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20 December 2019

Submission: In support of the request for a temporary closure of Te Mātā and Waipatukahu Mahinga Mātaitai

Submission summary

1. The submitters support Ngāti Tamaterā in placing a tikanga based rāhui at Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai from 21 December 2019.
2. The submitters support the request by Ngāti Tamaterā Treaty Settlement Trust for a 24-month temporary closure of the Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai to the taking of kūtai (mussels), pipi, and tuangi (cockles), under s186A of the Fisheries Act 1996.

Recommendations

3. The Minister of Fisheries approves the request for a 24-month temporary closure of the Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai to the taking of kūtai (mussels), pipi, and tuangi (cockles), under s186A of the Fisheries Act 1996.
4. The Minister of Fisheries recognises and takes appropriate action to address the long-standing concerns of depletion, environmental stressors, and poor recruitment in our shellfish fisheries.

The submitters

5. The NZ Sport Fishing Council is a recognised national sports organisation with 36,200 affiliated members from 55 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters.
www.legasea.co.nz
6. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the country. The Association promotes recreational fishing and

the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.

7. Collectively we are 'the submitters'. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
8. Our representatives are available to discuss this submission in more detail if required. We would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Submission

9. The submitters appreciate the opportunity to submit in support of the request for a 24-month temporary closure of the Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai to the taking of kūtai (mussels), pipi, and tuangi (cockles), under s186A of the Fisheries Act 1996.
10. Fisheries New Zealand (FNZ) advice of consultation was received on 17 December 2019, with submissions due urgently.
11. The submitters wholeheartedly support mana whenua in their efforts to protect the shellfish from overharvesting. We also acknowledge the Settlement Trust's commitment to consulting with their local communities.
12. However, we strongly object to the inadequate consultation process by FNZ. This process fails to meet the statutory test for consultation¹. It is not sufficient for FNZ to email a request for approval to a limited selection of representatives with no supporting background information, then ask for an urgent response, especially when there is no evidence of any public process. We know from experience that insufficient public consultation is a pathway to a lot of pain for FNZ, that is because after many years of inadequate process people simply don't trust FNZ to act in the public interest. A short consultation period adds to the suspicions and unnecessarily casts doubts on the adequacy of process by mana whenua.
13. What's more, depletion of shellfish fisheries is not a new phenomenon nationally or locally. We note the Hauraki Māori Trust Board initiated a s186A closure in 1998, 2000, 2002 and 2004 for the coastal area encompassing Te Mātā and Waipatukahu. In 2004 some of our team [submitted in support of the closure](#). The Settlement Trust reports the 2004 application was refused on the basis that a s186A closure was not a permanent tool for the management of customary fisheries.
14. While a s186A closure may not be considered a suitable tool for managing customary fisheries what is the alternative tool that can adequately protect our shellfish fisheries from a range of inputs that are causing depletion?
15. We submit it is the failure by FNZ to protect and manage the shellfish fisheries that leaves mana whenua in a position where they have to act on behalf of the community to protect the remaining beds from overharvesting and external stressors.
16. Over time our population has changed and for years there have been increasing reports of bulk harvesting by groups of people who travel to beaches close to Auckland. There does not seem to be any effective management of this activity by Fisheries New Zealand nor adequate measures to protect our inter-tidal species.

¹ International Airport Ltd and Air New Zealand (CA 23/92, 73/92[1993] 1 NZLR 671).
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17. It is left to mana whenua to recognise the problem and initiate a solution with only temporary tools in hand. Fisheries New Zealand needs to be far more proactive in developing regulatory tools and community support for measures that adequately address contemporary conditions.
18. We reiterate our earlier submissions that there is a need for a public awareness campaign to educate the wider public of the potential benefits in implementing local area management tools. Currently, the only tools available are customary initiatives that are limited in their application. Yet we know from experience that the protection of shellfish, finfish and the marine ecosystem benefits the wider community. The submitters are keen to participate in such a campaign to raise public awareness.
19. We acknowledge and appreciate Ngāti Tamaterā Treaty Settlement Trust for their foresight and effort to enhance the fisheries and marine ecosystem along the Thames coast, for current and future generations. Kia kaha.
20. We encourage Fisheries New Zealand to get working on effective measures to protect and enhance our inter-tidal species.
21. The submitters recommend the Minister approves the request for a 24-month temporary closure of the Te Mātā and Waipatukahu (Tapu) Mahinga Mātaitai to the taking of kūtai (mussels), pipi, and tuangi (cockles), under section 186A of the Fisheries Act 1996.