

Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

Part 1 Provisions relating to settlement of Maori fisheries claims against the Crown (s 2 to s 11)

10. Effect of Settlement on non-commercial Maori fishing rights and interests

It is hereby declared that claims by Maori in respect of non-commercial fishing for species or classes of fish, aquatic life, or seaweed that are subject to the Fisheries Act 1983—

- a. Shall, in accordance with the principles of the Treaty of Waitangi, continue to give rise to Treaty obligations on the Crown; and in pursuance thereto
- b. The Minister, acting in accordance with the principles of the Treaty of Waitangi, shall—
 - i. Consult with tangata whenua about; and
 - ii. Develop policies to help recognise—

use and management practices of Maori in the exercise of non-commercial fishing rights; and

- c. The Minister shall recommend to the Governor-General in Council the making of regulations pursuant to section 89 of the Fisheries Act 1983 to recognise and provide for customary food gathering by Maori and the special relationship between tangata whenua and those places which are of customary food gathering importance (including tauranga ika and mahinga mataitai), to the extent that such food gathering is neither commercial in any way nor for pecuniary gain or trade; but
- d. The rights or interests of Maori in non-commercial fishing giving rise to such claims, whether such claims are founded on rights arising by or in common law (including customary law and aboriginal title), the Treaty of Waitangi, statute, or otherwise, shall henceforth have no legal effect, and accordingly—
 - i. Are not enforceable in civil proceedings; and
 - ii. Shall not provide a defence to any criminal, regulatory, or other proceeding,—

except to the extent that such rights or interests are provided for in regulations made under section 89 of the Fisheries Act 1983.