

Waitangi Tribunal

(Waitangi Tribunal, 1992)

1989

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13.16. The Maori Fisheries Act 1989

- This Act expressly states that it is intended to make better provision for Maori fishing rights secured by the Treaty and to facilitate the entry of Maori into, and the development by Maori of, the business and activity of fishing. This is a welcome statutory acknowledgment by the Crown of Maori sea fishing rights guaranteed by the Treaty;



by October 1992, 10 percent of quota should have been transferred under the Act to the Maori Fisheries Commission for the benefit of Maori. Ngai Tahu will expect to receive the benefit of their proportional share;

- this tribunal is not in a position to accurately assess the value of the sea fisheries to which Ngai Tahu is entitled under the Treaty. The tribe has never disposed of its exclusive right to the sea fisheries out to 12 miles or so from its shoreline. Their reasonable share of the fisheries beyond this distance out to the limit of the 200 mile exclusive economic zone has yet to be negotiated and settled. In so doing allowance should be made for the serious depletion of the inshore fishery. Given the very extensive ocean which surrounds their long coastline and the richness of the deep sea fishery resource within it, we would expect the value of the Ngai Tahu sea fisheries to be very substantial in potential catch terms; and

- at present the Crown is obliged to transfer 10 percent of quota to the Maori Fisheries Commission by October 1992. This is intended to be for the benefit of Maori. While we are unaware of how or when this quota will be distributed to iwi we believe if justice is to be done not only to Ngai Tahu but to all other tribes, that a substantially higher percentage of quota than 10 percent of the total allowable commercial catch (TACC) will need to be made available for distribution among Maori. As we have indicated the value of Ngai Tahu sea fisheries alone must be very substantial. Moverover, allowance must be made for the very serious depletion of the inshore fisheries.

In our next and final chapter (chapter 14) we summarise our findings on Crown breaches of the treaty and then record our recommendations arising from those breaches.

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