



Access to freshwater fishing

Ka mua, ka muri | Fish Futures Policy Brief 04

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The Fish Futures research project aims to improve freshwater ecosystems in Aotearoa New Zealand and the lives of people who depend on them. The project seeks to foster local relationships, empower fishery managers, enhance the mana of kaitiaki and generate new approaches that integrate mātauranga Māori and Western science.

The research examines interactions between humans, fish and ecosystems by assessing the consequences of fish introductions and removals, identifying social barriers to restoring fish passage and co-developing fish management strategies with Māori, communities and other stakeholders.

Expected outcomes:

- improve understanding of the social–ecological factors that impact freshwater fish populations
- enhance capacity for sustainable freshwater and fisheries management
- increase collaboration between scientists, iwi and policymakers.

The project's findings will inform policy development and support community-based management and collaborative decision-making for healthier freshwater ecosystems and thriving fish populations.

Policy briefs in this series

01. Management of freshwater fish species
02. Identities of freshwater fishers
03. Changing land use and freshwater fish
04. Access to freshwater fishing
05. Harvesting and consuming freshwater fish
06. Markets for freshwater fish

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Cover photos: (Left) Whitebait. Photographer: D. Nicholson; October 1959. Source: Archives New Zealand; AAQT 6539 3537 57/A71885. (Centre) Drying tuna. Photographer: unknown; September 1934. Source: Auckland Libraries Heritage Collections; 1691-109. (Right) Lake Taupō. Photographer: E. Woollett; February 1954. Source: Archives New Zealand; AAQT 6539 3537 51/A33961.

Access to freshwater fishing



Fishing guide returns a satisfied client holding a 4 ½ lb rainbow trout to her chartered float plane, Lake Taupō. Photographer: R. Anderson; March 1972. Source: Archives New Zealand – Communicate New Zealand Collection; AAQT 6539 W3537 120/A99241.

Key messages

- Expectations of access to recreational and customary fisheries are long standing in Aotearoa New Zealand, yet in practice, many people cannot easily access fishable waterways.
- Fishing access depends on multiple factors, including legal rights, physical access to waterways, healthy fish populations, knowledge and ability to use preferred methods.
- Fishing access also poses risks to fisheries that need to be governed.
- Land ownership, legislation, species introductions, fishing regulations and conservation have driven changes over time in terms of who can fish, where and how.
- Barriers to customary fishing have contributed to declines in Māori fishing activity and associated livelihoods, knowledge and culture.
- Many organisations are working to improve freshwater fishing access; collaboration can help secure equitable, sustainable and culturally appropriate access.

Overview

The ability to access waterways for recreational and customary fishing has been a core cultural value throughout Aotearoa New Zealand's history. Māori and Pākehā have sought to create, preserve and regulate access to freshwater fishing – an activity that has sustained families and formed a key component of local economies and customs.^{1,2} Ideas around access to freshwater are embedded in cultural norms and practices, institutions, infrastructure and legislation. For example, the popularised 'Queen's chain' signifies widely held beliefs about rights to access the margins of waterways, which are partially embedded in policy and planning.³

In New Zealand, access to recreational and customary fishing has changed significantly over time. Long-standing rights to access and fish waterways have been lost, as has supporting infrastructure and practices. Significantly, the availability of healthy waterways and valued species (e.g. salmon) have declined, and species introductions and invasions have increased access to some fish at the expense of others. At times, access to fishing has been restricted to protect valued species, and regulations have determined who can fish, in what numbers and with what methods.⁴

These changes have impacted fish-based livelihoods and cultures, as well as participation in fishing. In the most concerning examples, loss of access to fisheries has displaced communities and caused significant shifts in diets and economies.¹

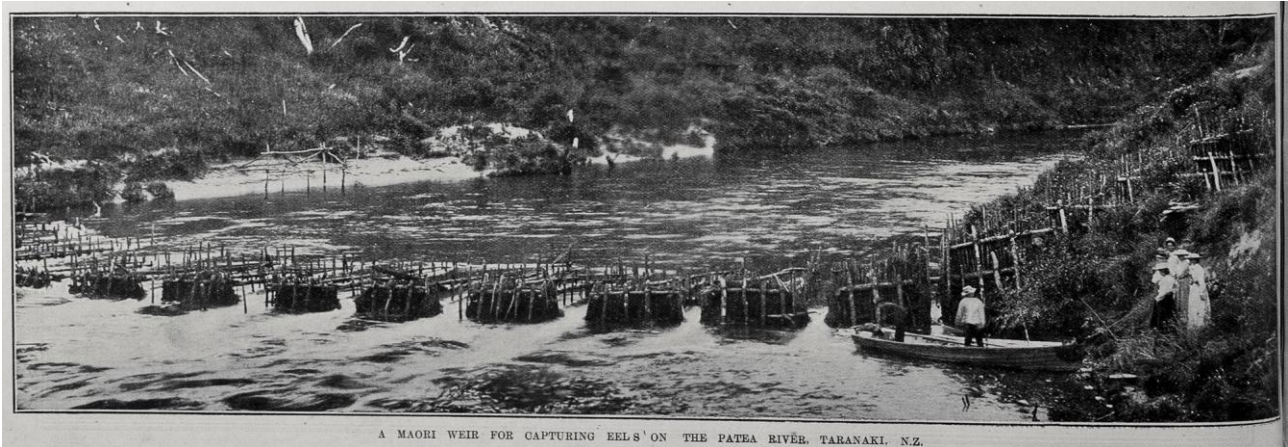
Tangata whenua and Fish & Game councils have fought for decades to improve access to customary and recreational fishing respectively, with some success. Many have questioned why it has been so difficult to secure rights set out in Te Tiriti o Waitangi and early legislation.⁵⁻⁸ This brief reviews the history and current state of freshwater fishing access in New Zealand, with a focus on the following question:

How does current freshwater fishing access align with the promise of public and tangata whenua access to fishable waterways?

This brief challenges common assumptions about access and highlights key issues that must be addressed to secure equitable, sustainable and culturally appropriate access to freshwater fish in New Zealand.

The promise of access

Prior to European arrival, whānau access to fishing sites and fishing was primarily governed by hapū. Families had precedence to fish at particular locations or times, and some hapū modified sites or constructed infrastructure to improve their harvest (e.g. pā tuna). Fish were distributed among whānau according to local customs and were traded with other hapū in exchange for other resources. Freshwater fishing was central to the everyday lives of many Māori, and especially to inland hapū who relied on fish for sustenance and trade.^{1,4}



'A Māori weir for capturing eels on the Pātea River, Taranaki, NZ'. Photographer: Auckland Weekly News; 2 July 1908. Source: Auckland Libraries Heritage Collections; AWNS-19080702-12-04.

The importance of fisheries to Māori is reflected in Te Tiriti o Waitangi, which guarantees 'the unqualified exercise of their chieftainship over their lands, villages and all their *treasures*' – translated as 'forests, fisheries and other properties' in the English version. Continued access to traditional fisheries was thus a foundational commitment in New Zealand's formation, and was reaffirmed in later legislation:

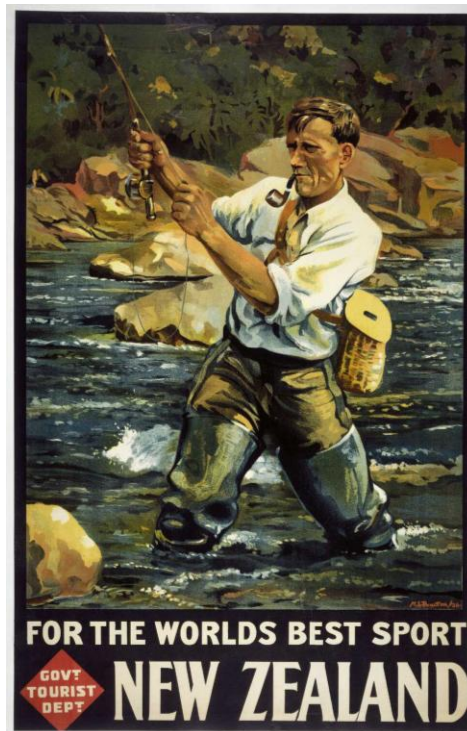
by the Treaty of Waitangi the Crown confirms and guarantees to the Chiefs, tribes, and individual Māori full exclusive and undisturbed possession and te tino rangatiratanga of their fisheries.⁹

Access to fishing was also an attraction that drew settlers to the new colony. British motivations to emigrate to New Zealand were often associated with a desire to leave behind the tyranny of class restrictions and forge a new egalitarian society, which included access to fishing and hunting.¹⁰

they recalled the sport which was forbidden to all but a favoured few, but which they had often longed to share in— ... the salmon of forbidden price in their rivers—and there rose up before their vision a land where all these desirable things might be found and enjoyed. (George Thomson 1922 cited in McDowall 1994, p. 7)²

A series of laws beginning in the 1870s were aimed at creating a public right of access by reserving strips of land on the margins of rivers and lakes.³ The resulting government-owned reserves – colloquially referred to as the Queen's chain – created an expectation of public access to waterways. Fisheries laws also prohibited landowners from charging fees to access angling sites.²

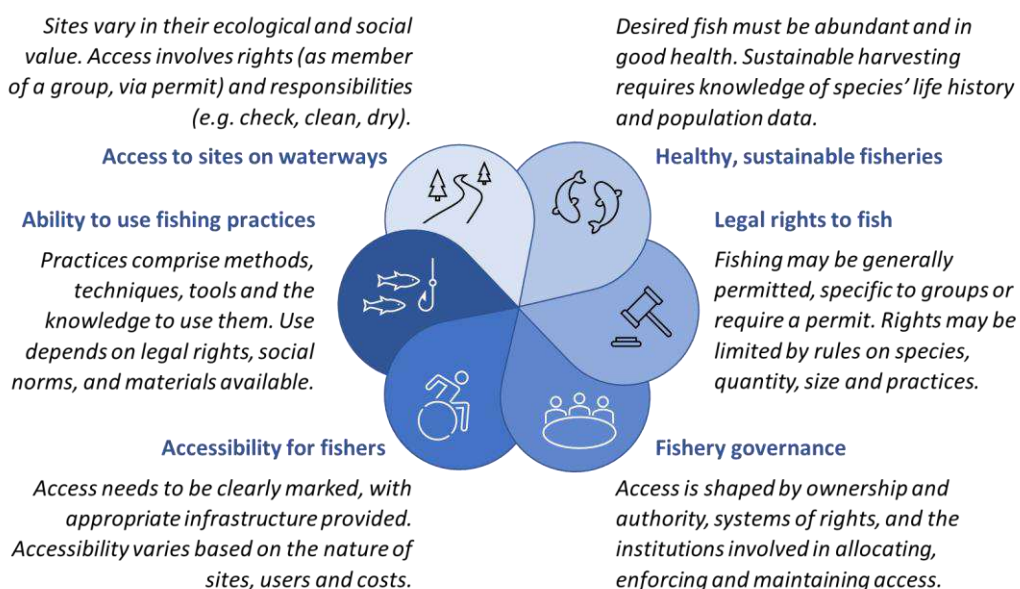
Acclimatisation societies and tourism boards further embedded expectations of access to fishing by introducing sport fish to waterways across the country and promoting New Zealand globally as the new egalitarian fishing utopia.^{2,6}



‘For the worlds [sic] best sport, New Zealand’. Artist: M.A. Poulton; 1936. Printer: G.H. Loney, Government Printer Wellington. Source: Alexander Turnbull Library; Ref: Eph-E-TOURISM-1936-02. Reproduced with permission from Tourism New Zealand.

Dimensions of access

Access to freshwater fishing is often interpreted as land access to fishing sites along a waterway.⁸ However, access is a multi-dimensional concept involving a bundle of rights and capacities. The history of freshwater fishing in New Zealand highlights the following six key dimensions of access:



Changes in access to fishing

Today, access to fishing varies significantly across locations and socio-economic groups, and it is far more limited than was promised or is commonly perceived. Tangata whenua have lost access to most of their traditional fisheries and fishing sites, which in turn has eroded practices and knowledge. In addition, early regulations banned traditional fishing practices and criminalised Māori for catching sport fish.¹ According to McDowall (2011, p. 587),¹ 'the losses sustained have been so pervasive, widespread and intense that it is difficult to know quite where to start'. Anglers have also experienced an erosion of fishing access over time due to declines in valued fisheries, loss of access to sites and increased access costs.⁸ A prominent example is the decline of New Zealand's world-renowned wild salmon fishery. These declines in everyday access to fishing have meant a reduction in food sources and outdoor activities for many New Zealanders.

It is important to stress that the kai which we got formed the basis for our diet. ...We depended on what we could catch to feed the family. We hunted for whitebait, eels, salmon ... We routinely fished all the creeks. (Rakihia Tau, cited in McDowall 2011, p. 585)¹

The fish we used to catch as a kid—we didn't come from particularly rich families—they went in the frying pan when we got some. ... It was an important once or twice a week meal at home. (Freshwater practitioner, cited in Holmes et al. 2021, p. 62)¹¹

In this brief, we summarise five processes that have impacted access to freshwater fishing in New Zealand.

Land alienation

Māori access to fishing declined rapidly during the 19th century due to land sales and confiscations and the conversion of customary title. From 1840 to 1865, the Crown purchased large land blocks from iwi and hapū to subdivide and on-sell to settlers. Approximately two-thirds of land in New Zealand was sold in this way, including 99% of the South Island. Deeds of sale typically included reserves to maintain tangata whenua access to key sites and resources, including fisheries.¹²

However, these sales resulted in widespread loss of Māori rights to waterways, due in part to differences in Māori and British legal traditions. Under British common law, the Crown assumed ownership of navigable waterways (including large rivers and lakes) while the bed and use rights (including fisheries) of smaller waterways were owned by adjacent landowners. In contrast, Māori saw fisheries as separate to the land, and consequently were not aware that in selling the land they were giving up their fishing rights and interests.^{1,13} The Crown's assertion of ownership relied on denial of Māori customary title, undermining tangata whenua governance and use of fisheries.¹³ Works to improve navigation caused significant damage to Māori fishing infrastructure (e.g. pā tuna) and fish habitat.⁴

While Māori and settlers initially shared use of waterways, tolerance of Māori fishing declined as populations grew. Landowners fenced their land and barred people from crossing it to access reserves and fishing sites. Furthermore, many of the reserves for mahinga kai were never created, were inaccessible or were placed in the wrong location for fishing access. Some reserves that did provide fishing access later became disconnected from waterbodies due to drainage and river control works.¹

Sale of South Island lands was conditional on the retention by Māori of all of their mahinga kai, and the setting aside of ample reserves for Māori occupation [but this] was not done. ... those that were allocated did not reflect Ngai Tahu use of and dependence on mahinga kai; legislation, bylaws, sale of land and its fencing excluded them from these places. (Rakihia Tau, cited in McDowall 2011, p. 590)¹

Further land losses occurred following the New Zealand Wars. The government confiscated more than 4 million acres of Māori land in the 1860s (including from neutral and pro-government iwi), leaving communities with insufficient land and resources to sustain themselves.¹⁴ While some land was returned, it was often managed in a way that facilitated its sale to settlers or the Crown.¹²

Māori land alienation continued through legislation and the land courts (1865–1993). The waste lands acts facilitated the sale of uncultivated Māori land to settlers, while large tracts of Māori land were taken by the government under the public works acts with little or no compensation.¹² The Native Land Court further facilitated the sale of Māori land by converting it from customary to individual titles, which could then be sold on the private market. Through dubious practices, costly processes, confiscations and the compulsory vesting and sale of land, the court enabled the transfer of most remaining land out of Māori ownership.¹⁵ As a result, it became known as ‘te kōti tango whenua’ (the land-taking court).¹⁵

Pākehā land tenure was particularly damaging for mahinga kai lands (e.g. wetlands), which were subject to collective and sometimes seasonal use rights. The courts displaced such customary use by creating exclusive titles with less than 10 owners based on evidence of permanent occupation.¹² They also viewed mahinga kai lands as ‘uneconomic’, opening them up to compulsory acquisition and leasing for ‘productive use’ (e.g. farming).¹⁰

Legislating public access

The government used surveying and legislation to create public access to waterways when Crown land was sold, but this process was not systematic. Popular belief holds that Queen Victoria created a public access ‘chain’ along all waterway margins in New Zealand. However, her original instructions reserved lands for ‘public roads’ (including navigation by water) and specific sites on navigable streams for recreation, health and landing places. Later instructions specified that a 30 m strip be reserved on navigable riverbanks.³

This requirement to reserve the margins of waterways from the sale of Crown lands (though not urban areas) was embedded in Land Acts of the 1870s and 1880s, and later revised several times:

- 1892 – extended requirement to all streams more than 10 m wide and lakes more than 20 hectares; reduced the strip width to 20 m
- 1948 – extended requirement to all streams more than 3 m wide and lakes more than 8 hectares, and to Crown land that was leased
- 1986 – reserved lands became ‘marginal strips’ that were managed for conservation purposes
- 1990 – new marginal strips did not have to be surveyed and moved with water boundary changes.³

Subdivision of private land did not require public access to waterways until 1946 for rural land and 1978 for cities and boroughs. Where private land was subdivided into allotments below a particular size,

developers had to create a 20 m public reserve along the waterway margin.³ Exemptions, waivers and reductions in requirements meant that not all subdivisions created public accessways.



Angling at the Tongariro River. Photographer: W. Walker; November 1955. Source: Archives New Zealand – Communicate New Zealand Collection; AAQT 6539 W3537 53/A43216.

Public access to waterways consequently varies significantly across the country.⁸ Many waterbodies now lack public access around some or all their margins because of the early focus on navigation and the application of rules limited to sales of Crown land.¹³ For example, lakes and non-navigable streams sold prior to 1892 may now be entirely private property. While protections were later extended to lakes and smaller rivers, these requirements were not retrospective and only applied to rural land – land sales for towns and cities were governed by different rules.³

This history helps to explain the many ‘paper roads’ that border large waterbodies, providing legal access across otherwise private land. However these ‘roads’ do not necessarily provide practical access; fences and vegetation create barriers, and reserves along waterway margins do not always connect to other public accessways.^{3,8}

Privatisation impacted fishers of all kinds as access to local waterways became restricted by large tracts of private land. This enclosure of waterways was seen as a threat to both the promise of egalitarian fisheries and Māori livelihoods.^{1,2}

Just below the pool was a fence. ...the [reason] was bluntly conveyed by a notice, “No trespassing, Private Land”. ... We had asked the farmer for permission to fish downstream, but had received a grumpy refusal. ... He never fished, yet such was his possessive nature that he openly and aggressively resented the intrusion of anglers. (Orman 1979, p. 3)⁶

Subdivision and land-use intensification have also resulted in further reductions in legal and practical access to waterways. A culture of private ownership has contributed to declining landowner tolerance

for public fishing access as well as increasing private encroachment onto public riparian lands, such as farming of braid plains in Canterbury.^{1,8,16} Private leasing of Māori and Crown land can also inhibit public access due to risks associated with land use (e.g. lambing, forestry activities).¹

Lake Taupō fisheries

Trout were introduced to Lake Taupō in the late 1800s, creating an internationally renowned fishery. Later, native smelt were introduced as food for trout. These new species devastated native fish populations of immeasurable importance to Ngāti Tūwharetoa.¹³

Initially, local Māori supplemented this loss by catching trout and smelt, and charging anglers fees to use their properties. However, Māori rights to harvest or charge fees for 'Pākehā fish' were increasingly challenged, and in some cases 'our people were fined for eating smelt ... there was more value to a trout than there were to people'. (Māori knowledge holder, cited in Holmes et al. 2021, p. 65)¹¹

To secure public access to the lake and trout fishery, the government pressured Ngāti Tūwharetoa to cede the beds of Lake Taupō and connected waterways to the Crown. The agreement was almost immediately contested as prejudicial and unnecessary to secure fishing access.¹³ A 1992 agreement returned Taupō waterways to Ngāti Tūwharetoa, providing for shared management while preserving public access. While the trout fishery continues to dominate Lake Taupō, it is now managed by the Department of Conservation in partnership with Ngāti Tūwharetoa.¹⁷



'Afi' Northcroft, a local chieftain, prepares to return to the line after catching a fish in Lake Taupō. Photographer: E. Woollett; February 1954. Source: Archives New Zealand – Communicate New Zealand Collection; AAQT 6539 3537 51/A33961.

Species introductions

New Zealand waterways have experienced waves of species introductions – both deliberate and unintentional. While introductions improved access for some species and fishers, the resulting changes in food webs and regulations reduced access to other fisheries.

Early introductions involved Māori translocation of species such as tuna and kākahi between waterways to create and sustain fisheries. Translocations were particularly important for establishing lake fisheries, which were a key food source for inland hapū.¹ In contrast, European settlers aimed to establish new fisheries by introducing valued species from England and North America. Fish and ova were shipped to New Zealand by individuals and acclimatisation societies via long voyages; their acclimatisation was highly experimental, requiring significant investment and multiple attempts.²

Populations of trout, perch and tench were quickly established throughout the country, followed by the introduction of Chinook salmon, creating access to diverse new fisheries.

The work that the Wellington-Masterton Acclimatisation Society is doing cannot be over-rated as it has been the means of increasing the food supply of the inland settlers, besides giving another means of sport and rendering valuable the rivers that were previously devoid of fish. (Editor of Poverty Bay Herald 1887, cited in Knight 2016, p. 98)⁴

Species introductions often occurred at the expense of Māori customary fisheries, as the large European species preyed upon and outcompeted smaller-bodied native fish. For example, trout introductions caused the collapse of lake kōaro fisheries, an important mahinga kai.⁴

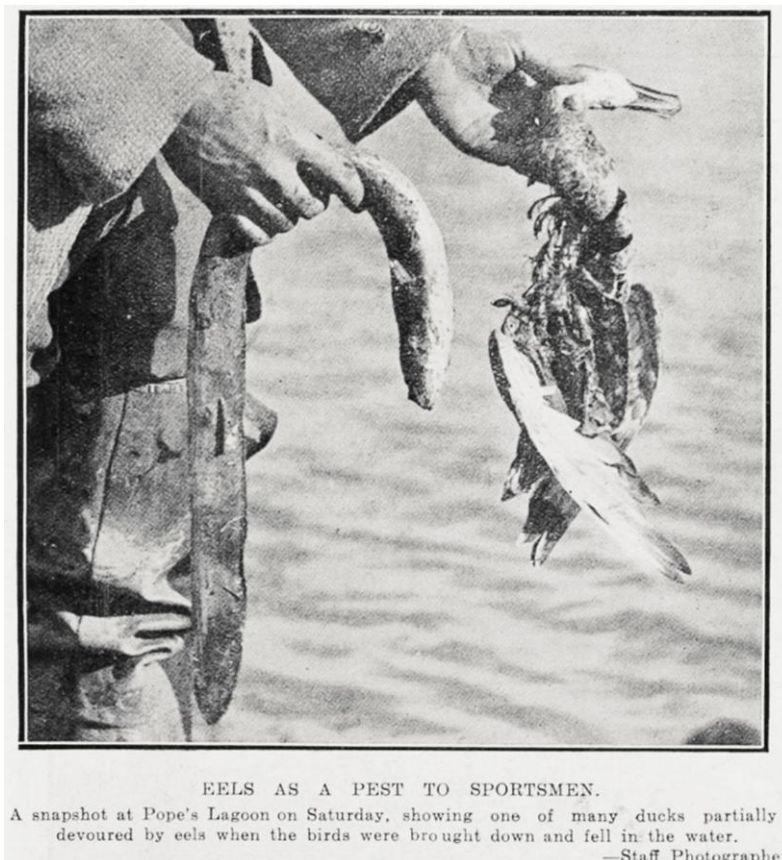
Do not, oh white people, thoughtlessly place your fish in these streams, because it is from the native birds and fish we get most of our food. (1872 notice posted by Māori from Arowhenua, cited in Young 2004, p. 104)¹⁰

Following initial introductions, access to sport fisheries was sustained through hatcheries, stocking, regulations and culls of native predators. Hatcheries were widely used to establish new fisheries and maintain fishable populations. Stocking waterways with thousands of juvenile fish placed significant stress on native fish and was found to be of questionable benefit to wild sport fisheries, although these findings were only considered from the 1960s.^{2,11}

Acclimatisation societies undertook culls of native predators from the late 1800s to protect introduced fisheries. Tuna, as the largest native species, were labelled 'vermin' and an 'infestation' and became the focus of extermination campaigns. Societies dissected large tuna and published descriptions of their stomach contents to emphasise the threat they posed. They ran competitions and offered prizes and bounties to encourage extermination efforts. When Māori objected to the 'war against tuna' they were largely ignored, and culls continued into the 1970s.⁴



Ngongotahā Game Farm hatcheries. Photographer: E. Woollett; March 1953. Source: Archives New Zealand – Communicate New Zealand Collection; AAQT 6539 3537 49/A30586.



'Eels as a pest to sportsmen'. Photographer: Auckland Weekly News; 6 May 1926. Source: Auckland Libraries Heritage Collections; AWNS-19260506-43-03.

Acclimatisation societies also sought to protect introduced fisheries by regulating harvests of native prey species. In the 1920s, concerns about declines in whitebait, a key food source for trout, led societies to encourage limits on Māori whitebait harvesting.⁴ Regulations restricting the whitebait season and fishing methods were introduced in 1932. Māori were also prohibited from harvesting the smelt introduced to lakes as food for trout following the collapse of kōaro populations.^{1,11}

Fish introductions to New Zealand have continued, including as biological control agents, through aquarium releases and illegal introductions, and as hitchhikers in vehicles and equipment.^{18,19} For example, catfish were accidentally introduced to Lake Rotorua in the 2010s, likely via a boat trailer, and have since decimated the prized kōura fishery. Growing awareness of introduced species' impacts has resulted in tighter regulation and increased investment in invasive fish management since the 1980s.¹⁸ Biosecurity efforts to protect fisheries from invasive species by restricting recreational access have met with significant opposition, as illustrated in the temporary closure of Lake Ōkātina due to the threat of gold clam.^{11,20} Similarly, attempts to limit sport-fish impacts on native species by disestablishing hatcheries and removing trout from marginal waterways have often been strongly opposed.

Regulation of fishing

Fishing access has been shaped by the rapid development of regulations to protect and sustain sport fisheries alongside limited regulation of native fisheries.

The earliest fishing legislation was the Salmon and Trout Act 1867, which provided for 'the preservation and propagation of salmon and trout'. The Act enabled conditions to be set for angling and the prohibition of nets and other devices 'detrimental to the increase of salmon or trout'. Over the next 50 years, the government developed further laws and regulations to protect sport fishing, including banning trout sales and farming and restricting fishing methods.² Acclimatisation societies were vested with the governance and administration of regional sport fisheries, allowing them to set fishing seasons and rules and methods for waterways, administer licences and enforce conditions.²

Over time, acclimatisation societies have implemented increasingly strict fishing seasons and bag limits to ensure the sustainability of fisheries.² These regulatory changes have occurred alongside the rise of catch-and-release fishing, which has reconfigured fishing access as 'participation' rather than the ability to harvest resources.⁶ By regulating fishing activity within sustainable levels and in line with norms of 'good fishing', acclimatisation societies sought to promote fishing access, although only for certain kinds of fishing.¹⁰ Regulations to protect trout made coarse fishing gear and practices illegal for an extended period.² Māori customary fishing was severely impacted by the bans on traditional fishing methods (e.g. nets) and licensing requirements.^{1,4}

While early fisheries legislation recognised the Treaty of Waitangi and Māori fishery rights, later regulations applied restrictions on native fisheries (e.g. whitebait) and fishing methods to Māori customary fishing. The imposition of sport-fishing rules on traditional practices generated significant confusion and protest among Māori.^{1,10}

We are being prevented from catching Inanga, and are referred to the law affecting the Pakeha [asked to take out a licence] ... if one happens to be caught fishing for Inanga in our own pools, a fine of £20 is to be imposed. (Pare Hori Karaka 1909, cited in McDowall 2011, p. 589).¹

Māori engaged in customary fishing were also accused of poaching and sometimes fined for the accidental capture of salmonids.¹ The threat of fines and prosecution prevented the use of traditional fishing methods and led to the abandonment of waterways containing introduced fish.^{1,4}

If they went fishing they were threatened to be put in jail ... The Waitaki and all the other rivers have imported fish in them, [and] consequently the natives are prevented from eeling or catching whitebait in season ... If some places were reserved where the natives could procure fish without being molested it would aid them in procuring a living, but there is no place they can go to now. (Witness to Smith-Nairn commission of inquiry, cited in Knight 2016, p. 99)⁴

In contrast to the proliferation of rules for introduced fisheries, there has been limited and highly localised regulation of native fisheries throughout New Zealand's history.⁴ Early regulations simply set whitebait seasons and licensing requirements for particular areas, and established rules on using native fish as bait for trout.¹ It was not until 1951 that national regulations included a section on 'indigenous fish', which banned fishing for the already extinct upokororo and allowed the 'killing or destroying' of elvers as part of acclimatisation societies' tuna extermination campaigns.²¹

Limited regulation of native fisheries continues today, promoting present-day access at the expense of future fishers. Native fish may be harvested for human consumption (outside conservation areas) without the licensing or gear requirements that apply to sport fish.²² Only whitebait and tuna, as commercially harvested species, are more closely regulated. While tuna are subject to quota and bag limits, whitebait continue to be regulated via season, gear and location restrictions, with no controls on harvest quantity.²³

[In the 1970s] it was open slather ... Anyone could get a permit to go and catch two tonne of eels. They cleaned them out ... It's an on-going battle ... We need help now to stop the commercial exploitation of tuna. If we don't do something now, we'll lose them. (Kevin Russell-Reihana, 2012)²⁴

Commercial harvesting of native species, most of which are threatened or at risk, continues to impact Māori fishing access. While customary fishing rights are now legally recognised, many iwi have voluntarily limited or stopped fishing to allow population recovery.²³ Māori have criticised the imbalance in efforts to protect native and introduced fish but are also sceptical of government regulation as a solution, given its history of restricting Māori access rights.^{1,5,25}

Wild salmon fishery

Chinook salmon were introduced to New Zealand in the early 1900s and have become a highly popular fishery in the braided rivers of Canterbury and Otago. Wild sea-run salmon were once prolific, and anglers regularly brought home large catches.



Salmon fishing in the Rakaia River. Photographer: K.V. Bigwood; March 1954. Source: Archives New Zealand – Communicate New Zealand Collection; AAQT 6539 3537 51/A34568.

In the last 20–30 years, the salmon fishery has declined dramatically, with spawning runs reduced by more than 90% since the 1990s and ‘more bad years than good’.²⁶ These declines are attributed to a combination of dam construction, water diversion and abstraction, land-use intensification, angling pressure and climate change. A range of approaches have been trialled to improve angler access to the salmon fishery:

- Voluntary and then compulsory daily catch limits were introduced over time, culminating in a season bag limit of two sea-run salmon in 2021.²⁶
- Salmon hatcheries have long been a popular approach to fishery enhancement, despite studies showing that they are of limited benefit.²⁷
- Angling in canals near salmon farms and from ‘fish out’ pools have become popular experiences, although very different to angling for sea-run salmon at river mouths.
- Mechanised transport has improved physical access to the fishery, including using jetboats to follow salmon runs and 4WD buggies to access river mouths.

Conservation

Conservation is a relatively recent concept in New Zealand's history and has had mixed outcomes for fishing access, depending on the species, location and fishers in question. Interest in landscape and species preservation grew in the 1890s following the widespread loss of forests and native birds, and an increasing tourism market.¹⁰ National parks and reserves were created to preserve scenic landscapes and historic sites – especially those with easy access and tourism potential.^{10,28} Access to recreational fisheries improved during this period: sport fish were introduced to national parks, new reserves facilitated public access for fishing and stocking increased the number of fishable waterways.¹ Agencies also invested in public infrastructure such as roads and walkways, improving fishing accessibility.

Conversely, Māori access to native fisheries declined over the same period. Many parks and reserves were created on Māori land without their consent – including through compulsory purchase – displacing Māori communities and undermining their rights to govern and use mahinga kai.^{7,28,29} While some national parks were sought by iwi to protect places of cultural significance (e.g. Tongariro), others were forced upon them (e.g. Te Urewera). Use of natural resources was prohibited to preserve the special character of these parks and reserves, limiting access to native fisheries. Even where legislation permitted Māori access to resources, officials generally prohibited customary harvesting.²⁸

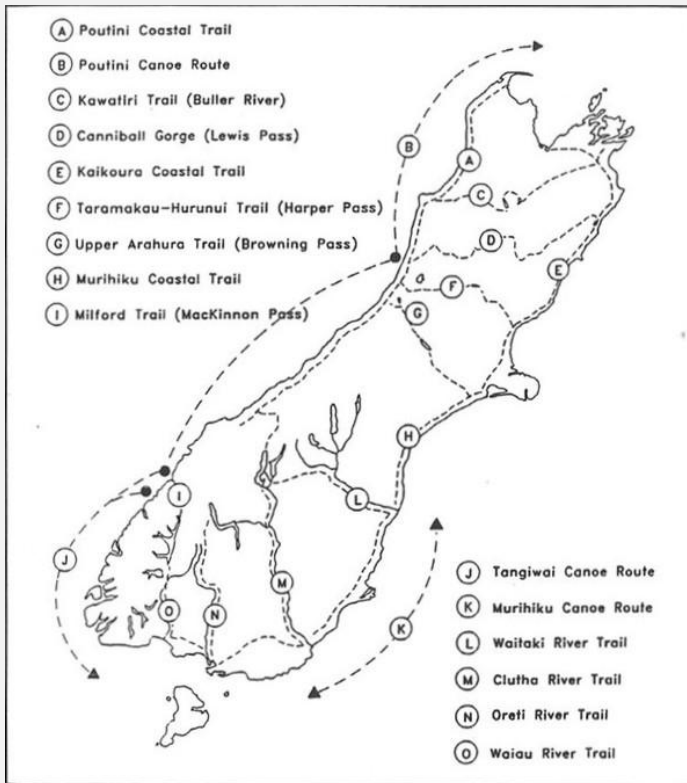
By 1965, there were 10 national parks and over 1,300 reserves, and new laws and institutions were introduced to protect native wildlife, control introduced species and manage human activities in these areas.^{10,28} Taking or interfering with native plants and animals in national parks became an offence.¹⁰ New categories of 'nature' and 'scientific' reserves with restricted access and permit systems were created, and a growing number of native animals were given protection against harvesting.¹⁰ Māori fishers thus experienced the dual blows of losing mahinga kai sites through land development (e.g. wetland drainage) and losing access to remaining intact sites through legislation.^{7,10} The creation of large no-take zones in mostly mountainous landscapes particularly impacted some iwi (e.g. Ngāi Tahu).^{29,30}

In the 1980s, conservation policy shifted towards a focus on biodiversity and scientific management.¹⁰ Earlier laws were consolidated into acts that provided more consistent and comprehensive rules for national parks, reserves and species conservation. The Department of Conservation was created to administer these acts and given broad responsibilities for management of conservation lands and species. While the new regime continued to rely on area and species-based protection, it broadened its focus beyond birds and forests.¹⁰ New regulations were created to protect waterways and manage freshwater fisheries. Legislation also required conservation to give effect to the Treaty of Waitangi and provide for traditional use of native plants and animals.⁵ These laws, with some amendments, continue to govern conservation today.

In practice, modern conservation continued to prioritise preservation and recreational access over tangata whenua rights and interests, and created barriers to customary harvesting.^{5,29} National parks in particular created 'gated areas where we are obstructed from our customary practices, locked out from decision-making, and held back from continuing our relationship with sites of deep spiritual or cultural significance'³⁰ and have been a focus of many Waitangi Tribunal claims. Native fisheries in the conservation estate remained largely inaccessible to Māori until recently, while sport fishing has been supported and promoted by conservation organisations.²⁹ However, conservation policy and practice

have shifted in the last decade, including work by the Department of Conservation to update regulations, remove barriers to customary harvest and give effect to Te Tiriti o Waitangi.^{7,29}

Seasonal harvesting by Ngāi Tahu



Ngāi Tahu hapū travelled extensively throughout their rohe to access inland mahinga kai and trade with neighbouring hapū and iwi. Freshwater fishing therefore required access to preferred fishing sites and the ability to travel across landscapes and establish seasonal encampments. These movements were more than a necessity to access resources in a challenging environment; it was a way of life.²⁵

Major South Island trails as identified by Barry Brailsford in *Greenstone trails: the Māori search for pounamu* (Wellington: Reed; 1984). Source: Waitangi Tribunal 1991, p. 189.²⁵

British settlers valued permanent occupation and cultivation of land, and therefore dismissed seasonal occupation and harvesting by Ngāi Tahu as an inferior claim to ownership.^{1,25} The Crown's purchase of South Island lands imposed exclusive use rights and boundaries over seasonal trails.¹ Most of the promised reserves to enable mahinga kai never eventuated, while the creation of national parks and reserves prevented customary harvesting in public lands.²⁵

Recognising these losses, the Ngāi Tahu settlement allocated 72 nohoanga (temporary campsites) near waterways on Crown land. Nohoanga are intended to 'provide all Ngāi Tahu with an opportunity to experience the landscape as their tipuna did, and to rekindle the traditional practices of gathering food and other natural resources'.³¹ However, only 18 sites were available for use in 2025, and many experience toxic algal blooms, limiting their suitability for fishing.³¹

Processes to improve access

Over time, agencies recognised that access to freshwater fishing had become far more restricted than promised to early settlers and tangata whenua. A range of organisations have worked to improve fishing access, achieving some noted improvements in the last 30 years.

Treaty settlements have been a key mechanism for improving tangata whenua access to waterways, fishing rights and fisheries governance.^{4,13} Through settlements, iwi have restored ownership of waterway beds (e.g. Wairarapa Moana), access rights (e.g. nohoanga sites), and co-governance of waterways and fisheries (e.g. Taupō trout fishery). These settlements have enabled iwi to take a larger role in fisheries management through monitoring, restoration and authorising commercial activities. However, such restitution varies across iwi and is limited by public access and private property rights.

The Māori Fisheries Act 2004, Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and subsequent regulations have helped to restore wider access to commercial and customary fisheries.²³ They provide for allocation of commercial quota to iwi, protection of customary fishing rights and iwi management of customary fishing in their rohe moana. As a result, customary fishing is managed by tangata whenua according to their rules and practices, sustaining traditional authority and access to fishing (with some exceptions, such as the ability to trade).

Regulations also enable tangata whenua to protect customary fishing by establishing mātaihai reserves and taiāpure, temporary closures or restrictions on fishing, and local fisheries bylaws.²³ These mechanisms – alongside traditional practices like rāhui – enable tangata whenua to protect valued fisheries from overfishing and biosecurity risks. However regulatory mechanisms also take significant resources to implement, which has limited their application to freshwater fisheries.²³ Several reports have also highlighted failures by agencies to uphold Māori rights to customary fisheries.^{5,7} In response, agencies are now working with iwi to improve access for customary harvesting and initiate wider reforms to give effect to Te Tiriti o Waitangi.^{29,30} This includes the use of cultural harvest permits to enable customary harvesting in national parks.

In recent years, government entities have undertaken significant work to improve public access to waterways and fishing, including by creating new access points and signage, negotiating with landowners and agencies, and sharing information about public accessways and rights.⁸ These improvements have generally reflected the mandate and interests of each organisation:

- **Herenga ā Nuku** has increased walking access around waterways by working with landowners and agencies to secure practical access to 'paper roads' and marginal strips, and by raising awareness of public access rights.
- **Fish & Game New Zealand** has improved angling access by negotiating angler access sites with landowners and producing detailed descriptions of site access.
- **Local governments** have improved the accessibility of public reserves for a range of ages and abilities.

While this work has enabled a range of people to access freshwater fishing, it is still limited by existing legal access rights and often dependent on landowner goodwill. Due to the values embedded through

reserve creation, access remediation priorities and landowner perceptions, some types of fishing (e.g. trout fishing) have benefited more than others (e.g. coarse fishing, tuna fishing).

Finally, agencies have undertaken proactive work to improve fishing accessibility by removing social, ecological and practical barriers. Some organisations have created fishing opportunities for junior or limited mobility anglers, such as 'fish out' pools. Others have used advocacy and events to promote access for under-represented social groups, such as youth programmes on traditional food gathering or campaigns for women anglers. Agencies are also working together to bring back valued native fisheries, raise public awareness about freshwater fish, and manage pest fish and anti-social behaviour.

Recommendations to policy- and decision-makers

The very egalitarianism of the colonists that scorned privileged access for fishing on lakes and rivers deprived Māori, in yet another way, of their Treaty rights. (Young 2004, p. 112)¹⁰

Nineteenth century ideas about access to freshwater fishing persist in cultural norms, tourism promotion, laws and institutions. They shape the ideals and assumptions that guide fishery management, from efforts to safeguard public access for recreation to fish hatcheries and stocking programmes. They can also obscure certain realities and paradoxes of access, such as the growth of elite access arrangements for tourism or the fact that preserving national parks 'in their natural state' aids sport fishing but not the continuation of customary fishing.

History highlights that these access ideas and institutions failed to uphold Māori freshwater fishing rights and contributed to the loss of the grayling, declining salmon runs and numerous biosecurity issues. While many organisations work hard to improve fishing access, the legacies of fragmented jurisdiction and competing mandates mean that progress is often slow and siloed.

Governance agencies must engage with fundamental questions about what forms of access are desirable in the 21st century. They must also address how access should be governed to resolve past injustices and promote sustainable and equitable freshwater fisheries.

What should policy- and decision-makers do with this information?

- Understand the extent of loss of access to fisheries for different social groups and the ongoing material and cultural impacts of this loss.
- Critically examine the values and assumptions embedded in access policies, and how they give effect to different dimensions of access and align with those of other agencies.
- Consider the implications of planned access improvements for other fisheries and fishers and identify opportunities for mutual benefits.
- Recognise that freshwater fishing sites and practices have historical, cultural and ecological significance, and seek fisher input on locally appropriate fishing access
- Recognise that access creates risks for fisheries and therefore confers responsibilities.

How can policy- and decision-makers effect action and change?

- Collaborate with other governance agencies to secure equitable, sustainable access to freshwater fishing.
- Implement the recommendations of existing reports on reforms needed to give effect to Te Tiriti o Waitangi, including iwi governance and co-governance of freshwater fisheries.
- Update legislation and policies to recognise Māori freshwater fishing rights and provide for customary fishing.
- Investigate options to remove legal and practical barriers to Māori freshwater fishing.
- Support initiatives by tangata whenua to protect and restore native fisheries and access to customary fishing.
- Promote responsible access to waterways and stewardship of freshwater fisheries.
- Educate staff, fishers and the public on the history of fishing access in New Zealand and its unequal outcomes for different fisheries and fishers.

Selected glossary

Term	Definition
Hākari	Feast, celebration
Hau kāinga / hau kāika	Home people, local people of a marae
Hīnaki	Traditional woven basket-like fish traps
Īnanga / īnaka	Main whitebait species (<i>Galaxias maculatus</i>)
Kaihaukai	A Kāi Tahu tradition involving the reciprocal exchange, bartering or sharing of food among kinship groups
Kaitiaki	Guardian
Kākahi / kāeo / torewai	Three species of freshwater mussel (<i>Echyridella menziesii</i> , <i>E. aucklandica</i> , <i>E. onekaka</i>)
Kanakana / piharau	Lamprey (<i>Geotria australis</i>)
Kōaro	Climbing galaxiid (<i>Galaxias brevipinnis</i>), a whitebait species
Kōkopu	Three species of galaxiid, also whitebait: giant kōkopu (<i>Galaxias argenteus</i>), banded kōkopu (<i>G. fasciatus</i>), shortjaw kōkopu (<i>G. postvectis</i>)
Kōura / kēkēwai / kēwai	Native freshwater crayfish (<i>Paranephrops planifrons</i>)
Kōwaro / hauhau / waikaka	Five species of mudfish (<i>Neochanna burrowsius</i> , <i>N. heleios</i> , <i>N. apoda</i> , <i>N. diversus</i> , <i>N. rekohua</i>)
Mahinga kai / mahika kai	Food-gathering sites, traditions and methods
Manawhenua	Customary authority over a particular area and use of its resources
Maramataka	Māori lunar calendar
Mātauranga Māori	The body of knowledge originating from Māori ancestors
Nohoanga	Seasonal occupation sites used by Kāi Tahu
Pā kanakana / utu piharau	Lamprey weir, used to catch lamprey swimming upstream
Pā tuna	Traditional weir for catching tuna
Porohe	Common smelt (<i>Retropinna retropinna</i>)
Rāhui	A temporary ritual prohibition, closed season, ban, reserve
Raupō	Bullrush (<i>Typha orientalis</i>), a common wetland plant
Salmonids	Trout and salmon species
Tangata whenua / takata whenua	Local Indigenous peoples
Tiriti o Waitangi	Te reo Māori text of New Zealand's founding document
Treaty of Waitangi	English-language text of New Zealand's founding document
Tuna	Freshwater eels, including the longfin eel (<i>Anguilla dieffenbachii</i>) and shortfin eel (<i>A. australis</i>)
Upokororo	Grayling (<i>Prototroctes oxyrhynchus</i>), extinct

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