



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Fisheries (South Island Customary Fishing) Amendment Regulations 2019

Portfolio Fisheries

On 19 November 2019, the Cabinet Legislation Committee:

- 1 **noted** that on 2 May 2018, the Cabinet Economic Development Committee agreed to amend the Fisheries (South Island Customary Fishing) Regulations 1999, to:
 - 1.1 update the definition of tangata whenua and clarify that more than one hapū or iwi can be tangata whenua in an area;
 - 1.2 streamline the appointment process for tāngata tiaki in relation to rohe moana and mātaítai reserves, including empowering tangata whenua to make appointments, and remove the 5 year appointment time limit;
 - 1.3 retain the ability of tangata whenua to submit on who is tangata whenua in an area, but remove the ability to submit on who should be tāngata tiaki;
 - 1.4 prescribe a mediation and arbitration process for disputes about who is tangata whenua in an area;
 - 1.5 enable tangata whenua and commercial fishers to agree, prior to an application for a mātaítai reserve being made, that the commercial take of certain species, and certain commercial fishing activities, will be allowed if the reserve is approved;
 - 1.6 require tangata whenua to only have to report catch information annually, unless otherwise required by the Director-General, Ministry for Primary Industries (MPI);

[DEV-18-MIN-0057]
- 2 **agreed** to the following minor policy proposals to give effect to the decisions referred to above:
 - 2.1 if a party refuses to participate in mediation the Director-General, MPI will be empowered to determine a dispute in favour of the other party;
 - 2.2 if tangata whenua appoint a tangata tiaki or cancel an appointment, the tangata whenua must publish a notice and update a list of tāngata tiaki on their representative website;

- 3 **noted** that the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 amend the Fisheries (South Island Customary Fishing) Regulations 1999 to give effect to the decision referred to above;
- 4 **authorised** the submission to the Executive Council of the Fisheries (South Island Customary Fishing) Amendment Regulations 2019 [PCO 21434/6.0];
- 5 **noted** that the Amendment Regulations come into force on 12 December 2019.

Gerrard Carter
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Jenny Salesa
Hon Tracey Martin
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Fisheries