

14 April 2025

Tēnā koe [REDACTED]

Thank you for your request to the Department of Conservation (DOC), received on 16 March 2025, in which you asked:

- *In this oia I am requesting the interaction DOC and Ngai Tahu had in the preservation of the whitebait species.*
- *I would like all emails between DOC and Ngai Tahu, also I am predicting there will be emails from eCAN so I would like them also*

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

On 20 March 2025 you clarified your request to:

- *Can I please have the emails between DOC and Ngai Tahu also eCAN in the Canterbury region, with any context of whitebait. From the years 2020-2022.*
- *With regards to DOCs decisions to shorten the length of the "regular" season, because you have concerns that the fishery is in dire straits somewhat. Why was the decision made to bring in such rules that allow certain ethnic groups to fish, when DOC presume the fishery is not in great shape?*
- *2022, the rules stated - maori are able to get a customary permit to gather whitebait for a funeral or wedding. 2023 you changed the legislation again for the leniency of customary rights without advising the fishing community. As we saw a huge uptake in sales of nets, to people with customary permits for the whole of November (10 people that I know for sure). Can you please explain what happened in 2023 that caused the rules to be relaxed for customary fishing?*
- *Do DOC police the people fishing in November?*
- *How many customary permits were handed out each year from 2018-2024?*
- *Has DOC looked into the sale of whitebait being caught under customary permits? As once again your own website now states "that it is highly unlikely whitebait is sold which was caught under customary permits" how do you know this?*

On 28 March 2025 you further clarified the first bullet of your request to:

Can I please have all emails between Ngai Tūāhuriri and DOC between 2019-2021 subject to whitebaiting.

Your questions and our responses are listed below:

1. *Can I please have all emails between Ngai Tūāhuriri and DOC between 2019-2021 subject to whitebaiting.*

Under section 15(1AA) of the Official Information Act this part of your request will be responded to under a forthcoming response (reference: OIAD-5073) with a due date of 30 April 2025 (this being 20 working days from your clarification).

2. *With regards to DOCs decisions to shorten the length of the "regular" season, because you have concerns that the fishery is in dire straits somewhat. Why was the decision made to bring in such rules that allow certain ethnic groups to fish, when DOC presume the fishery is not in great shape?*

When the Whitebait Fishing Regulations were amended in 2021, no decision was made by the Department to allow "certain ethnic groups to fish". Māori fishing rights have been recognised for nearly 40 years since the enactment of section 26ZH of the Conservation Act 1987. Because the Whitebait Fishing Regulations are made pursuant to the Conservation Act 1987, the Regulations have never applied to existing Māori fishing rights. These rights are also provided for under provisions of the Treaty of Waitangi, and treaty settlements with various iwi.

With the implementation of the shorter fishing season under the Whitebait Fishing Regulations 2021 changes, customary fishing has been more visible.

3. *2022, the rules stated - maori are able to get a customary permit to gather whitebait for a funeral or wedding. 2023 you changed the legislation again for the leniency of customary rights without advising the fishing community. As we saw a huge uptake in sales of nets, to people with customary permits for the whole of November(10 people that I know for sure). Can you please explain what happened in 2023 that caused the rules to be relaxed for customary fishing?*

No changes have been made to legislation regarding the protection of Māori fishing rights under s 26ZH Conservation Act. Nothing happened in 2022 or 2023 to relax the rules for customary fishing, other than Māori fishing rights becoming more visible when the season length was reduced under the Whitebait Fishing Regulations 2021.

4. *Do DOC police the people fishing in November?*

Fishers whitebaiting in November may not be complying with the Whitebait Fishing Regulations 2021. The Department checks whether these fishers have customary fishing rights for that rohe and are permitted to fish by the relevant rūnaka, iwi or hapū. If they are not fishing in accordance with a Māori fishing right, the fishers will be considered non-compliant, and actions will be taken.

5. *How many customary permits were handed out each year from 2018-2024?*

The Department does not hold this information. Customary permits are issued by rūnaka, iwi or hapū.

6. *Has DOC looked into the sale of whitebait being caught under customary permits? As once again your own website now states "that it is highly unlikely whitebait is sold which was caught under customary permits" how do you know this?*

The Whitebait Fishing Regulations 2021 do not prohibit whitebaiters from selling their catch. The Department therefore does not regulate the sale of whitebait caught by customary or non-customary fishers. The rules set by rūnaka, iwi or hapū, may or may not allow for whitebait harvest for commercial purposes.

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

If you would like to discuss this response with us, please contact Helen Ough Dealy, National Whitebait Fishery Team Lead by email to whitebait@doc.govt.nz.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'K Knowles', with a stylized flourish at the end.

Kirstie Knowles
Director Biodiversity System and Aquatic
Department of Conservation
Te Papa Atawhai