



Ministry of

Fisheries

Te Tautiaxi i nga Iini a Tangaroa

New Zealand Government

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AMENDMENT TO THE FISHERIES (KAIMOANA CUSTOMARY FISHING) REGULATIONS 1998

In October 2008 the previous Minister of Fisheries recommended to Cabinet that the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Kaimoana Regulations), be amended to extend the coverage of these regulations to include aquatic life, that is subject to the Fisheries Act 1996, and is taken from freshwater in the North and Chatham Islands. Cabinet subsequently approved this amendment, and on 20 November 2008 the regulatory amendment to the Kaimoana Regulations took effect. The majority of submissions from tangata whenua and other fishery interests supported this outcome.

Section 10(c) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (the Settlement Act) requires the Minister of Fisheries to recommend regulations to recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and those places that are of customary food gathering importance.

Some aspects of customary fishing in the freshwaters of the North and Chatham Islands are provided by regulations 27 and 27A of the Amateur Fishing Regulations. However, these measures do not adequately recognise and provide for customary food gathering to the extent required by sections 10(b) and (c) of the Settlement Act. They were intended to operate as an interim mechanism to allow for some aspects of customary non-commercial fishing rights until regulations consistent with the Settlement Act were made, and those measures were subsequently put into effect by tangata whenua.

When regulations were being developed it was intended that there would be one set of customary fishing regulations that would apply across the country. In the end, two separate sets of customary fishing regulations were made. In the North Island some iwi challenged whether the Settlement Act included freshwater fisheries. Iwi and government agreed that the Fisheries (South Island Customary Fishing) Regulations 1999 would be advanced for all South Island fisheries waters (marine and freshwater). The Kaimoana Regulations were limited to the marine environment.

The High Court confirmed in December 2000 that the Settlement Act did apply to fisheries resources subject to the Fisheries Act 1996 that are found in both marine and freshwater environments. This meant an amendment was needed to extend the Kaimoana Regulations into freshwater consistent with the settlement. The amendment will enable tangata whenua of the North and Chatham Islands to better manage the customary use of aquatic life, whether it happens to be taken from marine or freshwater environments.

Tangata whenua of the North and Chatham Islands, together with the Ministry of Fisheries (the Ministry) staff, have been working towards implementation of the customary fishing regulations in the marine environment. Several common issues are likely to apply to the freshwater environment, and I encourage tangata whenua to consider how best to advance implementation of the customary fishing regulations in the freshwater environment of the North and Chatham Islands. The Ministry has a range of skills and experience that should be useful to tangata whenua.

I look forward to seeing tangata whenua exercising their rights under customary fishing regulations from the mountains to the sea.

Naku noa, na

A handwritten signature in black ink, appearing to be 'Wayne McNee', written in a cursive style.

Wayne McNee
Chief Executive
Ministry of Fisheries

Radiocommunications Regulations 2001

Radiocommunications Regulations (Returns in Respect of Supply of Radio Transmitters) Notice 2008

Pursuant to Regulation 19 of the Radiocommunications Regulations 2001 ("the Regulations") made under section 134(1)(a) of the Radiocommunications Act 1989, and acting under delegated authority from the chief executive, I give the following notice.

Notice

1. Title, commencement and purpose—(1) This notice is the Radiocommunications Regulations (Returns in Respect of Supply of Radio Transmitters) Notice 2008.

(2) This notice comes into force on 1 June 2008.

(3) This notice prescribes the classes of radio transmitters for which a return is not required under Regulation 18(3) from the holders of licences to supply radio transmitters granted pursuant to Regulation 18(1) or 18(2) of the Regulations.

2. Returns in respect of supply of radio transmitters—A return in respect of the supply of radio transmitters is not required for any class or classes of radio transmitters.

Dated at Wellington this 5th day of May 2008.

SANJAI RAJ, Group Manager, Radio Spectrum Management, Ministry of Economic Development.

Explanatory Note

(This note is not part of the notice, but is intended to indicate its general effect.)

This notice provides that, pursuant to regulations made under the Radiocommunications Act 1989, returns in respect of the supply of radio transmitters are no longer required. This notice comes into force on 1 June 2008.

go3779

Education

Education Act 1989

Revocation of Notice of Direction to Appoint a Limited Statutory Manager for the Board of Trustees of Canterbury Christian College (82)

The notice of direction to appoint a limited statutory manager for the board of trustees of **Canterbury Christian College** (as published in the *New Zealand Gazette*, 17 August 2006, No. 97, page 2869) is hereby revoked under section 78M(7) of the Education Act 1989.

This notice takes effect the day after the date of its publication.

Dated at Wellington this 19th day of May 2008.

HON CHRIS CARTER, Minister of Education.

go3763

Private Schools Conditional Integration Act 1975

Supplementary Integration Agreement

Pursuant to section 10 of the Private Schools Conditional Integration Act 1975, notice is given that a supplementary

integration agreement has been signed between the Minister of Education on behalf of Her Majesty The Queen, acting through the Group Manager, National Operations, Ministry of Education, pursuant to delegated authority, and the proprietor of the following school:

St Paul's Catholic School, Ngaruawahia.

The said supplementary integration agreement was executed on 26 May 2008.

A copy of the supplementary integration agreement is available for inspection without charge by any member of the public at the regional office of the Ministry of Education, 150 Victoria Street, Hamilton.

Dated at Wellington this 26th day of May 2008.

KATHY PHILLIPS, Group Manager, National Operations.

go3800

Fisheries

Fisheries (Kaimoana Customary Fishing) Regulations 1998

Corrigendum—Fisheries (Declaration of Mātaitai Reserve at Aotea Harbour and Adjacent Waters, and Appointment of Tangata Kaitiaki/Tiaki) Notice 2008 (No. F433)

In the notice with the above heading, dated the 2nd day of April 2008 and published in the *New Zealand Gazette*, 10 April 2008, No. 71, page 1970, in clause 4(a), please replace

"17°46.50'E"

with

"174°46.50'E".

Dated at Wellington this 22nd day of May 2008.

HON JIM ANDERTON, Minister of Fisheries.

go3789

Fisheries (Kaimoana Customary Fishing) Notice (No. 6) 2008 (No. F447)

Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Programme Manager (Deed of Settlement Implementation Programme) at the Ministry of Fisheries (acting pursuant to a delegated authority in accordance with section 41 of the State Sector Act 1988) gives the following notice.

Notice

1. Title and commencement—(1) This notice may be cited as the Fisheries (Kaimoana Customary Fishing) Notice (No. 6) 2008.

(2) This notice shall come into effect the day after the date of its notification in the *New Zealand Gazette*.

2. Interpretation—In this notice:

- (a) "customary food-gathering" has the same meaning as defined in Regulation 2 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998.
- (b) "Tangata Kaitiaki" are local dialect words that have the same meaning as "Tangata Kaitiaki/Tiaki", a term that is defined in Regulation 2 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998.
- (c) "Tangata Kaitiaki" means the person or persons appointed under Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998

for the management of customary food-gathering within the area/rohe moana.

- (d) "area/rohe moana" means the area described by a line commencing at a point on the line of mean high-water springs at Otehe (Crayfish Point) (37°36.14'S 174°46.26'E), then due west to the outer limit of the Exclusive Economic Zone, then north following the Exclusive Economic Zone to a point due west of Kaawa Stream, then due east to a point on the line of mean high-water springs at the mouth of Kaawa Stream (37°30.23'S 174°44.56'E), then generally southerly following the line of mean high-water springs to the point of commencement, and is the same area as confirmed in September 2007 for Pukerewa Marae. The geographical coordinates named are in terms of the WGS84 datum.

3. Nomination of Tangata Kaitiaki—Ngāti Tāhinga, represented by Weraroa Marae in respect of this nomination, has nominated Sam Karaka and Rudy Marshall as Tangata Kaitiaki for managing customary food-gathering within the area/rohe moana.

4. Appointment of Tangata Kaitiaki—On 14 May 2008, the Associate Minister of Fisheries confirmed the

appointment of Sam Karaka and Rudy Marshall as Tangata Kaitiaki for managing customary food-gathering within the area/rohe moana for the Weraroa Marae.

5. Confirmation of tangata whenua—Ngāti Tāhinga, as represented by the Weraroa Marae in respect to the above appointments, is confirmed as the tangata whenua of the area/rohe moana.

6. Power to authorise the taking of fisheries resources for customary food-gathering—The Tangata Kaitiaki may authorise any individual to take fisheries resources managed under the Fisheries Act 1996, other than those resources that are taken in fresh water, for customary food-gathering purposes from within the whole or any part of the area/rohe moana. No customary food-gathering of fisheries resources may take place in the area/rohe moana without an authorisation from the Tangata Kaitiaki.

Dated at Nelson this 23rd day of May 2008.

RAYMOND NECKLEN, Programme Manager (Deed of Settlement Implementation Programme), Ministry of Fisheries.

go3715

Health

Alcohol Advisory Council Act 1976

The Alcohol Advisory Council Levy Notice 2008

Pursuant to section 27(1) of the Alcohol Advisory Council Act 1976, the Minister of Health gives the following notice.

Notice

1. This notice may be cited as the Alcohol Advisory Council Levy Notice 2008.

2. The rate of levy payable under section 28 of the Alcohol Advisory Council Act 1976 for the year ended 30 June 2009 and for each basic unit of each class of liquor is:

Beer	1.37c/litre
Spirits (alcohol by volume)	44.74c/litre of alcohol
Fortified wine	8.22c/litre
Unfortified wine	5.06c/litre

Dated at Wellington this 28th day of May 2008.

HON DAVID CUNLIFFE, Minister of Health.

go3785

Medicines Act 1981

Consent to the Distribution of New Medicines

Pursuant to section 20 of the Medicines Act 1981, the Minister of Health hereby consents to the distribution in New Zealand of the new medicines set out in the Schedule hereto:

Schedule

Product:	Betaxolol
Active Ingredient:	Betaxolol hydrochloride 0.56%w/v equivalent to betaxolol 0.5%
Dosage Form:	Eye drops, solution
New Zealand Sponsor:	REX Medical Limited
Manufacturer:	Cipla Limited, Salcette, Goa, India
Product:	Carvelol
Active Ingredient:	Carvedilol 12.5mg
Dosage Form:	Film coated tablet
New Zealand Sponsor:	Pacific Pharmaceuticals Limited (part of Mylan)
Manufacturer:	Specifar SA, Aigaleo, Athens, Greece
Product:	Carvelol
Active Ingredient:	Carvedilol 25mg
Dosage Form:	Film coated tablet
New Zealand Sponsor:	Pacific Pharmaceuticals Limited (part of Mylan)
Manufacturer:	Specifar SA, Aigaleo, Athens, Greece

Explanatory Note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 30 September 2007, sets the total allowable commercial catch (TACC) for each quota management stock listed, on and from 1 October 2007 as follows:

- The TACC for dredge oyster in area 7C is increased from 2 tonnes to 43 tonnes.
- The TACC for long-finned freshwater eel in area 20 is decreased from 47 tonnes to 19 tonnes.
- The TACC for long-finned freshwater eel in area 21 is decreased from 64 tonnes to 32 tonnes.
- The TACC for long-finned freshwater eel in area 22 is decreased from 41 tonnes to 21 tonnes.
- The TACC for long-finned freshwater eel in area 23 is decreased from 41 tonnes to 9 tonnes.
- The TACC for short-finned freshwater eel in area 20 is decreased from 149 tonnes to 86 tonnes.
- The TACC for short-finned freshwater eel in area 21 is decreased from 163 tonnes to 134 tonnes.
- The TACC for short-finned freshwater eel in area 22 is decreased from 108 tonnes to 94 tonnes.
- The TACC for short-finned freshwater eel in area 23 is decreased from 37 tonnes to 23 tonnes.
- The TACCs are set as listed in the Schedule for all prawn killer stocks, which enter the quota management system on 1 October 2007.

go6714

Fisheries (Kaimoana Customary Fishing) Regulations 1998

Fisheries (Kaimoana Customary Fishing) Notice (No. 8) 2007 (No. F418)

Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Programme Manager (Deed of Settlement Implementation Programme) at the Ministry of Fisheries (acting pursuant to a delegated authority in accordance with section 41 of the State Sector Act 1988) gives the following notice.

Notice

1. Title and commencement—(1) This notice may be cited as the Fisheries (Kaimoana Customary Fishing) Notice (No. 8) 2007.

(2) This notice shall come into effect the day after the date of its notification in the *New Zealand Gazette*.

2. Interpretation—In this notice:

- (a) “customary food-gathering” has the same meaning as defined in Regulation 2 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998;
- (b) “Tangata Kaitiaki” are local dialect words that have the same meaning as “Tangata Kaitiaki/Tiaki”, a term that is defined in Regulation 2 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998;
- (c) “Tangata Kaitiaki” means the person or persons appointed under Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the management of customary food-gathering within the area/rohe moana; and
- (d) “area/rohe moana” means the area described by a line commencing at a point on the line of mean high-water springs at Otehe (Crayfish Point) (37°36.14'S, 174°46.26'E), then due west to the

outer limit of the Exclusive Economic Zone, then northerly following the Exclusive Economic Zone to a point due west of Kaawa Stream, then due east to a point on the line of mean high-water springs at the mouth of Kaawa Stream (37°30.23'S, 174°44.56'E), then generally southerly following the line of mean high-water springs to the point of commencement. The geographical coordinates named are in terms of the WGS84 datum.

3. Nomination of Tangata Kaitiaki—The Pukerewa Marae, acting for Ngāti Tahinga, has nominated Jury Hawkins as the Tangata Kaitiaki for managing customary food-gathering within the area/rohe moana.

4. Appointment of Tangata Kaitiaki—On 18 September 2007, the Associate Minister of Fisheries confirmed the appointment of Jury Hawkins as the Tangata Kaitiaki for managing customary food-gathering within the area/rohe moana.

5. Confirmation of tangata whenua—Ngāti Tahinga, as represented by the Pukerewa Marae, is confirmed as the tangata whenua of the area/rohe moana to which the appointment of Tangata Kaitiaki relates.

6. Power to authorise the taking of fisheries resources for customary food-gathering—The Tangata Kaitiaki may authorise any individual to take fisheries resources managed under the Fisheries Act 1996, other than those resources that are taken in fresh water, for customary food-gathering purposes from within the whole or any part of the area/rohe moana. No customary food-gathering of fisheries resources may take place in the area/rohe moana without an authorisation from the Tangata Kaitiaki.

Dated at Nelson this 25th day of September 2007.

RAYMOND NECKLEN, Programme Manager (Deed of Settlement Implementation Programme), Ministry of Fisheries.

go6739

Health

Medicines Act 1981

Consent to the Distribution of New Medicines

Pursuant to section 20 of the Medicines Act 1981, the Minister of Health hereby consents to the distribution in New Zealand of the new medicines set out in the Schedule hereto: