

30 July 2026

Ref: OIAD-9384

Tēnā koe

Thank you for your request to the Department of Conservation, received on 1 July 2026, in which you asked for:

“ A copy of the agreement between Ngai Tahu and/or its local Iwi, and the Dept of Conservation regarding the Otago coastal waters reserves recently designated.

I further request information as to whether local Māori are still entitled to enact traditional fishing rights to the above coastal exclusion zones

Is any other entity entitled to a take from Otago's coastal waters under this or any other agreement between DoC and Ngai Tahu ? ”

We have considered your request under the Official Information Act 1982 (OIA).

There are three parts to your request, which, along with our responses, are listed below:

1. *“A copy of the agreement between Ngai Tahu and/or its local Iwi, and the Dept of Conservation regarding the Otago coastal waters reserves recently designated.”*

We have interpreted this part of your request as referring to the five Te Au Roa o Te Rakihouia marine reserves, established on 1 July 2026.

There is no agreement document between the Department of Conservation (the Department) and Ngāi Tahu or Ngāi Tahu Papatipu Rūnaka that establishes the marine reserves or determines the activities that may occur within them.

The marine reserves were established through a statutory process under the Marine Reserves Act 1971. This process, which followed on from recommendations made by the South-East Marine Protection Forum, included a formal application by the Director-General of Conservation, public consultation, engagement with Ngāi Tahu, advice from the Department to the Minister of Conservation, and Ministerial decisions. The marine reserves were subsequently established by Orders in Council.

The Department's role was to prepare the application and to administer the statutory process, including providing advice to the Minister of Conservation. Decisions on whether to establish the marine reserves, and the rules that apply within them, were made by the Minister of Conservation, with the concurrence of the Minister for Oceans and Fisheries and the Minister of Transport.

To assist you, information relating to the development of the marine protection network, engagement with Ngāi Tahu, the Department's advice to the Minister of Conservation,

the Minister's decisions, and current information about Te Au Roa o Te Rākohia is publicly available at the following links:

- South-East Marine Protection Forum: <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2020-consultations/consultation-on-south-eastern-south-island-marine-protected-areas/south-east-marine-protection-forum/>
- The statutory process: <https://www.doc.govt.nz/get-involved/have-your-say/all-consultations/2020-consultations/consultation-on-south-eastern-south-island-marine-protected-areas/>
- The Department's advice to the Minister of Conservation, including engagement with Ngāi Tahu and the Minister's decisions: <https://www.doc.govt.nz/news/oia-responses/2023/>. Note the Department proactively released this OIA response (OIAD-3459) in 2023. Some information is withheld under Section 9 of the OIA as noted in the response letter to the request
- Current information about Te Au Roa o Te Rākohia: <https://www.doc.govt.nz/parks-and-recreation/places-to-go/otago/places/te-au-roa-o-te-rākohia/>

2. *"I further request information as to whether local Māori are still entitled to enact traditional fishing rights to the above coastal exclusion zones"*

We have interpreted "*traditional fishing rights*" to mean customary fishing rights exercised by tangata whenua who hold mana whenua, mana moana. We have also interpreted "*local Māori*" to mean Ngāi Tahu Whānui, and "*the above coastal exclusion zones*" to mean the five Te Au Roa o Te Rākohia marine reserves.

As with other marine reserves in New Zealand, commercial fishing, recreational fishing, and customary fishing are prohibited within Te Au Roa o Te Rākohia marine reserves. This includes customary take authorised under customary fishing regulations made under the Fisheries Act 1996 for purposes such as tangihanga, hui, and other customary events. Accordingly, Ngāi Tahu Whānui are not entitled to undertake customary fishing within the marine reserves.

However, clause 6 of each of the Orders in Council establishing the marine reserves enables Ngāi Tahu Whānui to undertake wānaka (educational workshops) within the marine reserves for the purpose of passing on mātauraka (traditional knowledge). This could encompass a range of activities and may include wānaka hī ika (traditional fishing workshops), where limited take of marine life may occur. Any wānaka must be organised in advance and requires prior notification by the relevant rūnaka to the relevant co-management group or entity once established, or if these have not been established, notification to the Department. The purpose of these provisions is to support the continuation and transmission of traditional knowledge, skills, and cultural practices

within Ngāi Tahu in a manner consistent with the purposes of the Marine Reserves Act 1971.

The Orders in Council establishing the marine reserves, including the clause 6 provision referred to above, are available here:

- Waitaki Marine Reserve: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2026/139/en/latest/#LMS1605744>
- Papanui Marine Reserve: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2026/140/en/latest/#LMS1605688>
- Ōrau Marine Reserve: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2026/141/en/latest/#LMS1605835>
- Ōkaihae Marine Reserve: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2026/142/en/latest/#LMS1605654>
- Hākinikini Marine Reserve: <https://www.legislation.govt.nz/secondary-legislation/pco-drafted/2026/143/en/latest/#LMS1605594>

3. *“Is any other entity entitled to a take from Otago’s coastal waters under this or any other agreement between DoC and Ngai Tahu ?”*

We have interpreted this part of your request as relating to activities within the five Te Au Roa o Te Rakihouia marine reserves, rather than the wider Otago coastline, as the preceding parts of your request concern those marine reserves.

There is no agreement between the Department and Ngāi Tahu that grants any person or organisation the right to take marine life from the marine reserves. Rather, the activities that may occur within the marine reserves are determined by the Marine Reserves Act 1971, the relevant Orders in Council, and any permissions issued under applicable legislation.

In general, the marine reserves are no-take areas and the prohibition on taking marine life applies to all members of the public.

However, the legislation establishing the marine reserves provides for some limited exceptions. These include:

- Members of Ngāi Tahu Whānui, undertaking activities authorised under clause 6 of the Orders in Council, as part of an organised wānaka (educational workshops) for the purpose of passing on mātauraka (traditional knowledge), as described in response to Question 2.
- Members of the relevant Ngāi Tahu Papatipu Rūnaka, or a person authorised by that Papatipu Rūnaka, retrieving kōiwi tākata (human remains) and taonga tūturu (archaeological artefacts), where provided for under clause 7 of the Orders in Council.

- Members of Ngāi Tahu Whānui, or a person authorised by the relevant Ngāi Tahu Papatipu Rūnaka, retrieving marine mammal remains, where provided for under clause 8 of the Orders in Council.
- Members of the public, undertaking fossicking activities for beach stones, driftwood, and non-living shells, where provided for under clause 10 of the Orders in Council.
- Members of the public, removing seaweed of the species *Undaria pinnatifida*, where provided for under clause 8 or 9 of the Orders in Council.
- Any person or organisation holding the necessary authorisations or permits, undertaking scientific research and monitoring activities in accordance with the Marine Reserves Act 1971 and other applicable legislation.

The exceptions that apply, and the conditions associated with them, differ between marine reserves. The specific provisions are set out in the Orders in Council establishing each marine reserve.

Please note that this letter (with your personal details removed) may be published on the Department's website.

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Nāku noa, nā



Aaron Fleming
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Department of Conservation | *Te Papa Atawhai*