



## Purpose

This handout provides background information and an overview of the mātaítai reserve application process, and answers some frequently asked questions.

## Background

Section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 obliges the Crown to develop regulations that recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and places of customary food gathering importance.

Customary food gathering refers to the traditional rights confirmed by the Treaty of Waitangi 1840 and the Settlement Act 1992 for authorised take of fisheries resources to the extent that they are consistent with tikanga Māori (customs) and are neither commercial in any way nor for pecuniary gain or trade.

The Crown's obligation to develop regulations resulted in the Fisheries (South Island Customary Fishing) Regulations 1999, which apply to the South Island and Stewart Island fisheries waters.<sup>1</sup> The regulations enable tangata whenua to manage customary fishing by defining their rohe moana (boundaries) and appointing Tangata Tiaki/Kaitiaki. The Tiaki manage the fisheries resources in their rohe moana and may issue customary fishing authorisations.

Once a rohe moana is defined, a part of that rohe moana can be established as a mātaítai. A mātaítai helps to ensure that fisheries resources are available for customary food gathering purposes, and must be over traditional fishing grounds. Mātaítai only apply to fisheries waters, they do not apply to land within or adjoining the boundaries of a mātaítai. Mātaítai have their own Tiaki appointed for them, who may be the same or different people who were appointed for the rohe moana.

## Application process

The regulations outline the mātaítai application process. Fisheries New Zealand co-ordinates the process, which requires two consultation phases. Fisheries New Zealand publicly notifies both consultation phases in a newspaper circulating in the locality of the proposed mātaítai, and on the Fisheries New Zealand website.

The first consultation phase includes a public meeting and calls for written submissions from the local community. The local community is defined as those who own land in the proximity of a proposed mātaítai, or have a place of residence in the proximity of a proposed mātaítai, and have been in occupation for a cumulative period of no less than 3 months in the 3 consecutive years immediately preceding the date of the application for that mātaítai.

The second consultation phase calls for written submissions from those who have a fishing interest in any of the stocks in the proposed mātaítai area and whose ability to take fisheries resources may be affected if the proposed mātaítai is established.

Fisheries New Zealand assesses the application against the criteria in the regulations. The assessment includes the effect on recreational and commercial fishing interests. Other criteria include that the area is a traditional fishing ground and the applicant has a special relationship with the area.

Throughout the application process there are opportunities for the applicant to amend their application, and for Fisheries New Zealand and the applicant to agree on conditions for the proposed mātaítai.

Fisheries New Zealand then prepares advice for the Minister of Fisheries on the application. Should the Minister approve the application, the decision is publicly notified in a newspaper circulating in the locality of the mātaítai and on Fisheries New Zealand's website.

---

<sup>1</sup> The Fisheries (Kaimoana Customary Fishing) Regulations 1998 apply to the North Island and Chatham Islands fisheries waters.



## Frequently asked Questions

### Q. Who can apply for a mātaimai reserve?

A. The tangata whenua of a customary food gathering area/rohe moana can apply for a mātaimai.

### Q. What changes occur when a mātaimai is established?

A. In most cases, the only change is that commercial fishing is banned within the mātaimai.

### Q. Does a mātaimai affect access to the beach or the area within or adjoining the mātaimai?

A. No. Mātaimai do not change the public's ability to access the beach, the marine environment, or the area within or adjoining the mātaimai. Mātaimai also do not change any existing arrangements for access to private land.

### Q. What else doesn't a mātaimai do?

A. Mātaimai do not affect private landowners' land use, property rights, land titles, or exercising resource consents for such things as taking water or extracting gravel or sand. Resource consents are managed under the Resource Management Act 1991.

### Q. What powers do the Tiaki have to manage a mātaimai?

A. Tiaki appointed for a mātaimai have the power to:

1. issue customary fishing authorisations for fishing in the mātaimai;
2. recommend bylaws to the Minister that restrict or prohibit fishing in all or part of the mātaimai, where they are necessary for the sustainable management of the fisheries resources in the mātaimai;
3. recommend regulations to the Minister to reinstate limited commercial fishing (limited by species, quantity or time period); and
4. authorise moving fisheries resources from one part to another part of the mātaimai, to enhance stocks.

### Q. Can I be involved in managing a mātaimai?

A. The regulations do not preclude the Tiaki for a mātaimai from forming a management committee, with representation by local community members.

### Q. What about recreational fishing?

A. Recreational fishing continues unchanged in a mātaimai. Recreational fishers must still comply with the Fisheries (Amateur Fishing) Regulations 2013. Recreational fishers do not need to get a specific permit or authorisation to fish in a mātaimai. At a later date, the Minister may approve bylaws that change the recreational fishing rules.

The rules around taking whitebait, trout or other sports fish are unchanged.

### Q. What are bylaws?

A. Mātaimai bylaws are rules to manage the fisheries resources within that mātaimai. Bylaws can apply to species, quantity, size, fishing method, area or any other measures (such as catch reporting). But they must be for the sustainable management of the fisheries resources in that mātaimai. Bylaws apply generally to all people fishing in a particular mātaimai, and cannot be used to exclude non-Māori.

Recommendations for bylaws are consulted on with the public. The Minister may or may not approve the bylaws, after considering the views put forward during consultation.

### Q. Who monitors the fish stocks in a mātaimai?

A. The mātaimai area remains part of the relevant fisheries management area or quota management area for fisheries management purposes. Fisheries New Zealand continues to monitor the status of the stocks in the area, although the Tiaki may have a role in monitoring local fisheries.

### Q. Where can I find further information?

A: Further information about mātaimai reserves is on the Ministry for Primary Industries website: [www.mpi.govt.nz](http://www.mpi.govt.nz), or you can contact Fisheries New Zealand at [info@mpi.govt.nz](mailto:info@mpi.govt.nz)