulva Island/Te Wharawhara Marine Reserve lies within the Mātaitai Reserve. All fishing is totally prohibited and nothing found within the reserve can be removed or harmed.

The Department of Conservation (DOC) is responsible for managing marine reserves. To obtain a copy of the *Ulva Island/ Te Wharawhara Marine Reserve* pamphlet, or to report any offences, please contact the DOC Halfmoon Bay Field Centre, PO Box 3, Stewart Island, Ph (03) 219-0002, or call the 24 hour hotline on 0800 DOCHOT (0800 362 468) [www.doc.govt.nz](http://www.doc.govt.nz)

#### A guide to the law

These notes are provided as a summary guide of 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, Fisheries (South Island Customary Fishing) Regulations 1999, Fisheries (Declaration of Mātaitai Reserve and Appointment of Tangata Tiaki/ Kaitiaki) Notice 2004 (No F310) New Zealand Gazette 2 December 2004, Fisheries (Declaration of Te Whaka ā Te Wera Mātaitai Reserve Bylaws) Notice 2006 (No 1878) New Zealand Gazette 30 March 2006 and the Fisheries (Infringement Offences) Regulations 2001.

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

#### New penalties apply

Breaching any Mātaitai Reserve bylaw is an offence, which may result in a maximum Court fine of \$10,000 on conviction for a first offence and \$20,000 for any subsequent offences.

There are also heavy penalties for breaching amateur fishing regulations including graduated Infringement notice penalties of \$250 and \$500, together with maximum Court fines of \$10,000 and for serious non-commercial offences there are maximum Court fines of \$20,000 and \$250,000 along with automatic forfeiture of any fish, gear and property (including vessels and vehicles) used in the commission of the offence.

#### Contact Fishery Officers

Ministry of Fisheries,  
Invercargill  
137 Spey Street,  
Ph: (03) 211 0060

For information on fishing rules  
[www.fish.govt.nz](http://www.fish.govt.nz)

To report illegal fishing Call free  
0800 4 POACHER (0800 476 224)

### Te Whaka ā Te Wera/Paterson Inlet Mātaitai Reserve Fishing Bylaws and Recreational Fishing Rules

Effective from April 2007. Subject to change without notice



Ministry of  
**Fisheries**  
Te Tautiaki i nga tini a Tangaroa