



Temporary closures and method restrictions

Frequently asked questions

1. What are temporary closures and method restrictions?

Section 186A (for the North and Chatham Islands) and section 186B (for the South and Stewart Islands) of the Fisheries Act 1996 allow the Minister of Fisheries or the Director-General of MPI, respectively, to temporarily close an area to fishing for one or more species, or to restrict a fishing method. Temporary measures apply to all fishing sectors.

Temporary measures provide for the use and management practices of tāngata whenua in the exercise of their customary (non-commercial) fishing rights. They do this by either improving the availability or size (or both) of a species, or by recognising a customary fishing practice in an area.

2. Are there any other customary tools available?

Yes. A temporary measure provides statutory support for a traditional rāhui.

Two of the more permanent tools available are mātaihai reserves and taiāpure-local fisheries. Mātaihai reserves are an expression of the right of tāngata whenua to exercise use and management practices in traditional fishing grounds and of their special relationship to an area of customary food gathering importance.

Taiāpure-local fisheries are coastal areas that are of special significance to an iwi or hapū as a source of food, or for spiritual or cultural reasons.

All of the customary tools allow tāngata whenua to be more involved in managing the fisheries in their area, as well as providing for wider community participation.

3. Who can ask for a temporary closure or method restriction?

Anybody (not just tāngata whenua) can propose a temporary closure or method restriction. However, before approving a proposal, the Minister or Director-General must be satisfied that it will help tāngata whenua exercise their customary fishing rights. Because the legislation is designed for customary purposes, a temporary closure or method restriction must meet that purpose and have the support of tāngata whenua (if they are not the applicant).

4. Is consultation required?

Yes. Consultation on a proposal is carried out with the local community, commercial and recreational fishing representatives, environmental interests, and tāngata whenua.

5. What is the role of tāngata whenua?

The Minister, or the Director-General, must provide for the input and participation of tāngata whenua in the decision making process and have particular regard to kaitiakitanga (guardianship). This means that the Minister, or the Director-General, will need to work with tāngata whenua before making their decision on a proposal. Information provided by tāngata whenua about their use and management practices is necessary before a decision can be made.

6. What is the time frame for a temporary closure or method restriction?

Closures or restrictions may be in force for up to two years. They may be seasonal, or for specified times each year.

There is no restriction on how many times a temporary closure can be established, however a careful assessment is carried out each time against the necessary criteria.