

# Allocation of marine space

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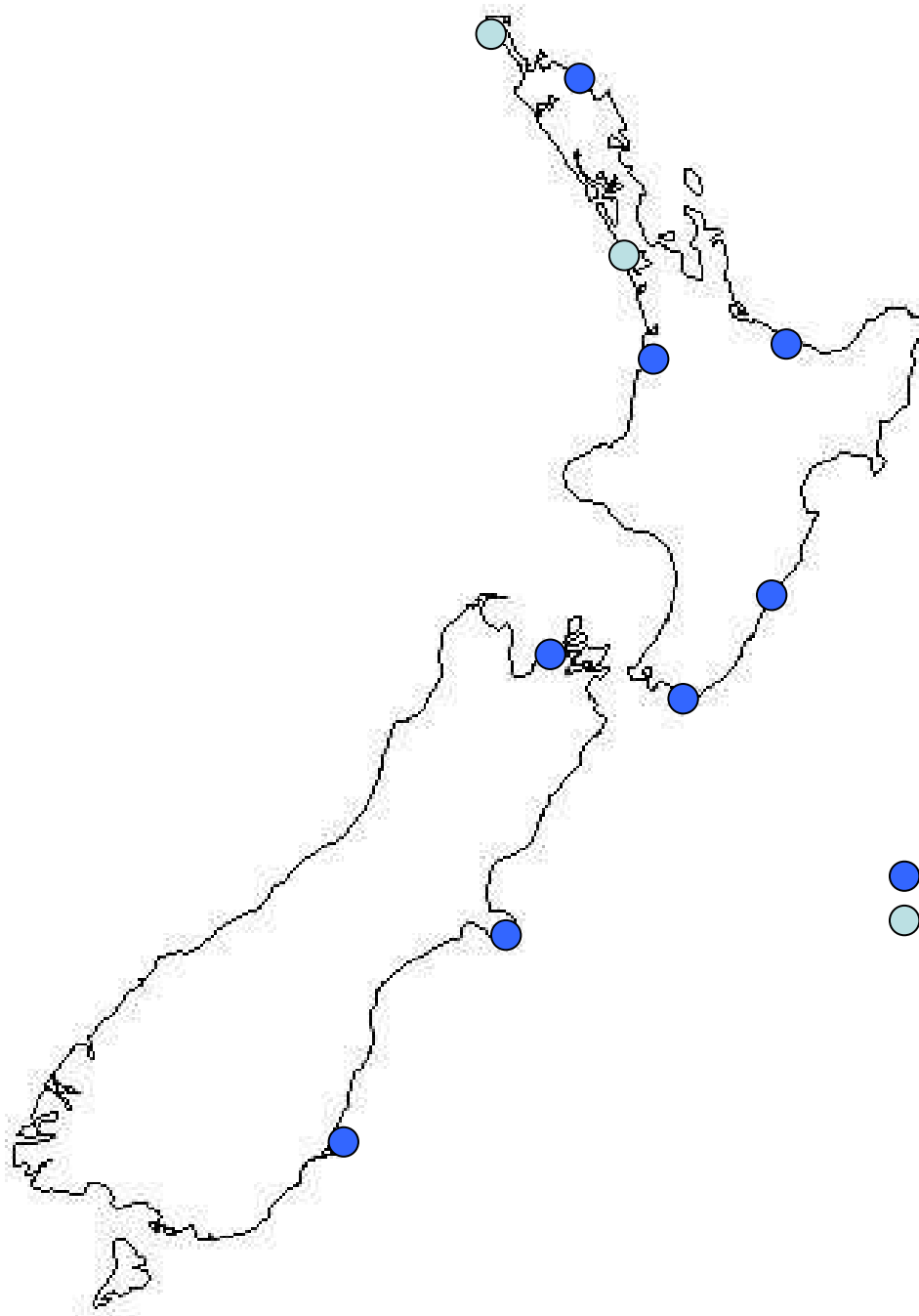
# Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

- Part IX of the Fisheries Act 1996
  - Taiāpure-local fisheries (ss 175-185)
  - Temporary closures and restrictions and prohibitions on fishing methods (s 186A/B)
- Fisheries (Kaimoana Customary Fishing) Regulations 1998 and Fisheries (South Island Customary Fishing) Regulations 1999
  - Mātaitai reserves

# Taiäpure-local fisheries

The Minister-appointed committee of management may recommend the making of fishing regulations under:

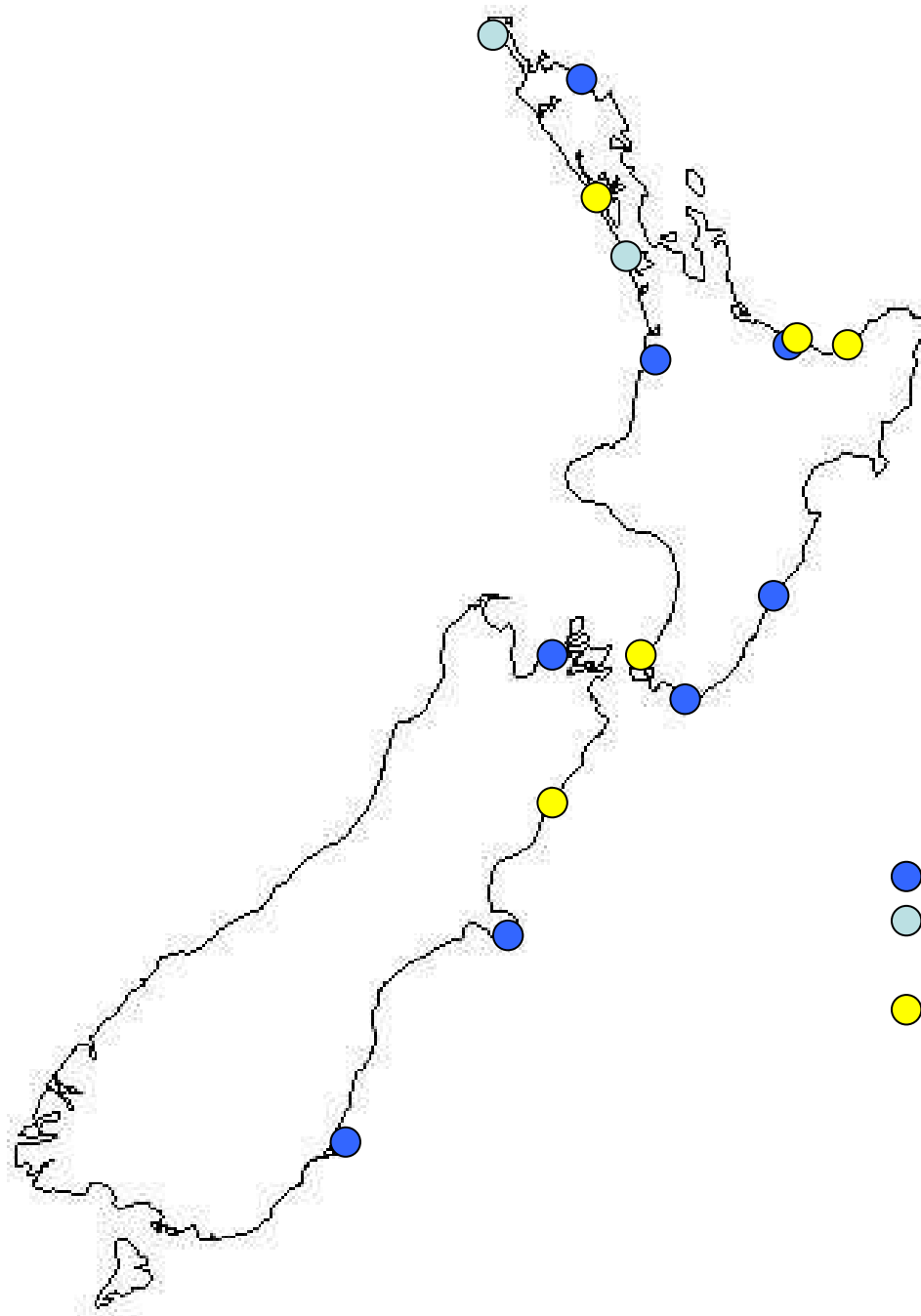
- s 186 customary food gathering
- s 297 general
- s 298 sustainability measures



- Taiapure – local fisheries
- Proposed Taiapure – local fisheries

# Temporary measures s186A/B

Recognise and make provision for the use and management practices of tangata whenua in the exercise of non-commercial rights (e.g. rāhui)

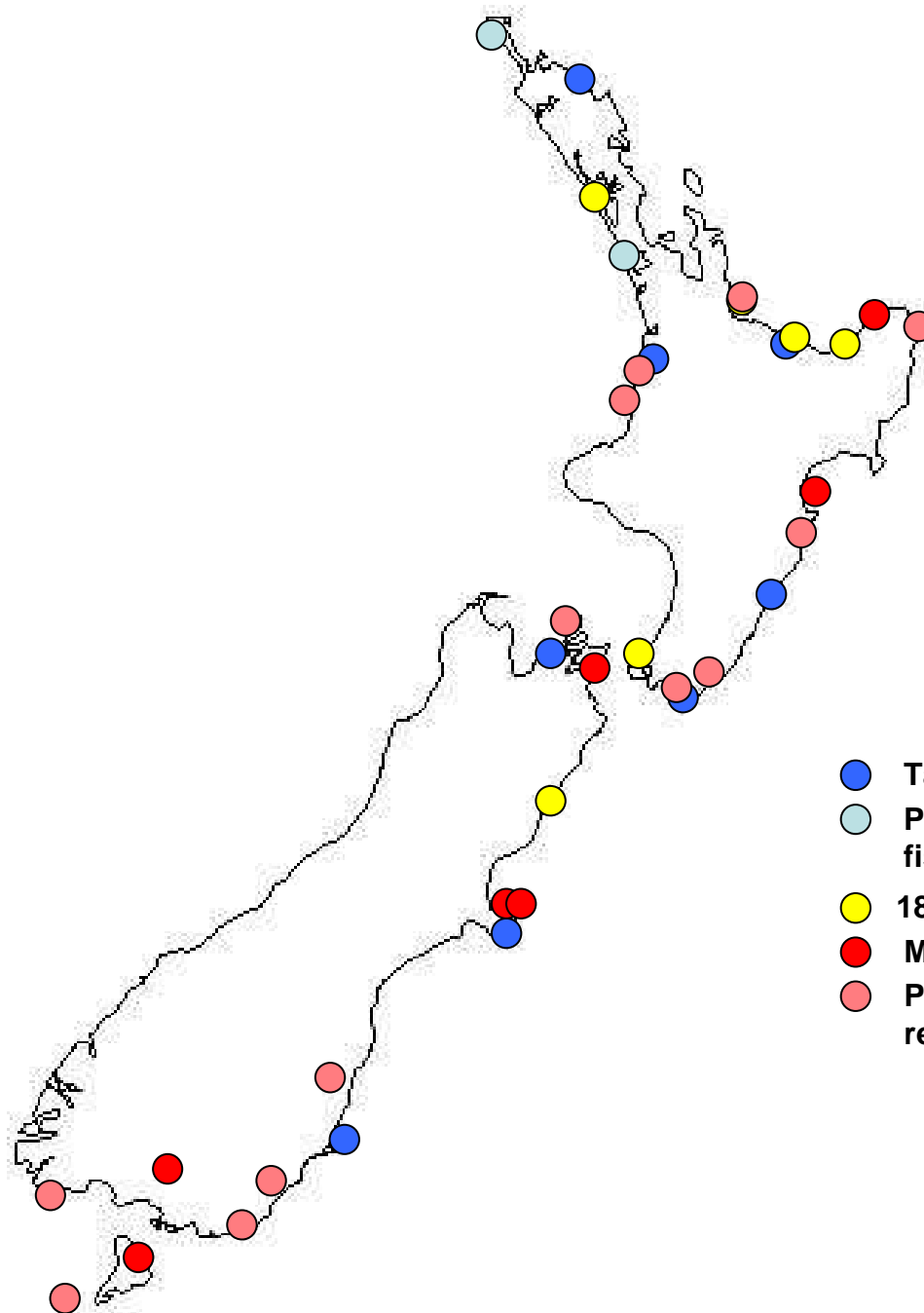


- Taiapure – local fisheries
- Proposed Taiapure – local fisheries
- 186A/B Temporary measures

# Mätaitai Reserves

Tangata Kaitiaki / Tangata Tiaki for the reserve have power to:

- Authorise customary take
- Recommend the making of bylaws within the whole or part of the reserve
- Recommend the making of regulations to reinstate commercial fishing by quantity or time period



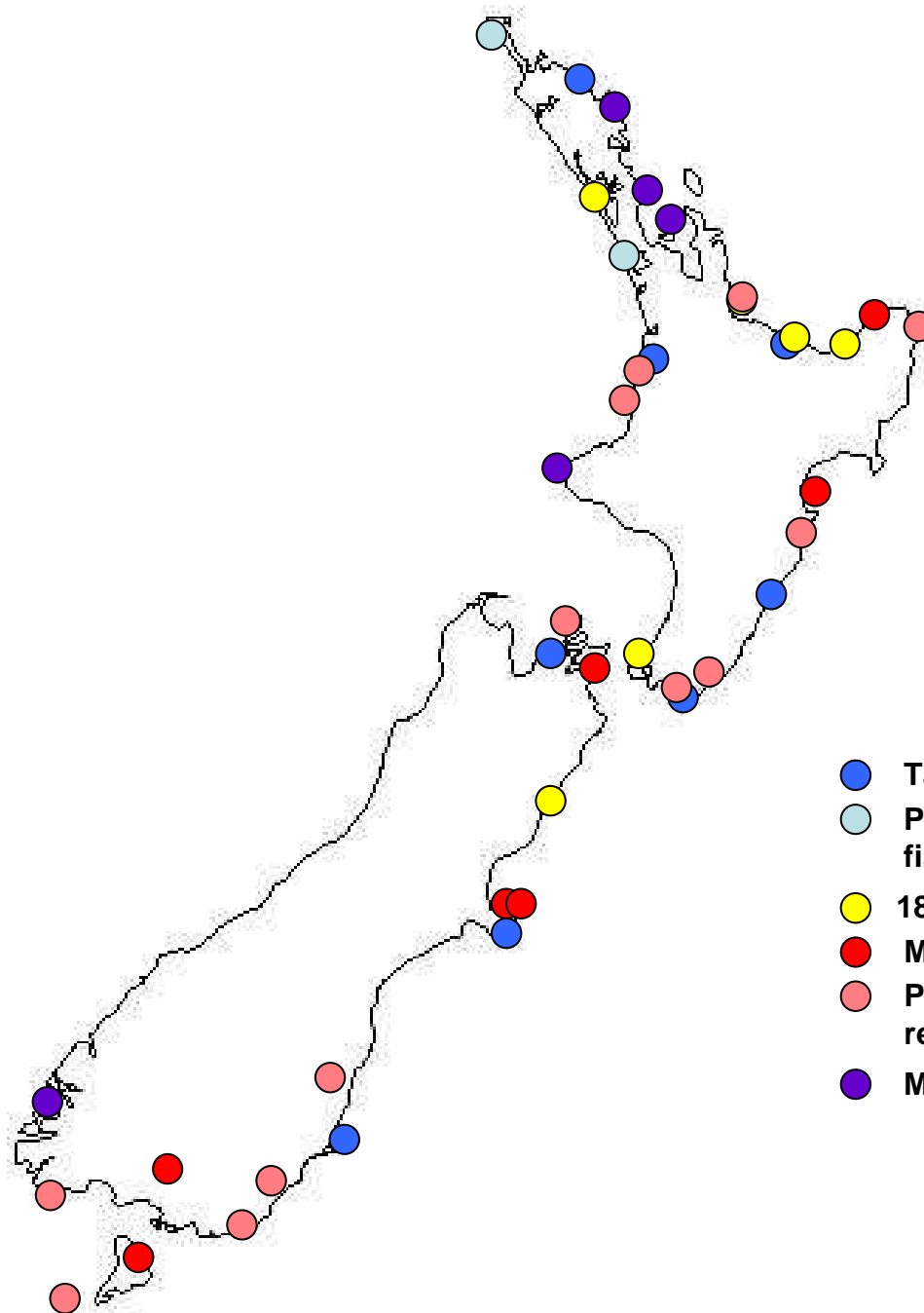
- Taiapure – local Fisheries
- Proposed taiapure – local fisheries
- 186A/B Temporary measures
- Mäitaitai Reserves
- Proposed mäitaitai reserves

# Mätaitai reserve application process

- Effects on commercial fishers
- Lack of public understanding
- Fear of the unknown
- Lack of applicant understanding

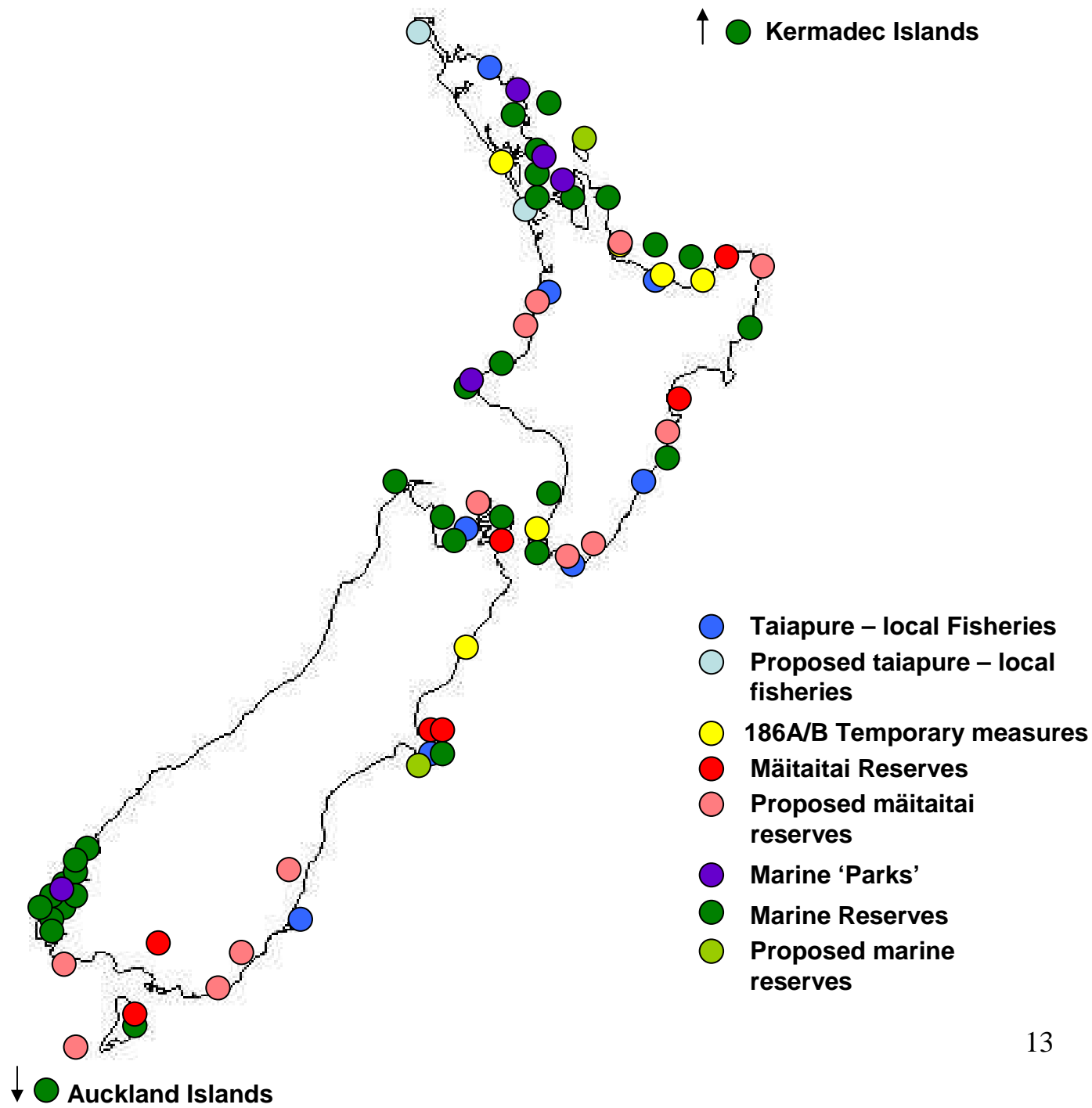
# Marine 'Parks'

- Section 297 – general
  - Mimiwhangata
  - Tawharanui
- Special legislation
  - Sugar Loaf Islands
  - Hauraki Gulf
  - Fiordland



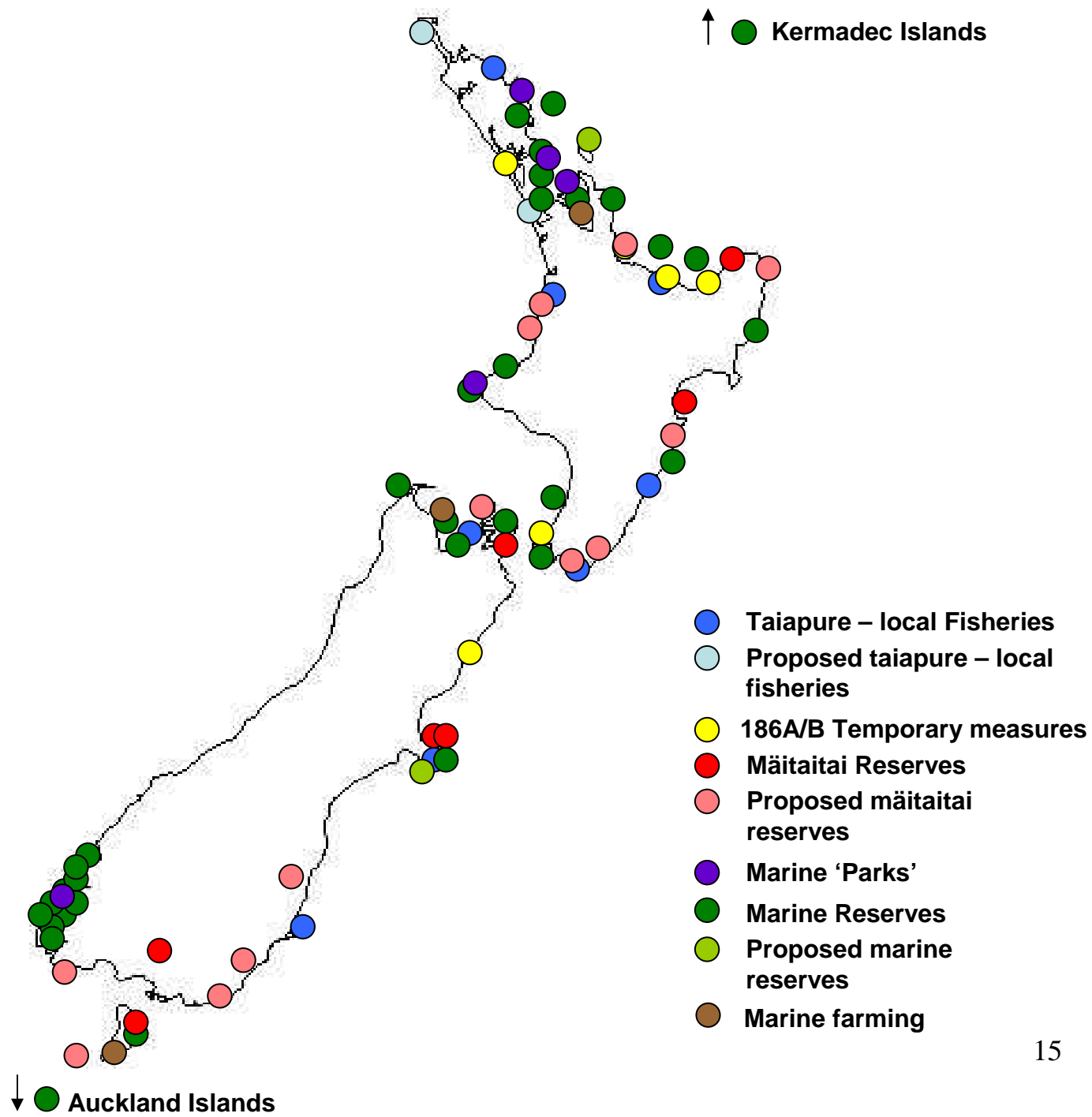
# Marine Reserves

- Marine reserves can be established within the 12-mile territorial sea
- All but two marine reserves are no-take zones
  - Kapiti Marine Reserve
  - Mayor Island Marine Reserve



# Marine farming

In late 2004 aquaculture reforms were enacted to reconcile spatial conflicts between wild stock and farmed fisheries and to improve the planning process for use of coastal space, which is now the responsibility of local government authorities.



# Spatial conflicts

Spatial conflicts occur when there is competition between the different sectors to utilise the same marine area and with those who propose some form of protection for the same area when the protection would exclude or restrict some or all utilisation.

# Causes of spatial conflicts

## Inconsistent legislative obligations and their disparate processes

- Definition of fishing rights
- Disagreement between govt. agencies
- ‘First in, first served’ basis for applications
- Cumulative effects
- Lack of legislative guidance on social and economic tradeoffs

# Solutions to the conflicts

- Marine protected areas policy and implementation plan
- New marine reserve legislation
- Fisheries plans (s 11A)
- Oceans policy