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**Submission:** Support the application by Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau for a 2-year temporary closure of the Whangaroa Harbour to the harvest of scallops under section 186A of the Fisheries Act.

### The submitters

1. The New Zealand Sport Fishing Council (NZSFC) is a national sports organisation with over 36,200 affiliated members from 55 clubs nationwide including the Whangaroa Sport Fishing Club. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore access to abundant fish stocks 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](http://www.legasea.co.nz)
2. The New Zealand Underwater Association (NZUA) represents 41 clubs and organisations nationwide with a specific interest in underwater activities. NZUA promotes marine safety messages particularly related to underwater sports and activities. NZUA has a strong focus on promoting safe participation in underwater activities including scuba diving, snorkeling, spearfishing and underwater hockey. To achieve optimum outcomes for our affiliates, the NZUA advocates and supports marine environmental campaigns.
3. Spearfishing New Zealand (SNZ) is an Incorporated Society elected by the spearfishing clubs to represent the spearfishing community in New Zealand, which is estimated at circa 20,000 participants. We report directly to over 7,000 people. We administer competition rules, national records, national competition events, and national teams for the sport in this country. The SNZ committee is authorised to make submissions to government agencies regarding the interests of our members. Our members frequently harvest scallops whilst freediving, and they are important to our members in terms our environmental interests and for providing sustenance and recreational enjoyment.

4. Together we are “the submitters”.
5. The submitters have previously supported s186A Fisheries Act (1996) fishing closure applications where there has been a clear purpose to restore abundance and productivity of the marine environment.
6. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor secretary@nzsportfishing.org.nz.

## Submission

7. The submitters support the application by Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau for a two-year closure of fisheries waters around the Whangaroa Harbour to the harvest of scallops (tipa) under section 186A of the Fisheries Act 1996. Official advice was received on 16 March with submissions due by 10 May 2021.
8. The submitters acknowledge Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau, in their efforts to replenish our taonga, precious species, by applying a customary fisheries management tool. Clearly the current Quota Management System is not serving mana whenua nor the community in ensuring there is sufficient abundance of scallops (tipa) to meet local needs.
9. The Minister must act now to fulfil the request by the applicants to close the scallop (tipa) beds to all harvest as it seems there are a variety of factors affecting scallop numbers and spat settlement leading to a decline in scallop populations.
10. Tangata whenua of Whangaroa Harbour have expressed concerns that scallop populations have declined due to a range of issues including: Sedimentation, dredging, water quality, and climate change.
11. The collective applicants Nga Hapū o Karangahape marae, Whānau pani, Ngāti Kaitangata, and Ngāti Kauwau, declared a rāhui on 16 January 2021, banning all harvest of scallops from the Whangaroa Harbour for three years in order to help regenerate and replenish depleted scallop stocks.
12. As submitters we have previously supported s186A Fisheries Act (1996) fishing closure applications, most recently supporting Ngāti Hei in their efforts to restore scallops (tipa) around the eastern Coromandel coast, and Ngāti Pāoa with their closure application around Waiheke Island.
13. We submit that an increase in scallop numbers and size will help contribute to the resilience of the marine ecosystem and better provide for the cultural, social, and recreational needs of mana whenua and the local community.
  - a. **We recommend** Fisheries New Zealand facilitate conversations between mana whenua and the wider community to ensure people understand the importance of the temporary closure and potential solutions to increase water quality and the need to reduce overall harvest levels in the future.
14. The submitters are concerned that the responsibility for rebuilding or protecting local populations of fish and shellfish is falling on the shoulders of mana whenua. This responsibility is weighing

heavily on under-resourced iwi and hapū.

15. Moreover, the statutory powers available to iwi and hapū are limited. Section 186A of the Fisheries Act and other customary management tools were not designed to rebuild severely depleted fish and shellfish populations. That is the role of the Minister who has a suite of tools available to him. The Minister also has a statutory duty to act in a precautionary manner when information is uncertain, unreliable or inadequate, and must have *particular regard to kaitiakitanga* under the Fisheries Act 1996.