

Rakiura Tītī Islands Management Plan



Pupuruitia ngā taonga a ngā tipuna kia mau te tītī
mö ake tonu atu

Whakatauki

Kia matära ki te taunga o ngä taonga

Te whänuanga, te Paopaonga

Te hune, te huruhuru,

Ka mau, kia kikii, kia kikii

Ka tau mai a Rongo

Ka whakamaua kia tina! Tina!!

Haumi e

Hui e

Taiki e

Be alert to the landing of the gifts

To the laying of the hua

To the hatching of the titi

To the down

To the feathers

Grasp them

Hold firmly, hold firmly

Rongo has landed binding all in peace

Gather together to fix them! Fix them!!

Bind together

Tighter

All is set

Vision Statement

Pupuritia ngä taonga a ngä tipuna
kia mau te titi mö ake tonu atu

Hold fast to the treasures of our ancestors and keep the titi forever

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Part One — Introduction

1.1 *Background*

1.1.1 Purpose

The Rakiura Tītī Islands Management Plan is to be a working document. Its primary function is to provide guidance to the Rakiura Tītī Islands Administering Body (the Administering Body) with respect to their duties and obligations under the Ngāi Tahu Deed of Settlement 1997¹ (the Deed) to administer and manage the islands “as if they were a nature reserve” subject to the customary rights of Rakiura Māori to harvest tītī on a sustainable basis. The secondary purpose is to record some of the ways in which Rakiura Māori intend to continue to protect the mauri of the Rakiura Tītī Islands through the appropriate management, use and protection of the islands and the resources associated with those islands.

1.1.2 What the plan does not cover

The plan does not cover the group of tītī islands known collectively as the Beneficial Tītī Islands. While those islands are located in the same general area as the Rakiura Tītī Islands they have the status of Māori Freehold Land and are administered under a separate regime. Activities on those islands are governed by the Tītī (Muttonbird) Islands Regulations 1978.

1.1.3 Relationship to other Plans

This plan records the approach of Rakiura Māori to the integrated management of the Rakiura Tītī Islands. The plan will have the status of an Iwi Management Plan under the Resource Management Act 1991 once Te Rūnanga o Ngāi Tahu (Te Rūnanga) as an iwi authority has adopted it as such. Accordingly, the plan will help to inform the public, local and regional authorities, Crown agencies as to the aspirations of Rakiura Māori in relationship to the management of the islands and the

¹ Extracts from the relevant sections of the Ngāi Tahu Deed of Settlement 1997 and the Ngāi Tahu Claims Settlement Act 1998 are attached as Appendices II and III respectively.



sustainable harvest of tūī. The plan should be read alongside of any other relevant iwi management plan. The plan is not a substitute for consultation with Rakiura Māori or the Administering Body.

1.2 *Rakiura Tūī Islands Administering Body*

The Administering Body was established to control and manage the Rakiura Tūī Islands in accordance with the provisions of the Deed and Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act). It comprises of up to 10 persons appointed by the Minister of Conservation (the Minister). Up to nine of the members are elected by Rakiura Māori and one member is selected by Te Rūnanga.

1.2.1 Powers, Duties and Obligations

In general the Administering Body has the same powers and functions of an ordinary Administering Body appointed under the Reserves Act 1977. These powers and functions include the power to issue permits to enter the islands, ensuring compliance with the bylaws for the islands, consulting with Rakiura Māori on matters relating to the islands, working with the Department of Conservation (the Department) and others on work programs and preparing a management plan for the islands.

The first task of the Administering Body was to work with Te Rūnanga prepare a constitution to govern its activities and to work with Te Rūnanga and the Department to prepare Bylaws for the control and management of the islands. This work was completed in October 2002 and the Bylaws were approved by Te Rūnanga and then signed off by the Minister in December 2004. In March 2005 the Administering Body was formally appointed to control and manage the Rakiura Tūī Islands.

1.2.2 Relationships with other agencies

The only two statutory relationships that the Administering Body presently has with other agencies are with Te Rūnanga who received the title to the Rakiura Tūī Islands as part of the redress package for Te Kerēme and the Department who, in addition



to having certain obligations under the Deed, administers several pieces of legislation which are relevant to the management of the islands.²

In addition the Administering Body has less formal relationships with —

- Rakiura Tītī Committee – this committee is elected in accordance with the Tītī (Muttonbird) Islands Regulations 1978 to undertake tasks in relation to the Beneficial Tītī Islands.
- Kā Mate a Kiore – a body set up to oversee the eradication of rats from certain tītī islands.
- Whenua Hou Committee – Whenua Hou was one of the stopping off places for Rakiura Māori travelling to the islands and is the site of one project of the ongoing research into tītī
- University of Otago, Department of Zoology - Kia Mau Te Tītī Mo Ake Tonu Atu, a ten year research partnership.
- NIWA (National Institute of Water and Atmospheric Research) – a research partnership investigating the relationship between sea temperatures and the availability of food for tītī.
- Te Ao Marama – a committee made up of members of the four Papatipu Rūnanga from the Murihiku area which deals with resource management issues.
- Southland District Council – Local Authority responsible for the preparation of District Plans.
- Environment Southland – Local Authority responsible the preparation of Regional and Coastal Plans.

1.3 *Rakiura Tītī Islands*

The term Rakiura Tītī Islands refers to a group of 18 islands (together with any adjacent islets, rocks and stacks) located in the coastal waters adjacent to Rakiura. The islands were formerly known as the Crown Tītī Islands. The legal description of the islands is to be found in Appendix III.

1.3.1 Relationship of Rakiura Māori to the Rakiura Tītī Islands

Rakiura Māori history and whakapapa is based on their relationship to tītī and the tītī islands. Tītī and the islands on which they are harvested are an integral part of the

² Conservation Act 1987; Reserves Act 1977; Wildlife Act 1953; Marine Mammals Protection Act 1978 and Marine Reserves Act 1971.

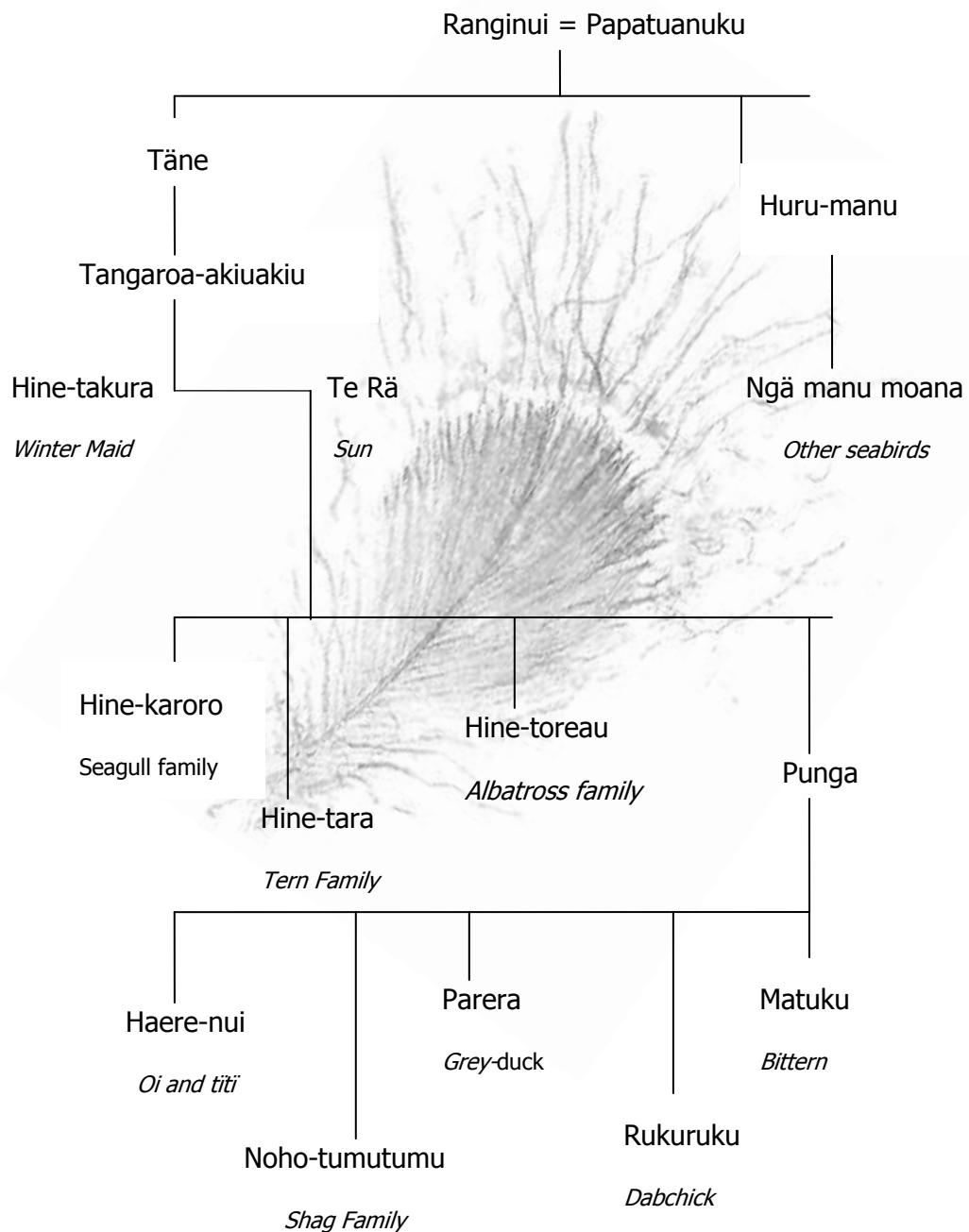


history, culture and traditions of Rakiura Mäori. The landforms, the flora and fauna, and the oceans which support the life found on the islands are all considered taonga by Rakiura Mäori. Each of these elements has both a tangible and spiritual component. They are all linked by whakapapa which explains their relationship to each other and to the creation stories which explain their place within the Mäori world.

In Mäori tradition there was a time where nothing existed, Te Kore, which was followed by Te Po, the long time of darkness. Te Ao Märama, the first rays of light was followed by Te Ao Türoa, the long period of light which preceded the emergence Te Mäkü or moisture.

Te Mäkü went on to have a relationship with Mahoranui-a-tea and they produced Ranginui whose relationship with Pokoharua-te-po produced Aoraki and the winds - Täwhirimätea, Tiu and Rakamaomao. In Ngäi Tahu traditions the mainland of the South Island was created when the waka of Aoraki and his brothers was overturned and turned to stone.

Te Moretu, the elder brother of Pokoharua-te-po produced Tangaroa. Although Tangaroa is best known as the progenitor of the oceans he is also found in the whakapapa of other taonga such as pounamu and, as shown in the whakapapa set out on the following page, Tangaroa is the progenitor of many of the families of sea birds.



In another creation story, some, if not all, of the tītī islands were created when the deity Kiwa called on the whale known as Kewa to create a waterway so the journey between Murihiku and Rakiura could be made by waka. Kewa proceeded to chew his way through the isthmus and the islands of the area are said to represent the



crumbs which fell from Kewa's mouth during this heroic effort. The seas of this area are known as Te Ara a Kiwa (the pathway of Kiwa) in memory of this event.

Oral traditions suggest the islands were first visited for the purposes of harvesting tītī soon after Māori first occupied the southern regions. Tītī were a particularly valuable mahinga kai resource as they were (and continue to be) plentiful and once preserved they can be kept for years if necessary. Tītī were not only one of the key food resources for Rakiura Māori - equally importantly tītī were a tradeable commodity between iwi members and even with other iwi.

Activities associated with the harvesting of tītī were observed by the earliest European explorers. Several gave accounts of the preparations for the harvest and of the stacks of preserved tītī being landed on the mainland. Europeans also reported that the southern shores were virtually deserted during the months of the tītī harvest.

The customary rights and practices established in pre-European times are still largely observed today. Only those people with the whakapapa rights were permitted to travel to the islands to harvest tītī. The islands were tapu during the times that the birds were nesting and raising their chicks. There was also a rāhui on the taking of the eggs and adult birds. Whānau would be allocated manu (harvesting areas) on which, after a time, they would establish their ahi kaa. The hākuwai was considered to be the guardian of tītī and would make an appearance to signal the end of the harvesting season. These restrictions were imposed by tohunga and rangatira within the iwi.

Te kāranga a te Hākuwai	The call of the Hākuwai
He tohu ki te Tītī pīrere	<i>Is a sign to fledgling tītī</i>
He kāranga tapu	<i>It is a sacred/special sound</i>
Ka mau I te whatu manawa	<i>That grabs the emotions</i>
O te tāngata	<i>Of the people</i>
Kā here tāngata	<i>People tied through whakapapa</i>
Kā here whenua	<i>Tied to the land</i>
Kā tu te pō	<i>Let night come</i>
Kā tu te ao	<i>Let day come (It will always be)</i>
Ti heiwa Mauriora	<i>Aah, life is good</i>



Post 1840

The Treaty of Waitangi signed was signed on Ruapuke Island on June 10th 1840 by Tuhawaiki and two others. The Crown agent, Bunbury, explained that the purpose of the Treaty was to keep peace and good order and to extend the protection of the Queen to the Māori people of New Zealand to protect them from the evils of the lawlessness of European and Māori. One of the key provisions of the Treaty was that Māori were to retain their lands, forests and other taonga for as long as they wished to possess them, however should Māori sell land the Crown reserved the right to purchase that land.

In 1864, the Crown purchased Rakiura and all of the adjacent islands. The negotiations for the sale were delayed as the Government agent, Henry Clarke, arrived at the beginning of the birding season. It was not until May of that year that the negotiations could begin in earnest. All of the tītī islands were included in the sale. However the Rakiura Deed recorded that the beneficial tītī islands, while in Crown ownership were to be "*returned to us (the sellers) as reserves for us and our descendants ... under the protection and management of the Government*".³

It has been suggested that the tītī islands were included in the sale because the iwi was no longer able to exercise its own authority to prevent Europeans and others without rights from entering the islands. Within three years of the sale of Rakiura the Government passed the first legislation to empower the Governor to pass regulations to "protect the islands from trespassers and the birds thereon from destruction". The first regulations concerning the taking of tītī were passed in 1912 after a series of Court hearings to determine the owners of the beneficial islands.

These regulations were passed after consultation with all persons interested in taking tītī and confirmed the exclusive rights of Rakiura Māori to enter the islands and to take tītī. Those present at the Court hearings unanimously agreed that no-one was to disturb the birds between October 1st and March 20th and entry to the islands

³ The ownership of the beneficial tītī islands was subsequently vested in the descendants of the original owners pursuant to s.6 Māori Purposes Act 1983.



during that time was by permit only. No-one was to take ferrets or similar animals to the islands, although cats could be taken with the permission of the Commissioner of Crown Lands and dogs were permitted provided they were taken home at the end of the season. Birders could enter the islands from the 20th of March and could take birds for immediate consumption until April 1st when the birding season commenced. The Governor was to provide for the issuing of permits and licences to take tītī and for punishments including the punishment of trespassers.

Notwithstanding the sale of the Rakiura Tītī Islands Rakiura Māori continued to exercise their customary rights on those islands. Thus when the regulations were promulgated they applied, not only to the beneficial islands, but also to the Rakiura Tītī Islands (known at that time as the Crown Tītī Islands). Under the Tītī (Muttonbird) Islands Regulations 1978 (the Regulations) Rakiura Māori are defined as being a person who is a member of the Ngāi Tahu or Ngāti Mamoe tribe and is also a descendant of the original owners of Rakiura.

The key aspects of the original regulations are still in place today and form the basis of the Bylaws for the Rakiura Tītī Islands. From 1912 until 1987 the Regulations were administered by the Commissioner of Crown Lands. In 1978 the Regulations were changed to provide for a committee of Rakiura Māori to be appointed to provide advice to the Commissioner on certain matters within the Regulations. In 1987, the responsibility for administering the Regulations was transferred to the Director General of Conservation.

Te Kerēme and the Ngāi Tahu Deed of Settlement

In 1986 the Ngāi Tahu Māori Trust Board lodged a claim on behalf of the iwi with the Waitangi Tribunal. The hearings process took over 3 years and several of the claims before the tribunal concerned the sale of Rakiura and the ownership status and management of the Rakiura Tītī Islands. The Tribunal did not uphold the claim that the Rakiura Tītī Islands had been inadvertently included in the Rakiura Deed. However, it did recommend that the beneficial ownership of the islands be vested "*in such persons or bodies as may be nominated by Ngāi Tahu and be subject to similar management regime as the beneficial tītī islands.*"



Negotiations to settle Te Kerēme began in 1990. The return the Rakiura Titii Islands to ownership of the iwi and the transfer the management responsibilities to Rakiura Māori was a key priority for the Ngāi Tahu Negotiating Group. In 1996, Te Rūnanga signed a heads of agreement which provided that:

"... freehold title to the Crown Titii Islands to be transferred by way of gift to Ngāi Tahu, exempt from the requirement for marginal strips. The Islands would be managed by Ngāi Tahu as if they were a nature reserve, subject to the traditional rights of Rakiura Māori to take titii as set out in the Titii Regulations. Ngāi Tahu would be required to prepare a management plan in accordance with the Reserves Act. Ngāi Tahu and the Crown would agree a joint work programme each year for the islands. The Minister of Conservation or his representative would be given the right of access to the islands on reasonable request and would be able to attend meetings of the administering body about the management of the islands."

The Deed was signed on the 10th of November 1997. The Deed provided that the Rakiura Titii Islands were to be returned to Ngāi Tahu with the control and management of the islands resting with Rakiura Māori via an Administering Body whose members are to be Rakiura Māori. The Deed also provided that legislation would be passed to give effects to those agreements and on October 1st 1998 the Ngāi Tahu Claims Settlement Act 1998 came into effect. On that day the ownership of the Rakiura Titii Islands was vested in Te Rūnanga and the process was set in place to appoint the Administering Body, to develop a constitution for the Administering Body and Bylaws for the Rakiura Titii Islands.

Only those persons with whakapapa rights and their spouses are entitled to travel to the islands and to harvest titii. Harvesting is generally carried out by whānau groups many of whom have travelled to the same island for many generations. Manu are allocated in accordance with the tikanga for each island. In order to ensure an ongoing harvest only the chicks are harvested and great care is taken to ensure that any burrows damaged are repaired.

1.4 Natural Values of the Rakiura Titii Islands

The Rakiura Titii Islands are scattered about off the coast of Rakiura. The majority fall within the Mt Allen Ecological district with the remainder being in the Foveaux



Ecological district. Most of the islands are exposed to the sometimes extreme weather conditions associated with the southern ocean. The islands are described as being “seabird islands” rather than “forest islands”. While each island is unique, as a group they may be characterised as being relatively small in size, with rugged features. The soil is generally rich and peat like and the vegetation is dominated by the coastal forest species tētēaweka, pūheretāiko and tūpare. The islands are home to several species of flora and fauna that are nationally rare, and in some instances, that are on the international endangered species list. It is however tītī that is the keystone species of each of these islands.

The landforms, flora and fauna, and the oceans surrounding the islands are all taonga of Rakiura Māori. The mauri of each of these elements are inter-related and are the essence of what binds Rakiura Māori as a people.

Successive generations of Rakiura Māori have made the annual journey known as te heke hao kai tītī for mahinga kai since the earliest occupation of Murihiku. The annual tītī harvest is thought to be one of the only examples of a traditional harvest of an indigenous people that has remained exclusive to those people post colonisation. The harvest is important in both social and economic terms. In pre-European times surpluses were traded for other items of value. In more modern times, the continued trading of the tītī harvest has provided a boost to not only the income of the birders, but to the Murihiku economy. Many children of Rakiura Māori owe their educational opportunities to the tītī harvest.

In addition to the customary harvest of tītī, Rakiura Māori are the kaitiaki of the islands and have a pivotal role to play in retaining the biodiversity and natural values of not only the Rakiura Tītī Islands, but also of all of the southern islands. In partnership with the Department (and previously the Wildlife Service), Rakiura Māori on several of the Rakiura Tītī Islands have participated in measures to ensure the survival of species such as tieke, tutukiwi and toutouwai. Whānau on the Rakiura Tītī Islands have also worked with the Department to eradicate weka and kiore from a number of islands. The majority of the islands are thought to be predator free. Only four of the islands are known to have either rats or introduced weka present in 2006.



Part Two — Statutory Framework

2.1 *Ngäi Tahu Deed of Settlement and Ngäi Tahu Claims Settlement Act 1998*

On November 21 1997, the Crown and Te Rünanga⁴ entered into a binding agreement, with the intention of settling Ngäi Tahu’s historical claims against the Crown in respect of various breaches of the Treaty of Waitangi which occurred prior to 1992. One component of the Deed of Settlement was the provision which guaranteed the return of the Rakiura Tītī Islands (formerly known as the Crown Tītī Islands) to the ownership of Ngäi Tahu.

Although title to the Rakiura Tītī Islands was transferred to Te Rünanga, the Deed provides that the control and management of the islands was to be vested in Rakiura Mäori via an Administering Body.⁵ The Settlement Act 1998 gave legislative effect to certain parts of the Deed including some of the provisions pertaining to the Rakiura Tītī Islands.

What is sought to be achieved in the Deed and the Settlement Act is unique. The agreements between Te Rünanga and the Crown are intended to provide Rakiura Mäori with the framework in which to exercise, to the fullest extent possible, rangatiratanga over the exercise of their customary rights to harvest tītī from these islands.

The key provision in both the Deed and the Settlement Act is that the islands are to be managed “as if they were a nature reserve”, subject to the customary rights of Rakiura Mäori to take tītī on a sustainable basis. The provisions make it clear that these arrangements must not adversely affect those customary rights.⁶

⁴ The legal entity established to act for and on behalf of the Ngäi Tahu people pursuant to s.6 Te Rünanga o Ngäi Tahu Act 1996.

⁵ Clause 13.6 Ngäi Tahu Deed of Settlement 1997 & ss 333-337 Ngäi Tahu Claims Settlement Act 1998

⁶ Clause 13.6.2(f) &(g) Deed of Settlement & ss 2&3 Settlement Act 1998



There are other provisions within the Deed and Settlement Act that provide an opportunity for the Administering Body to work with Te Rūnanga to have input into a range of matters which may have an impact on the sustainable harvest of titi. These include Te Rūnanga's role as a statutory advisor to the Minister of Fisheries and the input which Te Rūnanga may have into RMA matters.

2.1.1 Relevant Deed Provisions

The Deed provided that while the title to the islands would transfer shortly after the passage of the Settlement Act, control and management would not pass from the Department of Conservation to Rakiura Māori until three preliminary conditions were satisfied.⁷ These conditions were the selection and appointment of the members of the Administering Body, the development of a Constitution for the Administering Body and Bylaws to replace the existing regulations⁸.

The Minister of Conservation was required to approve the bylaws provided that he or she was satisfied that the –

- (a) constitution met all of the criteria set out in clause 13.6 of the Deed; and
- (b) initial bylaws are in accordance with clause 13.6 of the Deed and were not inconsistent with the Reserves Act.⁹

These conditions have all been complied with and on March 5th 2005 the Crown administration of the Rakiura Titī Islands ceased and that role is now being undertaken by the Rakiura Titī Islands Administering Body.

2.1.2 Constitution of the Rakiura Titī Islands Administering Body

The Constitution of the Rakiura Titī Islands Administering Body was prepared after a series of wānanga and hui involving Rakiura Māori.¹⁰

The Constitution was required to –

⁷ Clause 13.6.2 Deed of Settlement

⁸ Titī (Muttonbird) Islands Regulations 1978

⁹ Clause 13.6.6 Deed

¹⁰ See Appendix IV



- (a) comply with Clause 13.6 of the Deed and to take into account the relevant provisions of the Reserves Act and the Regulations existing at the time of the Deed; and
- (b) include the matters set out in sub-clauses (a) to (e) of clause 13.6.4 of the Deed.

The constitution is a reasonably standard document which establishes a set of objectives for the Administering Body, the procedures for electing or removing the members of the Administering Body, processes for holding meetings and keeping records, along with other administrative matters. The Constitution also provides that the Administering Body has a duty to *"protect the customary rights of Rakiura Mäori to take titi on a sustainable basis"*¹¹ and to *"protect, maintain, restore and enhance the Rakiura Titii Islands"* in a manner that is consistent with those rights.¹²

2.1.3 Bylaws for the Rakiura Titii Islands 2005

The content of the Bylaws was agreed to by Rakiura Mäori in September 2002 after a series of hui and wänanga.

The initial bylaws for the Rakiura Titii Islands were required to —

- (a) comply with clause 13.6 of the Deed; and
- (b) take into account the relevant provisions of the Reserves Act and the Regulations in existence at the time of the Deed.¹³

The Bylaws were later approved by Te Rünanga o Ngäi Tahu and the Minister of Conservation in accordance with clause 13.6.6 of the Deed and came into effect on March 5th 2005.¹⁴ They are designed to govern access to, and the activities associated with birding on, the Rakiura Titii Islands.¹⁵

¹¹ Clause 3.2 Rakiura Titii Islands Administering Body Constitution (1/12/2004)

¹² Clause 3.3 Rakiura Titii Islands Administering Body Constitution (1/12/2004)

¹³ Clause 13.6.5 Deed

¹⁴ *New Zealand Gazette*, 10/3/2005, No. 48, p. 1267

¹⁵ See Appendix V



2.1.4 Taonga Species

In recognition of their importance to the iwi tītī were recognised by the Crown as a taonga species under the Deed and Settlement Act.¹⁶ As a consequence, the Minister of Conservation must advise Te Rūnanga in advance of any planning processes which may relate to tītī and to consult with and have particular regard to the views of Te Rūnanga when the Minister makes any policy decisions concerning the protection, management or conservation of tītī.

2.1.5 Statutory Acknowledgement - Rakiura / Te Ara a Kiwa

In recognition of the long association of Ngāi Tahu Whānui with the coastal areas around Murihiku / Rakiura the Crown has recognised Ngāi Tahu's association with that area. This gives Te Rūnanga status under the RMA to make submissions when the Regional and District Councils are preparing plans or making certain decisions under that Act.

2.2 Reserves Act 1977

The Reserves Act 1977 sets out broad principles for the management of lands covered by the provisions of the Act. The Act provides for seven different classes of reserve: recreation, historic, scenic, nature, scientific, government purpose and local purpose, with specific purposes set out for each classification.

The Rakiura Tītī Islands are lands held in freehold title. They are to be managed "as if they were a nature reserve" subject to the customary rights of Rakiura Māori to take tītī on a sustainable basis so that those rights are not to be in any way adversely affected by this management regime. Thus, although they are not in fact a nature reserve, and subject to the provisions contained in the Deed protecting the customary rights of Rakiura Māori, the islands are to be managed for the purpose of:

¹⁶ s.288 Ngāi Tahu Claims Settlement Act 1998



protecting and preserving in perpetuity indigenous flora and fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation is in the public interest.¹⁷

Having regard to the Deed and the general purpose of their status “as if they were a nature reserve”, the Rakiura Tītī Islands are to be managed so that:

- they are preserved as far as possible in their natural state;
- except where the Minister of Conservation and the Administering Body otherwise agree, the indigenous flora and fauna, ecological associations, and natural environment shall as far as possible be preserved and the exotic flora and fauna as far as possible be exterminated;
- for the better protection and preservation of the flora and fauna in its natural state, no person shall enter the islands, except under the authority of a permit;
- the expression “enter the islands” includes any physical contact with the land by boat; and for this purpose any physical contact with the land shall be deemed to include the attaching (by rope or otherwise) of a boat to an island or to a wharf constructed on or partly on an island;
- where scenic, historic, archaeological, biological, geological, or other scientific features are present on the islands, those features shall be managed and protected to the extent compatible with the principal or primary purpose for the islands; and
- to the extent compatible with the principal or primary purpose of the islands, their value as soil, water, and forest conservation areas shall be maintained.

2.3 Conservation Act 1987

The Conservation Act 1987 sets out broad principles for the management of conservation areas, indigenous freshwater fisheries, and other natural or historic resources. The functions of the Department of Conservation include:

- managing for conservation purposes, all land, and all other natural and cultural resources, held under the Conservation Act or managed by the Department;
- to advocate the conservation of natural and historic resources generally; and
- to administer undertake any functions conferred on the Department by any other enactment.¹⁸

¹⁷ s.20 Reserves Act 1977

¹⁸ s.6 Conservation Act 1987



The Conservation Act must be interpreted and administered so as to "give effect to the principles of the Treaty of Waitangi".¹⁹ The Department has tended to limit the scope of this provision to a duty to:

- *"Act reasonably and in good faith (the partnership principle);*
- *Make informed decisions;*
- *Actively protect Māori taonga to the fullest extent possible (the principle of active protection);*
- *Avoid action which will prevent the redress of claims; and*
- *Government must be able to govern.*²⁰

The iwi understanding of the effect of the duties of the Department under s.4 is much more expansive. In respect of the Rakiura Tītī Islands this would include (but is not limited to) a duty for the Department to —

- ensure (to the extent it is possible to do so) that Rakiura Māori are able to effectively exercise Rangatiratanga over the islands. In this context Rangatiratanga includes the rights of Rakiura Māori to manage the islands according to their own cultural preferences;
- give effect to rangatiratanga of Rakiura Māori in respect to the management and use of the Rakiura Tītī Islands by recognising and providing for the exercise of their customary rights when exercising any power or function under the Conservation Act or any other Act mentioned in the second schedule to that Act;
- give effect to rangatiratanga of Rakiura Māori by supporting the Administering Body to be the decision-making authority over the conservation, control of, and proprietorial interests in natural resources including indigenous flora and fauna me o ratou taonga katoa which are found on the Rakiura Tītī Islands;
- give effect to the rangatiratanga of Rakiura Māori by recognising their right to determine indigenous cultural and customary heritage rights in the knowledge and use of indigenous flora and fauna me o ratou taonga katoa which are found on the Rakiura Tītī Islands;
- give effect to the rangatiratanga of Rakiura Māori by recognising their right to participate in, benefit from, and make decisions about the application of existing and future technological advances as they relate to the breeding and other processes relevant to the use of indigenous flora and fauna which is found on the Rakiura Tītī Islands;

¹⁹ s.4 Conservation Act 1987

²⁰ Conservation Management Strategy Sub-Antarctic Islands 1998-2008

- give effect to the rangatiratanga of Rakiura Mäori by recognising their right to control and make decisions about the propagation, development, transport, study or sale of indigenous flora and fauna on the Rakiura Titi Islands;
- give effect to the rangatiratanga of Rakiura Mäori by recognising their right to protect, enhance and transmit the cultural, medicinal and spiritual knowledge and concepts found in the life cycles of indigenous flora and fauna on the Rakiura Titi Islands;
- give effect to the rangatiratanga of Rakiura Mäori by recognising their right to participate in, benefit from and make decisions about the application, development, uses and sale of me o ratou taonga katoa found on the Rakiura Titi Islands;
- give effect to the rangatiratanga of Rakiura Mäori by recognising their right to protect, enhance and transmit the cultural and spiritual knowledge and concepts found in me o ratou taonga katoa which are related to the Rakiura Titi Islands.²¹
- actively protect the existing customs, traditions and practices of Rakiura Mäori associated with the Rakiura Titi Islands and the right to the ongoing development of those customs, traditions and practices;
- giving effect to the principle of partnership by acting towards Rakiura Mäori with the utmost good faith in implementing the provisions within the Deed of Settlement. This includes, but is not limited to, providing adequate resources to enable the Administering Body to fulfil its role under the Reserves Act and to engage with the Department as provided for within the Deed of Settlement; and
- giving effect to the principle of partnership by consulting Rakiura Mäori about any matter when formulating any policy or taking any decision which may have an impact on the Rakiura Titi Islands and to have particular regard to their views.

2.4 *Wildlife Act 1953*

The Wildlife Act 1953 provides that most indigenous wildlife has absolute protection from human activity throughout New Zealand. There are some exceptions, such as the rights of Rakiura Mäori to harvest titi, and other exceptions have been made particularly when wildlife is causing injury to humans, or damage to property including land and stock. The Act also governs the taking and possession of birds and other animal species.

²¹ Adapted from Saana Murray, Maui Solomon, Del Wihongi and Hori Parata, “WAI262: Safeguarding Intellectual and Cultural Rights” presentation, He Minenga Whakatū Hua o Te Ao Conference, 25-27 August 2000.



2.4.1 Tītī (Muttonbird) Islands Notice 2005

This notice provides that tītī which are a partially protected species under the Wildlife Act may be harvested on the Rakiura Tītī Islands in accordance with the Bylaws for the Rakiura Tītī Islands 2005.

2.5 *Other Legislation*

While Rakiura Tītī Islands are lands controlled and managed by the Administering Body in accordance with the Ngāi Tahu Deed of Settlement, activities on or around the island are subject to a variety of other New Zealand laws. Other statutes of general relevance to management of resources in the Rakiura Tītī Islands include:

2.5.1 Historic Places Act 1993

This Act provides the means to have significant historic places in New Zealand registered and protected. It determines the functions of the Historic Places Trust which undertakes the registration of historic places, advocacy and public education and management of historic properties. The Trust can also exercise statutory powers to protect archaeological sites.

2.5.2 Local Government Act 1974

This Act gives the Minister of Conservation the powers, functions and duties of both a regional and district council under the Resource Management Act 1991 (RMA), as they pertain to the coastal marine areas (CMAs) surrounding the islands.

2.5.3 Marine Mammals Protection Act 1978

The Marine Mammals Protection Act 1978 provides for the protection, conservation, and management of marine mammals within New Zealand and New Zealand fisheries waters (extending 200 miles offshore). The Act places restrictions on the taking of marine mammals from their natural habitat, and prohibits the disturbance or harassment of marine mammals.

2.5.4 Resource Management Act 1991

The purpose of this Act is to promote sustainable management of New Zealand's natural and physical resources. Activities on land are deemed to be permitted unless they contravene a rule in a district plan. Currently the Southland District Plan places



no constraints on land activities in terms of this Act although discharges into water or air do require resource consents.

Activities other than the normal passage of shipping and fishing in the Coastal Management Areas (defined by the line of Mean High Water Springs out of the 12 mile territorial sea limits) also require resource consents unless they are specifically permitted by a rule in a regional coastal plan. (Fishing is defined as removal of fish stocks by lawful fishing activities and use of the seabed for fish harvesting).

The New Zealand Coastal Policy Statement prepared under the RMA is a statutory policy that is administered by the Minister of Conservation.

The RMA also provides for the Minister for the Environment to make regulations for the control of discharges from vessels and dumping of waste within the territorial sea.

In any RMA matter, including applications for resource consents, the Administering Body's advocacy position will be guided by the provisions of this plan.

2.5.5 Fisheries Act 1983/1996

The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability, which means maintaining the potential of fisheries resources to meet the needs of future generations and avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment. All marine life, both plant and animal, is subject to this Act, except within marine reserves.

Three environment principles regarding long-term viability of species, maintenance of biological diversity, and protection of habitat, must be taken into account in the utilisation of fisheries resources. The Minister of Fisheries may also set sustainability measures which can relate to catch limits for any fish, aquatic life or seaweed stock, areas from which any stock may be taken, fishing methods and fishing seasons. Before setting any sustainability limits the Minister of Fisheries shall have regard to any relevant conservation management strategy or plan.

This Act also recognises population management plans approved under the Wildlife Act 1953 and the Marine Mammals Act 1978 which may set limits on fishing-related mortality of protected species. If there is no population management plan, the



Minister of Fisheries may still take measures to avoid, remedy or mitigate the effect of fishing-related mortality on protected species.

The Act also provides mechanisms to set aside areas known as Mataitai or Taiapure in order to provide for local controls over inshore fisheries.

Taking advantage of management opportunities under the Fisheries Act would allow Rakiura Māori to be involved in the integrated management of the harvest of mahinga kai and the protection of the food sources which support the flora and fauna found on the Rakiura Tītī Islands.

2.5.6 Maritime Transport Act 1994

This Act provides for oil spill management and response within the Exclusive Economic Zone.

2.5.7 Foreshore and Seabed Act 2004

This Act proscribes the process for Māori establishing customary interests in the foreshore and seabed and guarantees public access across the foreshore. However it does not over-ride the provisions of the Reserves Act which makes it unlawful for any person to enter the islands without a permit.

2.5.8 Aquaculture Act 2005

This Act proscribes the process for the establishment of Aquaculture Management Areas for the purposes of marine farming operations.



Part Three — Hierarchy of Management Objectives

There are two key management objectives for Rakiura Tītī Islands Administering Body. The primary management objective is to ensure that the Rakiura Tītī Islands are managed in such a way as to ensure that this and future generations of Rakiura Māori may continue to access the islands and to harvest tītī in accordance with their customary rights and traditions. The secondary management objective is to manage the islands “**as if** they were a nature reserve” provided that such management may not in any way adversely affect the customary rights of Rakiura Māori to take tītī from those islands.

In essence this means that the Management Plan must recognise and provide for those activities associated with the annual harvest of tītī by Rakiura Māori which would otherwise be precluded by treating the islands as if they were a nature reserve. The plan provides that Rakiura Māori may access the islands for the purposes of harvesting tītī and may (amongst other things) erect structures and cut tracks for access within the islands.

3.1 Facilitation of Customary Harvest

3.1.1 Permits to enter the islands

The Bylaws for the Rakiura Tītī Islands make it clear that no person is to enter on to the islands without a written permit issued by the Administering Body. Rakiura Māori may enter the islands each year between March 15th and May 31st for the purposes of exercising their customary rights to harvest tītī provided they have a permit issued at the Annual General Meeting (Permit Day).

In general those permits allow Rakiura Māori and their whānau members named on the permit to be present on particular islands subject to any conditions which may be placed on the permit by the Administering Body. Rakiura Māori may also seek permits to take dogs to the islands. Permits may also be issued to non-Rakiura Māori (such as builders) to be taken to an island by a Rakiura Māori to assist in the construction or maintenance of any permitted structures on the islands. Implicit in the permit to access the islands is permission to land such food, materials and equipment as may be required to sustain the permit holder during their time on the island. In the case of Rakiura Māori, unless otherwise stated, Rakiura Māori may

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also harvest and process titi and under-take all associated activities permitted by the Bylaws or this management plan.

Traditionally Rakiura Mäori and their provisions were transported to, and were landed on, the rocky coasts of the islands by boat. In recent times with the advent of helicopter transportation, while people and goods may travel down to the islands by boat, most of the actual landings are carried out by helicopter. These transport operators also require permits to enter the islands.

3.1.2 Buildings

Buildings to facilitate the harvest of titi are permitted to be erected on the islands. The general practice is for each whänau group to have a building to live in as well as a working and storage area. The Bylaws provide that applications to erect new structures or to make significant alterations, additions or extensions to existing buildings must be approved by the Administering Body. The applicant is expected to attempt to get the support of the majority of the Rakiura Mäori who frequent the island, or the supervisor for the island, before making the application.

The Bylaws provide that the Administering Body may refuse to grant permission for new buildings or for alterations to existing buildings, or to place conditions on permits which are approved. Matters which the Administering Body may take into consideration include the size of the island, the proposed site of the building, the number and location of existing buildings and, for new birders, whether or not there is an existing birder prepared to mentor the new birder. The removal of vegetation to facilitate the erection of buildings is permitted but is expected to be kept to a minimum. The Bylaws also provide that abandoned or dilapidated buildings may be removed or destroyed.

3.1.3 Harvest of kaimoana

The practice of harvesting kaimoana from around the titi islands has been associated with the customary rights of Rakiura Mäori to harvest titi from time immemorial. Although the harvest will almost always take place outside the land based boundary of the Rakiura Titii Islands it was necessary to provide for this activity within the Bylaws for the islands. The Bylaws provide that Rakiura Mäori may take kai moana for non-commercial purposes in accordance with any other regulations which may



apply at the time and to have in their possession equipment. Non Rakiura Mäori are not permitted to engage in activities associated with the taking of kaimoana whilst on the islands.

3.1.4 Activities associated with birding

On most islands, it is necessary to undertake some work on an annual basis to maintain the tracks which have been established on the islands to facilitate movement around the island. These tracks are necessary to facilitate safe access around the island for the birders, and to minimise the damage to the manu which contains the burrows of seabirds. Many whänau still use the wood collected from trees that have fallen to heat their homes and to cook their food.

In order to facilitate safe landing of helicopters on the islands, it may be necessary to clear some vegetation. The number of landing sites permitted on each island is determined by the size of the island and the location of the buildings on the island.

The lighting of fires for domestic purposes is permitted by the Bylaws provided that it is safely contained. Although the use of the traditional 'live' torches has decreased in recent years they are still permitted by the Bylaws. The Bylaws require that offal and feathers must be disposed of in a lawful manner. On some islands this is achieved by burial or by burning.

The erection of wires to facilitate the transportation of birds and equipment around the island is permitted. The making of holes in burrows for the purpose of removing tītī is also permitted provided that the holes are immediately plugged and stopped to prevent the entry of water into the burrows.

3.1.5 General Restrictions

All of the permitted activities to facilitate the harvest of tītī are to be carried out in a manner which causes minimal impact to the existing flora and fauna on the islands. The use of sprays on the island to control vegetation and to clear tracks is not permitted unless it is part of an approved work program to control exotic weeds.

Rakiura Mäori who have little or no experience of harvesting tītī will be encouraged to seek the assistance of experienced whänau members to mentor them before they are granted permits to enter the islands and / or to apply for a permit to build on an island.



3.2 Sustainable Harvest of Tītī

For Rakiura Māori, a sustainable harvest of tītī on the Rakiura Tītī Islands is one which can be carried on in perpetuity while maintaining diverse, healthy and productive ecosystems, and, meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Tiakina ngā taonga tuku iho

Mo ngā uri whakatupu

*Care for and protect the treasures handed down from the ancestors
for all of us today and the generations to follow*

When talking of sustainability in relation to the Rakiura Tītī Islands it includes the islands, their land and maritime habitats, their resources, and the people who associate with them.

In the Management Plan “sustainable management” means managing the use, development, and protection of the Rakiura Tītī Islands and their natural and physical resources in a way, or at a rate, which enables Rakiura Māori to provide for their customary, traditional and cultural wellbeing and for health and safety while —

- (a) sustaining the potential of natural and physical resources to meet the reasonable, foreseeable needs of future generations; and
- (b) safeguarding the mauri/life supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the islands’ that may impact on the islands’ ecosystem diversity, health and productivity.

3.2.1 Characteristics of a sustainable harvest of tītī

Each of the 18 islands would support a breeding population of tītī, which would remain constant or increase if measured over time. Associated populations on other islands, particularly the Snares would remain healthy. The majority of the islands would support an annual harvest of tītī by Rakiura Māori.

3.2.2 Life cycle of tītī

Tītī (*Puffinus griseus*) also known as sooty shearwater or muttonbirds are a migratory species of seabird. It is estimated that the total population amounts to 20 million plus birds. Although breeding colonies exist in South America, southern

Pupuruitia ngā taonga a ngā tipuna kia mau te tītī mö ake tonu atu



Australia, McQuarrie Island and on mainland New Zealand the main breeding colonies are located on the Snares, the 36 tītī islands adjacent to Rakiura and on the Chatham Islands.

The adult birds return to the tītī islands in late September early October to prepare the burrows for a new breeding season. It is thought that most adults pair for life and will return to burrows they have previously used. After preparing the burrows the breeding pairs leave the islands to feed for a period of two to three weeks before returning in late November early December to lay a single egg. Adults may skip breeding from time to time.

Parents share the task of incubating the egg which takes around 53 days to hatch. If the egg is lost or fails to hatch there is no further attempt to breed during that season. When the chicks are a few days old the parents then leave the nests unattended to forage for food before returning just on dusk to feed the chick. Depending on the availability of food adults may be absent for 2 to 3 days or more than 10 days. Parent birds have been known to travel over 3,000 kms during a single feeding trip and to make frequent dives of up to 60 metres in depth.

As a species tītī are a long lived bird. Some are believed to live for over 35 years. It is believed that most young adults will first return to the island of their birth at around three to four years of age. However, young adults do not begin to breed until they are around seven years of age.

The key food species for tītī appears to be squid, fish, crustacea and salps. Where food is plentiful the parents will continue to return to feed the chicks for up to three months during which time the chick may reach 1000 to 1800 gms in weight. This may be compared to the 800 gm weight for an adult. During April as the chicks begin to fledge the parents stop feeding the chicks and begin their annual migration to the Northern Hemisphere. By the end of April the chicks fledge and, driven by hunger, they leave the burrows during the night to prepare to follow their parents.

Tītī are not only a keystone species in the southern hemisphere, they are the dominant predatory species found in northern hemisphere areas such as along the California coastal region between May and September. Here, in flocks numbering in the tens and hundreds of thousands, they feed on anchovies, sardines, rockfishes, squid and krill.



3.2.3 Habitat

It is estimated that tītī spend 90 to 95% of their life at sea coming ashore only to breed. Even during the breeding season, one or other of the parent birds will be foraging at sea while the other attends to nesting and chick raising duties. Whilst at sea tītī may be affected by violent or changing weather systems, pollution, changes to the biodiversity of fish species and fishing practices.

On land, the activities of tītī are mainly nocturnal and subterranean. The exceptions are the daily arrival and departures of adults and the preparations for departure and eventual departure of the chicks. The key habitat requirements for tītī on the islands are areas of soft or peaty soil to permit the digging of the burrows and 'launching sites' to enable chicks and adult birds to take flight as they leave the island. The overhead canopy of the coastal forest must be sufficiently open to allow for the rather clumsy landing technique of the adult birds. The direct threats to tītī on land are predators, such as mustelids, rats and weka all of which have been observed to kill chicks and to take eggs. The other key threat is the destruction of burrows which can occur when inexperienced people are present on the islands as well as by the increased presence of kekeno on some islands.

3.2.4 Harvest activities

The official start of the Tītī harvest is April the 1st of each year. Kai birds may be taken for immediate consumption prior to that date. In accordance with customary practices the harvesting of adult Tītī and the taking of eggs is not permitted.

The season is divided into two distinct periods. During the nanao, chicks are removed from their burrows by two main methods. The first, and preferred option, is to use a length of vegetation or a wire to locate the chick on the nest and to remove it from the burrow. If the chick cannot be reached by this method then the birder may choose to dig a small hole along the track of the burrow closer to where the chick is expected to be found. Once the chick is extracted the hole is plugged to prevent the burrow being destroyed by water entering the burrow. In the second part of the season, known as the rama, the chicks emerge from their burrows to prepare for their eventual departure from the islands. Birders locate the chicks by torch light either at the entrances to their burrows or on the well worn departure tracks.



3.2.5 External factors

Due to the migratory ocean based life style of tītī there are a number of external factors which can impact on the population of tītī. Some of these effects are direct and observable and others are consequential effects.

It is estimated that certain fishing practices were responsible for the deaths of over 5.6 million adult birds between 1952 and 2001. The majority of those deaths were thought to have occurred between 1978 and 1991 when the practice of fishing using driftnets was practiced in the Pacific Ocean. In addition, the targeting of some species by commercial fishers can create imbalances in the remaining fisheries populations. If the hierarchy of the fishery food chain is disrupted then the food supply for tītī may also be disrupted.

The impact of global warming on the oceans and food supplies is not yet well understood. Research indicates that there is a link between certain weather patterns and the population fluctuations in sea bird species such as tītī. If, as a result of climatic changes, there is a decline in the numbers of the smallest organisms in the ocean (Phytoplankton) this eventually leads to a decline in the food species which tītī target. The seasons prior to El Nino weather patterns have been shown to result in reduced harvests of tītī. The harvest is further reduced during El Nino events due to a reduced food supply.

Climate change has been identified as a serious threat to the biodiversity of wildlife including those species that are dependent on the ocean's ecosystems. The expected warming of the world's oceans is likely to result in more frequent extreme weather systems (such as tropical cyclones) and changes to the food species that are available in the aquatic food chain.

Major pollution events, such as oil spills can also have a serious affect on tītī populations. In 1998, one single oil spill off the coast of California was estimated to have killed as many as 16,000 adult tītī. In addition, less spectacular examples of everyday pollution are also impacting on seabirds. Tonnes of plastics have been dumped in the oceans over the years and pieces of plastic from these pollutants are turning up in the stomachs of seabirds, including tītī chicks.



3.2.6 Factors which affect sustainable tītī harvest

1. Mortality of tītī
 - (a) Harvest
 - (b) Natural causes
 - i. Weather
 - ii. Landing deaths
 - iii. Diseases
 - (c) Predation by other species such as weka and rats
 - (d) Pollution
 - i. Oil spills
 - ii. Ingestion of plastics and other debris
 - (e) Fisheries – practices (drift netting, long lines)
2. Habitat factors
 - (a) Lack of food / fisheries depletion / fisheries management
 - (b) Excessive disturbance of manu (breeding areas)
 - (c) Fire
 - (d) Erosion
 - (e) Kekeno damage to manu
 - (f) Climatic change / ENSO events
 - (g) Radical changes which alter eco-system
 - (h) Disturbance by people during breeding and chick raising season

The special characteristics of tītī which should be taken into account when managing the resource include:

1. Tītī represent one of the largest populations of seabirds in the world – the overall estimate of the population is many millions;
2. Tītī are essentially a migratory species spending some 4-5 months in the Northern Hemisphere;
3. Tītī breed annually and are thought to mate for life;
4. Tītī do not begin breeding until they are about seven years of age;
5. It is not known whether the tītī return to the same island from which the parents migrated (although there is evidence to suggest they do); and
6. Mortality at any stage of the life-cycle has a potential impact on the numbers of tītī who will survive to breed however it is mortality of the adult birds which appears to have the most severe impact.



These characteristics make it clear that the sustainability of the titi harvest is a much wider issue than the management of activities on the Rakiura Titii Islands.

3.2.7 Research

A research project "Kia Mau te Titii mo Ake Tonu Ake" (Keep the titi forever) a partnership between Rakiura Mäori and Otago University has been underway since 1995. The aims of this ten year project were to: —

1. Measure the current level of titi harvest and advise whether or not it is sustainable;
2. Estimate the maximum sustainable yield of titi;
3. Determine what sets the limit on the present titi harvest levels (so that the impacts of any future changes to technologies and practices can be predicted);
4. Determine the diet of titi (to identify future food failure threats to titi);
5. Research impacts of climate change, by catch and pollution; and
6. Record and compare the understandings of titi ecology, harvest impacts and management practices generated from traditional Mäori Environmental Knowledge and Kaitiakitanga with that from western ecological science and wildlife management.

The field work associated with the study was completed in 2005. The final reports on the research work are expected to be completed in 2007. A substantial body of research in the form of interim papers have been published and, in some cases, have been presented at international conferences. A list of these publications is attached as Appendix VI.

There is also a body of international research into the activities of titi, as a keystone species in the Californian Current System. It is expected that tracking of titi will reveal patterns of feeding that relate to changes in ocean temperature and ocean currents that support the favoured food sources of titi.

3.3 Status 'as if the land were a nature reserve'

In addition to managing the islands for the sustainable harvest of titi, the Administering Body must also manage the land "as if it was a nature reserve" under the Reserves Act 1977. This means that the Administering Body must ensure that

- (a) the islands, as far as possible to do so, are preserved in their natural state;
- (b) as far as possible the indigenous flora and fauna is preserved and the exotic flora and fauna is exterminated;



- (c) entry to the islands is restricted (this includes the foreshore around the islands); and
- (d) the other scenic, historic, archaeological, biological, geological or scientific features are protected.

This means that other activities not associated with the customary harvest of tītī must be restricted to those which would not have an adverse impact on either that customary harvest or the management of the land “as if it were a nature reserve”.



Part Four — Ecosystems Management

The management objectives of the Rakiura Tītī Islands require the Administering Body to manage the islands as if they were a nature reserve subject to the rights of Rakiura Māori to harvest tītī on a sustainable basis. In practical terms this means that while activities relating to the harvest of tītī must be permitted, those activities should be carried out in a manner which preserves, as far as is possible to do so, the natural values of the islands.

While ecosystems naturally change over time, it is the impact of humans and introduced species that generally pose a threat to island ecosystems. Notwithstanding that, many of the Rakiura Tītī Islands remain in a comparatively unmodified state. The number of animal pest species and known weed species present on the islands is relatively small.

The management of the ecosystem of the Rakiura Tītī Islands must also include consideration of the marine ecosystems which exist in the surrounding seas. Although outside of the direct control of the Administering Body any changes in the health of the marine environment will have an impact on the biodiversity of the islands.

One of the issues for the Administering Body is that while many of the islands hold similar natural values, they each have their own ecosystems and management challenges. Some of the islands are at greater risk than others from unauthorised entry by humans, and invasions of pest species such as rats, possums and weed species due to their proximity to Rakiura. A further challenge is the relatively small size of the majority of the islands. Any invasions of an aggressive pest species could result in irreversible ecological damage in a relatively short period of time.

In addition to the various management activities that may be undertaken to protect or enhance island ecosystems the Administering Body has an advocacy role in external forums.

Objectives

To manage the islands so as to ensure —

- the sustainable harvest of tītī;

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- the maintenance of the natural values of the islands; and
- where appropriate, the natural values of particular islands are restored and enhanced.

Implementation

The Administering Body will —

- permit access to the islands by Rakiura Mäori to enable them to exercise their customary rights;
- continue to support research based on both traditional ecological knowledge and western science to record and monitor factors which may impact on the sustainable harvest of titi;
- act as an advocate for Rakiura Mäori in any forum where issues which may impact on the management of the islands and the sustainability of the titi population are being considered;
- work with the whänau of each of the islands to develop a management regime (consistent with this Management Plan) to address issues specific to each island;
- work with Rakiura Mäori and the Department of Conservation to investigate and record all of the natural values associated with each of the islands; and
- work with Rakiura Mäori and the Department of Conservation to develop and implement work programs to restore and / or enhance the natural values of any of the islands where appropriate.

4.1 Vegetation

The Rakiura Titii Islands are home to a range of plant species named as taonga species in the Deed of Settlement as well as others which have been identified as being of significance in the Rakiura Conservation Management Strategy (CMS).

In addition to these plants having value as part of the unique biodiversity of the region, many of these plants are of cultural value to Mäori.

	Taonga species	Threatened species
Plants		
<i>Atriplex billardieri</i> (a herb)		
Bünui <i>Stilbocarpa lyallii</i> (Bunui)	Yes	Nationally vulnerable, locally abundant
Glossy karamü <i>Coprosma lucida</i>	Yes	
Karaeopirita <i>Ripogonum scandens</i> (Karewao or Kareao) (supplejack)	Yes	



	Taonga species	Threatened species
Kötukutuku <i>Fuchsia excorticata</i> (tree fuchsia)	Yes	
Matipou <i>Myrsine australis</i> (red mapou)	Yes	
Nau <i>Lepidium oleraceum</i> (Cook's scurvy grass)		Nationally vulnerable
Rätä <i>Metrosideros umbellata</i> (Southern rata)	Yes	
Tataki <i>Carex trifida</i> (tetahi, tetaki)		
Tëtëaweka <i>Olearia angustifolia</i>	Yes	
Wharariki <i>Phormium cookianum</i> (mountain flax)	Yes	

Objective

- To protect and enhance the biodiversity of the Rakiura Tītī Islands by ensuring that the ecosystems of each island remains intact and where appropriate to use this unique biodiversity to assist with restoration projects in other areas.

Implementation

The Rakiura Tītī Islands Administering Body will—

- Encourage all Rakiura Māori to become familiar with these taonga or threatened species;
- Encourage Rakiura Māori who enter the islands to report any significant loss or harm to any of these species due to predation, browsing or habitat changes;
- Instigate research to obtain further baseline information on these and other species located on the islands;
- Initiate a means of recording changes to the ecosystem over the years;
- Consider any potential impact on vegetation when allocating building sites;
- Consider and where appropriate issue permits harvest of materials for cultural use;
- Consider and where appropriate to approve permits for the harvesting of seeds and plants for approved restoration projects.



4.2 Species

The area surrounding the Rakiura Titī Islands is home to a range of species of fauna named as taonga species in the Deed of Settlement as well as others which have been identified as being of significance in the Rakiura CMS. While not all of these species are now found on each of the islands, many continue to be found on one or more of the islands. Several of the Rakiura Titī Islands have been utilised as a pest free haven for the translocation of endangered species such as Toutouwai, Tieke, Tutukiwi and Mätä.

	Taonga species	Threatened species
Birds		
Hoiho <i>Megadyptes antipodes</i> (yellow-eyed penguin)	Yes	Nationally vulnerable
Kāhu <i>Circus approximans</i> (Australasian harrier)	Yes	
Kākā (South Island) <i>Nestor meridionalis</i>	Yes	Nationally endangered
Kākāriki <i>Cyanoramphus auriceps</i> (yellow-crowned parakeet)	Yes	Gradual decline
Kākāriki <i>Cyanoramphus novaezelandiae</i> (red-crowned parakeet)	Yes	
Kūaka <i>Pelecanoides urinatrix</i> (common diving petrel)		
Kererū <i>Hemiphaga novaeseelandiae</i> (New Zealand pigeon)	Yes	Gradual decline
Korimako <i>Anthornis melanura</i> (bellbird)	Yes	
Kötuku <i>Egretta alba</i> (white heron)	Yes	Nationally critical
Kororā <i>Eudyptula minor minor</i> (southern little blue penguin)	Yes	Gradual decline
Kōau <i>Leucocarbo chalconotos</i> (Stewart Island shag)	Yes	Nationally vulnerable
Mätä <i>Bowdleria punctata stewartiana</i> (Stewart Island fernbird)	Yes	Nationally endangered
Mätä <i>Bowdleria punctata wilsoni</i> (Codfish Island fernbird)	Yes	Range restricted
Meaweka <i>Gallirallus philippensis assimilis</i> (banded rail)		Sparse



	Taonga species	Threatened species
Miromiro <i>Petroica macrocephala macrocephala</i> (Yellow breasted tit)	Yes	
Pararä <i>Pachyptila vittata</i> (broad-billed prion)		
Pīwakawaka <i>Rhipidura fuliginosa</i> (fantail)	Yes	
Riroriro <i>Gerygone igata</i> (grey warbler)	Yes	
Ruru <i>Ninox novaeseelandiae</i> (morepork)	Yes	
Tara <i>Sterna striata</i> (white-fronted tern)	Yes	Gradual decline
Tawaki <i>Eudyptes pachyrhynchus</i> (Fiordland crested penguin)	Yes	Nationally endangered
Tieke <i>Philesturnus carunculatus</i> (South Island saddleback)	Yes	Nationally endangered
Tītī <i>Puffinus griseus</i> (Sooty shearwater)	Yes	Gradual decline
Tītī <i>Pelecanoides urinatrix</i> (Southern diving petrel)	Yes	
Tītī wainui <i>Pachyptila turtur</i> (fairy prion)	Yes	
Tītipounamu <i>Acanthisitta chloris</i> (South Island rifleman)	Yes	Gradual decline
Tōrea <i>Haematopus unicolor</i> (variable oystercatcher)		Gradual decline
Toutouwai <i>Petroica australis rakiura</i> (Stewart Island robin)	Yes	Nationally endangered
Tūī <i>Prosthemadera novaeseelandiae</i>	Yes	
Tutukiwi <i>Coenocorypha aucklandica huegeli</i> (Snares Island snipe)	Yes	Range restricted
Weka <i>Gallirallus australis scotti</i> (Stewart Island weka)	Yes	Nationally endangered B
Mammals		
Kekeno <i>Arctocephalus forsteri</i> (New Zealand fur seal)	Yes	
Pekapeka <i>Mystacina tuberculata</i> (south island southern short-tailed bat)		Nationally endangered
Reptiles		
<i>Hoplodactylus nebulosus</i> (cloudy gecko)		Sparse



	Taonga species	Threatened species
<i>Oligosoma chloronoton</i> (Southern green skink)		Gradual decline
<i>Oligosoma notosaurus</i> (Southern skink)		Sparse
Invertebrates		
Weta <i>Deinacrida carinata</i> (Herekopare weta)		Nationally endangered
<i>Diglymma obtusum</i> <i>Mecodema sp fulgidum</i> (carabid beetle)		
<i>Dorcus helmsii</i> (Helm's stag beetle)		
<i>Hadramphus stilbocarpae</i> (knobbed weevil)		Range restricted
<i>Mecodema trailli</i> (Big South Cape, ground beetle, <i>F Carabidae</i>)		Range restricted

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The presence on the Rakiura Tītī Islands of at least two of these species, kekeno and weka are currently having an adverse impact on other species of significance to the ecosystems of the islands. In the case of weka it is thought that these were introduced to the islands.

Objective

- To ensure that tītī as a keystone species have a habitat to return to and to breed on;
- To protect / manage other taonga and threatened species which are currently found on the islands;
- Where appropriate to provide a refuge for other taonga and threatened species; and
- To manage any species which may have an adverse impact on other values on the islands.
- Identify any species which are in need of protection;

²² See also, Department of Conservation Publications “*Classifying species according to threat of extinction*” Threatened Species Occasional Publication 22 and “*New Zealand Threat Classification Systems Lists 2005*”



Implementation

- Identify which of these species are part of a Recovery Plan and to engage in dialogue with those Recovery Groups in order to identify any additional management requirements;
- Encourage Rakiura Māori to become familiar with these species and any management requirements;
 - Encourage Rakiura Māori to report any significant changes in the populations of these species;
- Encourage and support Rakiura Māori to become part of species recovery programs;
- Where appropriate encourage translocation of species to support recovery programs and to enhance the biodiversity of the islands;
- Where appropriate work with the Department and the Rakiura Tītī Committee to develop and implement an integrated translocation plan for all of the tītī islands;
- Where appropriate, to work with Rakiura Māori and the Department to eradicate or manage species which are having an adverse impact on any of the islands
- To work with the Department to complete and implement the Weka Management Plan

4.3 ***Restoration and Enhancement***

While many of the Rakiura Tītī Islands are in a largely unmodified state, several have suffered some degradation of their ecosystems. In some cases this has led to a loss of tītī habitat and the loss of certain species such as the hakuwai from the islands. In particular, there have been losses or reduction of some species due to the introduction of pest species such as kiore/rats and weka. Restoration and enhancement activities are designed to restore, or partially restore, the pre-existing ecosystems and biotic communities of the islands. In addition, some islands also present an opportunity to provide a place to assist in the recovery of some endangered species which may not have naturally occurred on the Rakiura Tītī Islands.

Objective

Where appropriate, to restore and enhance biodiversity of the Rakiura Tītī Islands

Implementation

- Identify sites or islands where restoration or enhancement is required and desirable

Pupuruitia ngā taonga a ngā tipuna kia mau te tītī mö ake tonu atu



- Where sites or islands have been identified, work with Rakiura Mäori and the Department to instigate and implement a restoration plan for each site;
- Where appropriate advocate for or support the translocation of species or subspecies which were once present on the islands, or, were present or once present on other islands in the Rakiura / sub-Antarctic region;
- Consideration for the translocation of species from other locations would only be considered in exceptional circumstances and only in circumstances which would not affect the customary rights of Rakiura Mäori;
- Advocate for a comprehensive plan to manage the translocation of species between all of the titi islands;
- Where appropriate permit the harvesting of plants and seeds from the Rakiura Titii Islands to assist with the restoration of other islands

4.4 Fire Control

Fire is one of the most significant risks to the ecosystems of individual islands. Fires could potentially start as the result of mishaps associated with birders living on the islands, or mishaps involving helicopters or sea going vessels. Because of the remoteness of the islands there is very little chance of responding in any meaningful way to a fire which involves vegetation on the island. Thus the key management objective is to prevent uncontrolled fires from becoming established.

The Bylaws permit the lighting of fires for domestic purposes. Those persons responsible for lighting any fire must ensure that the fire is contained. Any person responsible for an accidental fire must take steps to extinguish it immediately. In either event, any person responsible for a fire being lit that causes damage is responsible for any losses caused or costs incurred.

Objectives

- To prevent fire damage to the Rakiura Titii Islands by preventing uncontrolled fire events.
- Where fire occurs, take such steps as are practicable to extinguish the fire.

Implementation

- To encourage each whänau on the islands to —
 - exercise extreme care when lighting fires;
 - ensure any fire which is lit is properly contained;
 - have adequate fire extinguishers by any fire that is lit; and
 - to consider other forms of cooking and heating.

- To encourage all persons to provide for the safe storage of any flammable materials taken to the island
- Visitors to the island will not be permitted to light fires; and
- Work with the Department of Conservation and the Rural Fire Authority to establish appropriate responses in the event of fire particularly on islands which may have threatened species present.

4.5 Pest Plant Management

There are only three species of weeds of concern that have been identified as being present on the Rakiura Tītī Islands. These are *Crocosmia x crocosmiiflora* (Montbretia), *Angelica Archangelica* (angelica) and *Agropyron repens* (Couch grass). There is no current information on how widespread these weeds are or of the risks to the ecosystems of the islands.

Objectives

- Where practicable, to remove and / or eradicate all pest plant species.

Implementation

To

- undertake a survey to find out what weeds are present on the islands and how widely are they are distributed
- develop resources that would enable Rakiura Māori to identify pest plant species
- encourage quarantine procedures that would lessen the risk of pest plants being transported to the islands
- react quickly to new pest plants to, if possible, prevent the establishment of these plants
- implement appropriate eradication / control programs for those species currently present on the islands.

4.6 Pest Animal Management

Many of the islands are free of many of the pest species that threaten biodiversity on Rakiura and on the mainland. However, there are several pest animals which may have an adverse impact on the biodiversity of the Rakiura Tītī Islands. Some species, such as *weka*, and *kekeno* are also of special significance (see above). However, those species along with rats and deer have an adverse impact on the vegetation and other species of significance.



Rakiura Māori have been reporting significant increases in the numbers of kekeno coming ashore on the islands and moving further inland on each island. In some cases, significant loss of vegetation has occurred along with damage to the manu. On islands where weka and or rats are present, there is a significant decrease in the numbers of invertebrates and skinks as well as ground dwelling bird species.

Objective

- To prevent the introduction of pest species to islands on which these species are not present.
- To eradicate, or control all pest species so as to reduce or eliminate the adverse impact of those species on the biodiversity of the Rakiura Tītī Islands

Implementation

- Encourage good quarantine practices to prevent the transportation of vermin to pest free islands;
- Implement monitoring programs to record damage to vegetation and other effects of the increased seal population;
- Investigate methods of discouraging seals from coming inland and damaging vegetation;
- Investigate options for removal and / or control of rats and weka from the islands; and
- Consider whether it is appropriate to restrict, or to place conditions on any vessel mooring within 800 metres of any island or group of islands.

4.7 *Marine Environment*

The survival of tītī as a keystone species is dependent on the health and sustainability of the marine environment both in New Zealand and in International waters. While strictly outside the sphere of the management responsibilities of the Administering Body in administering the islands, it is important that Rakiura Māori and the Administering Body are aware of and conversant with issues which may affect the sustainability of tītī as a species, and as a vital component of the islands ecosystems.

Objectives

- To be in a position to participate in and to influence forums where issues affecting the marine environment are being considered



Implementation

- Encourage Rakiura Mäori to develop knowledge and experience in these national and international forums
- Work with Government Agencies and research partners to ensure Rakiura Mäori have the opportunity to participate in a wide range of forums involving the marine environments which titi inhabit

4.8 Survey Monitoring and Research

There is limited recorded data about the nature and extent of the biodiversity on many of the Rakiura Titii Islands. Acquiring some baseline information for all of the islands is necessary to ensure that the integrated management of the islands can be carried out effectively.

Objectives

- To acquire baseline information of all of the Rakiura Titii Islands on the existing state of biodiversity on each of the islands
- To have active Rakiura Mäori participation in surveying, monitoring and researching matters pertaining to the Rakiura Titii Islands

Implementation

- Encourage Rakiura Mäori to develop and implement research programs based on both traditional ecological knowledge and western science models
- Encourage the establishment of a Taiao Unit
- Institute a series of work programs to gain the baseline information on the existing, flora and fauna of each of the islands.
- Identify which of the islands have seals and to establish what impact the seals are having on the vegetation of those islands
- Continue to gather information on the existing use patterns for each island, such as the location of the buildings and how many people access the islands
- Continue to gather historical information on changes over time on the Rakiura Titii Islands



Part Five — Impacts Management

In general the risks to the ecological values of the Rakiura Tītī Islands are associated with the impacts on the islands by visitors. In this context, a visitor is anyone who lands on any of the islands. Each time someone enters the islands there is a risk that pests maybe introduced or that there may be disturbance the flora and fauna of that island. In order to minimise these risks access to the Rakiura Tītī Islands will continue to be restricted to better protect and preserve the islands in their natural state, and to ensure that the activities associated with harvesting of tītī can continue in accordance with the traditions and customs of Rakiura Māori.

The Bylaws for the Rakiura Tītī Islands prohibit any person from accessing, or attempting to gain access to the islands without a written permit from the Administering Body. It is also an offence to assist or attempt to assist any person who does not have a permit to enter the islands.

Permits to enter the islands between the 15th of March and 31st of May are considered at the Annual General Meeting of the Administering Body which must be held before the 23rd of February each year. Permits for entry at other times of the year will only be granted where the Administering Body believes that it would be of benefit to the management of the Rakiura Tītī Islands in accordance with clause 13.6 of the Deed. The Administering Body may also include such conditions on permits to access the islands as it considers may be appropriate.

5.1 Access Policies

5.1.1 Access to the islands is permitted for the following purposes:

- Activities relating to the customary harvest of tītī;
- Work programmes (species transfers, restoration or enhancement, weed eradication etc);
- Monitoring;
- Research which has been approved by the Administering Body; and
- Transporting people with permits to and from the islands.



5.1.2 Permits during the birding season

Rakiura Mäori, whänau, dogs and non Rakiura Mäori. In general, unless there is reason to do otherwise, the Administering Body will issue permits to Rakiura Mäori and their whänau for the purpose of access in order to exercise their customary rights to harvest tītī. Permits may also be issued to allow Rakiura Mäori to take their dogs onto the islands in accordance with the Bylaws.

Rakiura Mäori may also request permission to take non Rakiura Mäori (builders etc) onto any island to assist with maintenance or construction of buildings on the island. The numbers of non Rakiura Mäori permitted on any of the islands in any season may be restricted and in any case will be restricted to those required to complete the tasks set out in the permit. No non Rakiura Mäori is permitted to harvest tītī or kai moana while on the island. The applicant for the permit is responsible for ensuring that the other persons named on their permit comply with the Bylaws and any conditions on their permit.

Permits for non Rakiura Mäori

Permits for non Rakiura Mäori and for Rakiura Mäori entering the islands for purposes not associated with the harvest of tītī will be considered by the Administering Body. In general permits will be considered for people engaged in—

- implementing work programs;
- transporting people and equipment to the islands e.g. Helicopter Companies, Fishermen and Ferry Company;
- research projects which have been approved by the Administering Body
- species transfers; and
- restoration and enhancement programs.

5.1.3 Timing of entry on to the islands

Objective: To reduce the impact of human presence on species which inhabit the Rakiura Tītī Islands.

Implementation

- Entry to the islands will be restricted (as far as it is practicable to do so) to the period of time Rakiura Mäori and their whänau are present on the islands for the purposes of engaging in activities associated with the harvesting of tītī;



- Permits for work programs, monitoring species translocation, research etc may be considered for any time of the year depending on the nature of the work which is to be undertaken. However, wherever practicable entry for these purposes will be restricted to the period between March 15th to April 1st; and
- In order to prevent disturbance of titi during their breeding and chick raising period permits for entry during the period between November 1st and March 15th will only be approved in the most exceptional of circumstances.

5.1.4 General Conditions for access

The islands contain numerous natural and some artificial hazards. Every person enters the islands at their own risk and should take active steps to become familiar with the hazards that exist on each of the islands that they may be entering. Permit holders are responsible for ensuring they have an emergency plan which is suitable for the island on which they have entered. This includes arranging a reliable means of communicating with emergency services if the need arises.

Every person entering the islands is responsible for arranging their own accommodation prior to entry onto the islands. Except in emergencies, no person may use any of the houses or buildings belonging to another person or the Administering Body without their express permission.

5.2 ***Prevention – introduced pests, plants and diseases***

All of the Rakiura Titii Islands have habitat that has been modified to a certain extent by as a result of human activities. Nonetheless, many of the islands are in a 'near natural' state and are free of most mainland predators and noxious weeds.

All access and entry onto the islands creates a risk that unwanted pests, plants or diseases will be introduced to the islands. Of particular concern is the possibility of the introduction or re-introduction of predators such as rodents. However, it is also important to ensure that unwanted plants and diseases are also recognised as a threat to the islands.

Objective: to prevent the further introduction or re-introduction and or the establishment of 'alien' species to the Rakiura Titii Islands.



Implementation

- Every permit holder is responsible for ensuring that quarantine measures are implemented to prevent the inadvertent transportation of pests (particularly rodents but also pest plants) to the islands; and
- The transportation of gear from islands with predators to islands without may only be undertaken with the express permission of the Administering Body.

5.3 Use of Aircraft or Boats

Given the location of the islands transportation to and from the islands is either via boat or helicopter. In most cases transportation is provided by commercial operators. Given that all transport operators will be involved in facilitating landings on the islands all operators providing transportation for permit holders will also need to have permits to enter the islands. Low flying aircraft may also disturb wildlife particularly during the breeding season of various species.

Objectives:

- to minimise disturbances caused by aircraft either flying over or landing; and
- to minimise the risks of alien species arriving by boat or aircraft

Implementation

- General prohibition on flying within 200 meters breeding colonies of seals or birds;
- Taking the existence of such breeding colonies into account when establishing helipads; and
- Restricting helicopter landings etc to those which are necessary for the access to the islands by birders and other management objectives.

5.3.1 Conditions of access for transport operators

Permits to transport persons and equipment to the islands are granted subject to the following conditions;

Permits for transport operators are issued provided that;

- All reasonable care is taken to ensure quarantine procedures have been followed if the operator is seeking land persons or any items on the islands; and
- They must also take all reasonable steps to ensure they do not land persons on the islands that do not have a valid permit to enter the islands.

Permits may be immediately revoked if the Administering Body believes, on reasonable grounds that the operator has



- breached any of the Bylaws; or
- any conditions on the Permit.

5.4 Disturbance of Wildlife

The long term effects of even the minimal disturbance of wildlife are often underestimated.

Objective: to minimise the disturbance of wildlife, particularly if the disturbance might have an adverse impact on behaviour, distribution or breeding activity of the species.

Apart from the activities associated with the harvesting of tītī and other mahinga kai, the all efforts must be made to avoid any unnecessary disturbance of wildlife.

Implementation

- This will be achieved in part by restricting access to the islands; and
- Where necessary rāhui may be placed on islands or parts of islands to prevent disturbance of wildlife.

5.5 Monitoring of impacts

It is important to monitor the impacts on the islands of the ongoing access to the islands of birders and others, so both positive and negative changes to the islands ecosystem can be identified, and, if necessary changes to policies and practices can be adapted.

Objective: To establish some baseline data for each of the islands so that the impacts of activities on the islands can be measured over time.

Implementation

Establish a long term strategy for collecting information about the values present on the islands which includes the traditional ecological knowledge of Rakiura Māori.



Part Six — Rakiura Tītī Islands

6.1 Motunui (Edwards Island)

6.1.1 Location and Geology

Motunui has an area of 46.9ha and is the second-largest of the Rakiura Tītī Islands. It is located off the east coast of Rakiura, 10km northeast of Halfmoon Bay. The Rakiura CMS categorises Motunui as a Refuge Island²³. Its perimeter is steep and rises to a plateau. There is no information on rock, soil or slope type, or the geology of the motu.

6.1.2 Flora and Fauna

Vegetation communities of ecological value consist of composite hardwood shrubs, kōkōmuka, ongaonga (tree nettle), pōhuehue, and tētēaweka. There are also a variety of fruit-producing shrubs that provide food for birds in the autumn such as makomako, *Myrsine chathamica* (myrrh), karaeopirita, patē, kōtukutuku, kōhūhū and glossy karamū.

Birds on the island include a mixture of sea and forest birds: hoiho, korure, kororā, pararā, kākāriki (red-crowned parakeet), and toutouwai (Stewart Island robin). In 1981, 20 tīke were released onto Motunui. These came from Big and Kundy. By 1985 the population on Motunui had increased to 40.

There is weka present on the island however there is no evidence of other introduced animals or predators.

6.1.3 He Tāngata

Records indicate this island is regularly birded however there are no structures on the island. Access to this island is by boat and helicopter.

²³ For information on the classification of islands see pp84:85 Rakiura CMS 1997-2007



6.1.4 Issues

Weka is the only known predators on Motunui. This island is at risk of damage from increased numbers of kekeno.

6.2 *Jacky Lee (Pukeoka; Pukeokaoka; Jackalees)*

6.2.1 Location and Geology

Jacky Lee is a 30.7ha motu located 2 km southwest of Motunui. The topography is flat with coastal slopes. The CMS categorises it as a Refuge Island. The rock type is diorite and tonalite. Residual hill slopes contain rātā (Southern rātā) forests.

6.2.2 Flora and Fauna

Vegetation consists of a composite of hardwood shrubs and trees similar to Motunui. Of importance are būnui and the threatened species of nau (Cook's scurvy grass). Pōhuehue is present but is not considered a problem.

Birdlife features hoiho, kākāriki (yellow-crowned parakeet), kākāriki (red-crowned parakeet), tīke, kererū, toutouwai, kororā, Stewart Island shag, and tōrea.

Hākuwai were thought to have been eliminated by weka which are the only known introduced predator to the motu. *Mystacina tuberculata* (the lesser short-tailed bat) were reported in the 1930s and 1940s but it is not known if they are still present. Other significant wildlife includes *Hoplodactylus nebulosus* (forest gecko) and kekeno.

6.2.3 He Tāngata

This island was once regularly birded however the canopy has closed over and the number of tītī on the island have declined. There is only one disused dwelling on the island. Access is by boat and helicopter.

6.2.4 Issues

Weka are the only known predators present on Jacky Lee. There is a persistent weed problem on the island which has severely reduced the suitability of the tītī habitat. This island is at risk of damage from increased numbers of kekeno. This island has the potential to be restored to improve its suitability for tītī and other species.



6.3 Bunker Islets

6.3.1 Location and Geology

Bunker Islets are two small islets approximately 10.7ha, located off the east coast of Rakiura, and east of Herekopare. It is said that at low tide, one can walk from one islet to the other. There are rocks and cliffs on these islets but no specific information on geology or topography was found. It is categorised as a Refuge Island in the CMS.

6.3.2 Flora and Fauna

A survey in 1968 revealed coastal vegetation of tētēaweka, tūpare and kōkōmuka. More inland vegetation included kōkōmuka, pūheretāiko and pōhuehue. Highest vegetation communities are made up of kāpuka and pōhuehue. Matipou and hūpiro were also recorded. A plant of particular significance is būnui.

Birds of ecological value are the hoiho, kororā, pararā, titī (Sooty shearwater), tūtū (Southern diving petrel), kākāriki (red-crowned parakeet) and the kākāriki (yellow-crowned parakeet). Korimako and tūtū are also common.

Other wildlife includes a kekeno rookery. The population was estimated at 200 during a visit in 1968.

There are no known introduced predators such as deer, stoats, or weka however the Bunker Islets are considered vulnerable to invasion because they are within swimming distance of other islands and Rakiura. There are rats present on the island.

6.3.3 He Tāngata

There are no houses on Bunkers, and access is by boat and helicopter.

6.3.4 Issues

The Bunkers is considered vulnerable to invasion of deer, stoats and weka because it is within swimming distance of Rakiura and other islands. This island is at risk of damage from increased numbers of kekeno.



6.4 Pihore (Chew Tobacco Island)

6.4.1 Location and Geology

Pihore is the smallest of the Rakiura Tītī Islands at 1.4ha. The motu is in Chew Tobacco Bay on the southeast coast of Rakiura. It is categorised as a Restoration Island in the CMS.

6.4.2 Flora and Fauna

There is no recorded information regarding the flora and fauna of Pihore.

6.4.3 He Tāngata

This island is regarded as a kai island and has no houses or structures. Landing is by boat.

6.4.4 Issues

The motu has not been surveyed and there is little information on vegetation, wildlife of special significance or information on the presence of introduced predators. However, the island is considered vulnerable because it is within swimming distance of Rakiura. This island is at risk of damage from increased numbers of kekeno.

6.5 Weka

6.5.1 Location and Geology

Weka has an area of 8.1ha and lies off the south-eastern coast of Rakiura, northeast of Port Adventure. It is classified as a Restoration Island in the Rakiura CMS.

6.5.2 Flora and Fauna

There is very little recorded information about this island however it was said to have a thriving tītī population prior to a rat invasion in 1910.

6.5.3 He Tāngata

Accessed by Rakiura Māori as a kai island from time to time. There are no houses or structures on the island.

6.5.4 Issues

The island is considered vulnerable to pest invasions because it is within swimming distance of Rakiura. There is also an increased risk of pest invasion as local



fishermen sometimes moor their vessels close to the island. This island is at risk of damage from increased numbers of kekeno.

6.6 *Rukawahakura (Joss's)*

6.6.1 Location and Geology

Rukawahakura has an area of 23.3ha and is off the eastern coast of Rakiura. It is part of the Breaksea Islands group and is southeast of Tikotatahi Bay. It is classed as a Restoration Island in the Rakiura CMS.

6.6.2 Flora and Fauna

The motu has not been surveyed and there is no information on vegetation or wildlife of special significance.

6.6.3 He Tāngata

This island is regularly birded although there are no dwellings on the island. Access is by both boat and helicopter.

6.6.4 Issues

Rats are not known to be present on the island. The island is considered vulnerable because it is within swimming distance of Rakiura. This island is at risk of damage from increased numbers of kekeno.

6.7 *Takiwiwini*

6.7.1 Location and Geology

Takiwiwini is a 1.5ha island off the southeast coast of Rukawahakura, southeast of Rakiura. It is part of the Breaksea Islands group. It is classified as a Restoration Island in the Rakiura CMS.

6.7.2 Flora and Fauna

The island has not been surveyed and there is neither recorded information on vegetation or wildlife of special significance nor information on the presence of introduced predators.



6.7.3 He Tāngata

This is a kai island birded intermittently by Rakiura Māori fishers. There are no structures on the island and there is boat access only.

6.7.4 Issues

This island is likely to have rats due to its proximity to Rakiura. This island is at risk of damage from increased numbers of kekeno.

6.8 *Kopeka*

6.8.1 Location and Geology

Kopeka is a 1.8ha island off the south-eastern coast of Rakiura. It is categorised as a Restoration Island in the Rakiura CMS.

6.8.2 Flora and Fauna

The island has not been surveyed and there is no information on vegetation, wildlife of special significance, nor information on the presence of introduced predators.

6.8.3 He Tāngata

The island is a kai island which is accessed intermittently. There are no houses, and access is by boat.

6.8.4 Issues

The island is considered vulnerable to pest invasion because it is within swimming distance of Rakiura. This island is at risk of damage from increased numbers of kekeno.

6.9 *Brothers (formerly known as Sisters)*

6.9.1 Location and Geology

The Brothers are two islands comprising 4.6ha off the southern coast of Rakiura, east of Pearl Island. The Rakiura CMS lists this island as a Minimum Impact island.

6.9.2 Flora and Fauna

The island has not been surveyed and there is no information on vegetation, wildlife of special significance, nor information on the presence of introduced predators.



6.9.3 He Tāngata

The island is a kai island which is accessed intermittently. There are no structures on the island which is difficult to access except in good weather.

6.9.4 Issues

The island is considered vulnerable to predators because it is within swimming distance of Rakiura. This island is at risk of damage from increased numbers of kekeno.

6.10 Ernest Island (or Kahuariki)

6.10.1 Location and Geology

Ernest is 16.7ha, off the southern coast of Rakiura south of Port Pegasus. The Rakiura CMS lists this island as a Restoration island.

6.10.2 Flora and Fauna

The island has not been surveyed and there is no information on vegetation or wildlife of special significance.

6.10.3 He Tāngata

There are approximately six houses on the island which is accessed by both boat across a good beach and helicopter.

6.10.4 Issues

It is understood that there are rats present on the island. There is also an ongoing risk of pest invasion as local fishermen sometimes moor their vessels close to the island. This island is at risk of damage from increased numbers of kekeno.

6.11 Kaninihi

6.11.1 Location and Geology

Kaninihi is 2.6ha on the southern coast of Rakiura, south of Broad Bay. It is categorised as a Restoration Island in the Rakiura CMS.

6.11.2 Flora and Fauna

The island has not been surveyed and there is no information on vegetation, wildlife of special significance, nor information on the presence of introduced predators.



6.11.3 He Tāngata

The island is a kai island which is accessed intermittently by boat. There are no structures on the island.

6.11.4 Issues

This island is at risk of damage from increased numbers of kekeno.

6.12 Putauhinu

6.12.1 Location and Geology

Putauhinu is 149.9ha, the largest of the Rakiura Tītī Islands. It lies off the southwestern coast of Rakiura, northwest of Taukihepa. The rock type is granite. Coastal and lowland forests cover the hill slopes. The Rakiura CMS lists this island as a Refuge island

6.12.2 Flora and Fauna

The size of Putauhinu reflects its greater diversity in plant and bird species than the other Rakiura Tītī Islands. In 1999, Putauhinu was extensively surveyed for vegetation, birdlife, lizards and bats, and to check for the presence of rats following the poison drop of 1997.

Coastal vegetation consists of a grassland of *Poa astonii* (blue shore tussock). Exposed areas feature *Chenopodium glaucum* ssp *ambiguum*, *Crassula moschata*, *Anisotome lyallii* (coastal carrot) and *Gentiana saxosa* (shore gentian).

The coastal forest is primarily tētēaweka with tūpare and kōkōmuka present. Putauhinu's dominant forest is a tūpare forest which grows 4–6m tall. There are occasional inaka and orihou and matipou. A large gully also features rätä, the canopy reaching up to 10m. There are also several areas of pakihi. Putauhinu and Taukihepa are the only tītī islands with pakihi vegetation. There is a large area within the centre of the island with no manu. An underground water system may make the area too damp.

Plants of interest are bünui (a nationally threatened plant), *Myrsine chathamica* (Chatham Island mäpou), *Poa tennantiana*, and the *Myosotis rakiura* (Stewart Island forget-me-not). The endangered species nau (Cook's scurvy grass) is also present on the island.



The bird population is diverse and includes hoiho, titī (Sooty shearwater), kākāriki (red-crowned parakeet), and korure.

Over the last 30 years there have been several bird transfers to Putauhinu. In February 1974, 23 tieke were transferred to Putauhinu. The population had declined to 12 two years later, and a further liberation of 22 birds followed. Since the eradication of kiore in 1997 this population is now in good numbers.

In 1998 a small population of mātā was released onto Putauhinu. This species is endemic only to Whenua Hou and was at risk of extinction due to rodent invasion or fire. When the kiore eradication was planned for Whenua Hou trials showed that fernbirds were susceptible to the toxic bait. The establishment of a further population on Putauhinu was desirable in order to ensure the survival of the species.

In March 1999 toutouwai were transferred from Pohowaitai to Putauhinu, a total of 15 birds.

In April 2005, 30 tutukiwi (Snares Island snipe) were transferred from North East Island to Putauhinu. This would establish the population in the Rakiura region and create a backup for the original population.

Other wildlife includes a rookery of kekeno and at least two species of lizard, *Oligosomos notosaurus* (the southern skink) and an unidentified gecko species. The southern skink is on the threatened species list.

After sightings of pekapeka, a survey was done in November 1999. No bats were caught and only two were presumed heard on the recording equipment. Pekapeka can fly between islands so they may not be residing on Putauhinu though there are good habitats for them — the rātā forest and coastal caves. To confirm presence and whether they are the greater short-tailed bat (presumed extinct) or the lesser short-tailed bat, some pekapeka will have to be caught.

Kiore were poisoned in 1997 and officially declared eradicated in 1999. Cats were also present at one time on Putauhinu but are thought to have died out in the 1950s or 1960s.

6.12.3 He Tāngata

Approximately 6 families bird this island on a regular basis. The island is currently divided into 6 manu. There are 9 houses and 5 helicopter landing sites on the



island. There are five boat landings for Putauhinu (Pearl's landing; Rongo's landing; Pennicott's landing; Kitson's landing and Jimmy Lee's landing) however access by boat is very difficult and most families now access the islands by helicopter. However, stores etc are still transported to the island by boat and then landed by helicopter.

6.12.4 Issues

This island is at risk of damage from increased numbers of kekeno. Whānau need to ensure quarantine procedures are followed to protect the island from pests. Whānau may need to consider whether it is appropriate to ban dogs for the ongoing protection of species such as the tutukiwi.

6.13 Pukeweka

6.13.1 Location and Geology

Pukeweka is a low-lying island and is 3.2ha in size. It lies off the south-western coast of Rakiura, between Taukihepa and Rerewhakaupoko (Solomon Island), in the South Cape region. It is classified as a Restoration Island in the Rakiura CMS.

6.13.2 Flora and Fauna

Pukeweka's forest area consists of tētēaweka, tūpare, inaka and kōkōmuka, as well as various ferns. There have been no official surveys done of the ecological values of Pukeweka. It is known that tieke were present on the island before the rat invasion which affected Pukeweka and two of the beneficial islands in 1964. Whānau from the island report that the birdlife of the island includes tūī, korimako, kākāriki, pīwakawaka, tauhou, riroriro, and ruru.

6.13.3 He Tāngata

There is one house on the island. There is easy access to the island by boat as well as helicopter.

6.13.4 Issues

A rat eradication program took place in 2006. The eradication program was carried out by the Ka Mate nga Kiore, Incorporated Society in conjunction with the Administering Body and the whānau from the island. There is an ongoing risk of



pest invasion as local fishermen sometimes moor their vessels close to the island. This island is at risk of damage from increased numbers of kekeno.

6.14 Big Island (*Tiorea, Motunui, Women's, Stage*)

6.14.1 Location and Geology

Big is 23.6ha and is off the south-western coast of Rakiura, northwest of Easy Harbour, and is part of the Boat Group. It is listed as a Refuge Island in the Rakiura CMS. Steep cliffs surround the island and the plateau on top is covered by tūpare Olearia colensoi forest in peaty soil. The rock type is mainly granite.

6.14.2 Flora and Fauna

The coastal forest is mainly tētēaweka and tūpare and includes glossy karamū, kōkōmuka, and fern communities. Plants of interest due to their threatened status include nau (Cook's scurvy grass) and būnui. Taupata, a recent arrival to the island, is establishing itself.

In 1964, 21 tieke were taken from Taukihepa and released onto Big Island. By 1978 there were more than 80. Twenty-six of these were removed and placed on Kundy. In 1984 the tieke population was 50. Since then other transfers have taken place one most notably to Breaksea Island in Fiordland National Park. The island seems to produce capacity levels of tieke. In 2000, a total of 30 birds were caught and released onto Ulva Island. At that time it was stated that a further 50 could be removed from Big and released elsewhere to make room for juvenile birds.

Other birds of ecological importance are the tawaki, pararā, titī (Sooty shearwater), and takahikare-moana. Also noted are the mātā (Stewart Island fern bird), kororā, meaweka, korimako, tūī, riroriro, kererū, ruru and *Bubulcus ibis coromandus* (cattle egret).

Other wildlife species include kekeno and two species of lizards, *Hoplodactylus nebulosus* (forest gecko) and *Oligosoma chloronoton* (a skink). It is thought that the Herekopare weta were once common on Big until the 1980s but have not been seen since.

There are no known predators on Big Island.



6.14.3 He Tāngata

There are 6 houses on the island and one helicopter pad. The houses on the island are located in close proximity to each other. There are two boat landings which are both difficult on the island.

6.14.4 Issues

Big is within 2km of Rakiura and may be considered vulnerable to deer, stoats, and other rodents because it is within swimming distance of other islands and Rakiura. This island is at risk of damage from increased numbers of kekeno. Noted pest plants around the huts are montbretia, angelica and couch grass.

6.15 Betsy Island (Tamaka)

6.15.1 Location and Geology

Betsy is 6.3ha and lies off the south-western coast of Rakiura. It is part of the Boat Group. It has a rocky coastline and is surrounded by steep cliffs. The main rock type is granite which shows signs of weathering. Betsy has been designated as a Refuge Island in the Rakiura CMS.

6.15.2 Flora and Fauna

The vegetation of Betsy is mainly tētēaweka, kōkōmuka and a yet to be identified species of flax. There is no tūpare. The western side is covered in herbs and *Poa astonii* (blue shore tussock). There are abundant titī (Sooty shearwater) burrows in the vegetation along with titī wainui and pararā. A survey in 1982 showed 20 native species of plants. Also noted are the mātā (Stewart Island fern bird), korimako, tūi, and riroriro.

In 1969, 16 tieke were released onto Betsy Island. In 1976 the population was 12. It is thought that this island may not be big enough to support tieke transfers to other islands.

Other wildlife includes *Hoplodactylus nebulosus* (forest gecko), skinks *Oligosoma chloronoton* and *Oligosoma notosaurus* and weta. There are no known predators on Betsy.



6.15.3 He Tāngata

This island is regularly birded and there is one house on the island. Access is by both helicopter and boat. However the boat landing is treacherous.

6.15.4 Issues

This island is at risk of damage from increased numbers of kekeno.

6.16 Kundy Island (Kani, or North Island)

6.16.1 Location and Geology

Kundy has an area of 23ha and lies off the south-western coast of Rakiura, north of Betsy Island. It is part of the Boat Group. There are several sheltered coves and small valleys. The soil is peat. It has been designated as a Refuge Island in the Rakiura CMS.

6.16.2 Flora and Fauna

Vegetation communities on Kundy include tūpare and tētēaweka forest, with wharariki. Because of the sheltered valleys rātā and other hardwood species are present. Būnui is present also.

Birdlife includes tawaki, kororā, titī wanui (fairy prion), titī (Southern diving petrel), korure, titī (Sooty shearwater), kererū, and törea. Forest birds include tūi, pīwakawaka, and kōrimako.

There was a high population of introduced weka but it was noted that some species of small petrels and forest birds were dying out. Bats were once recorded in high numbers in a cave within the main cove but those too have gone.

In 1978, 38 tieke were released onto Kundy Island. The population struggled due to the predation of weka. In an effort to support the saddleback project, a cull of weka was performed in 1981. A total of 186 weka were culled from the island leaving only a few remaining. These were eradicated on a follow-up trip. By 1984 the tieke population had increased to 60.

In 1995, mātā (Stewart Island fernbird) was restored to Kundy. By March 1999 the tieke population was thriving and 30 birds were transferred from Kundy to Pohowaitai. During the same trip 13 meaweka were also translocated from Pohowaitai to Kundy.



Other wildlife include *Hoplodactylus nebulosus* (forest gecko) and *Oligosoma chloronoton* (a skink), and a breeding rookery of kekeno.

6.16.3 He Tāngata

This island is regularly birded by two whānau. There are two houses present on the island. There is one helicopter pad.

6.16.4 Issues

There is an ongoing risk of pest invasion as local fishermen sometimes moor their vessels close to the island. This island is at risk of damage from increased numbers of kekeno.

6.16.5 Objectives

To retain the pest free status of Kundy and to prevent increasing damage to the islands by kekeno.

6.16.6 Implementation

To encourage whānau to continue to follow good quarantine practices.

To work with fishermen to encourage best practice quarantine measures when mooring in the vicinity of Kundy.

To investigate measures to discourage kekeno from accessing manu areas on Kundy.

6.17 Rat Island

6.17.1 Location and Geology

Rat Island is 13.1ha and is just off the south-western coast of Rakiura. It is a Restoration Island in the Rakiura CMS.

6.17.2 Flora and Fauna

The island has not been surveyed for vegetation or presence of wildlife although it is understood that this island has limited numbers of tītī present on the island.

6.17.3 He Tāngata

There are no structures present on the island although a family has applied for a permit to erect a house for the 2007 season. At present access is by boat only. Rat



Island is not known to have an abundance of tītī and has recently been used as a kai island only.

6.17.4 Issues

The island is well within swimming distance of Rakiura and could be vulnerable to browsing by deer and invasion by rats. This island is at risk of damage from increased numbers of kekeno.

6.18 *Pikomamaku-iti (North)*

6.18.1 Location and Geology

Pikomamaku-iti is 8.3ha and is off the north-eastern coast of Rakiura, 12km north east of Halfmoon Bay, and north of Motunui. It is designated as a Refuge Island in the Rakiura CMS.

6.18.2 Flora and Fauna

This island has not been surveyed and thus there is no recorded information on the values of this island. However it is understood that the island has several important species on the island including kākāriki, tieke and toutouwai. The island is reported to be free of rats and other pest species.

6.18.3 He Tāngata

This island is considered to be a kai island only. There are three houses on the island, and access is by boat only.

6.18.4 Issues

This island is at risk of damage from increased numbers of kekeno.



Glossary

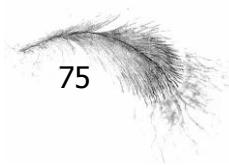
<i>Agrostis stolonifera</i>	Couch grass
<i>Bubulcus ibis coromandus</i>	Cattle egret
bünui	<i>Stilbocarpa lyallii</i> (also known as pünui)
häkuwai	<i>Coenocorypha aucklandica iredalei</i> (Stewart Island snipe)
hoiho	<i>Megadyptes antipodes</i> (yellow-eyed penguin)
<i>Hoplodactylus nebulosus</i>	A forest gecko
hüpiro	<i>Coprosma foetidissima</i> (stinkwood)
inaka	<i>Dracophyllum longifolium</i>
kaitiakitanga	The exercise of guardianship. With respect to resources this is done in a manner which encompasses all of the customs, traditions and values associated with that resource.
käkäriki	<i>Cyanoramphus novaezealandiae</i> (red-crowned parakeet)
käkäriki	<i>Cyanoramphus auriceps</i> (yellow-crowned parakeet),
käpuka	<i>Griselinia littoralis</i> (broadleaf)
karaeopirita	<i>Ripogonum scandens</i> (supplejack)
karamü	<i>Coprosma lucida</i> (glossy karamu)
kekeno	<i>Arctocephalus forsteri</i> (New Zealand fur seal)
kererü	<i>Hemiphaga novaeseelandiae</i> (New Zealand wood pigeon)
kiore	<i>Rattus exulans</i> (Polynesian rat)
köhöhü	<i>Pittosporum tenuifolium sub sp colensoi</i>
kökömuka	<i>Hebe elliptica</i>
korimako	<i>Anthornis melanura</i> (bellbird)
kororä	<i>Eudyptula minor</i> (Southern little blue penguin)
korure	<i>Pterodroma inexpectata</i> (mottled petrel)
kötukutuku	<i>Fuchsia excorticata</i>
makomako	<i>Aristotelia serrata</i> (wineberry)
manu	Depending on the context can mean a bird or a designated place for birding
mauri	Essence or life-force of both animate and inanimate objects



mätä	<i>Bowdleria punctata stewartianai</i> (Stewart Island fernbird)
mätä	<i>Bowdleria punctata wilsoni</i> (Codfish Island fernbird)
matipou	<i>Myrsine australis</i> (red mäpou)
meaweka	<i>Rallus philippensis</i> (banded rail)
<i>Myrsine chathamica</i>	Myrrh
nau	<i>Lepidium oleraceum</i> (Cook's scurvy grass)
<i>Oligosoma chloronoton</i>	A skink
ongaonga	<i>Urtica ferox</i> (tree nettle)
orihou	<i>Pseudopanax colensoi</i> var. <i>fiordensis</i> (five-finger)
pakihi	Open areas with sparse vegetation
pararä	<i>Pachyptila vittata</i> (broad-billed prion)
patë	<i>Schefflera digitata</i> (7-finger)
pekapeka	<i>Mystacinia tuberculata</i> (short tailed bat) or <i>Chalinolobus tuberculata</i> (long tailed bat)
pöhuehue	<i>Muehlenbeckia australis</i>
püheretäiko	<i>Brachyglottis rotundifolia</i> (muttonbird scrub)
rähui	A form of tapu implemented for specific purposes to restrict access to, or use of, an area or resource
rätä	<i>Metrosideros umbellata</i> (Southern rätä)
rats	<i>Rattus rattus</i>
riroriro	<i>Gerygone igata</i> (grey warbler)
ruru	<i>Ninox novaeseelandiae</i> (morepork)
takahikare-moana	<i>Pelagodroma marina</i> (white-face storm petrel)
tapu	Something that is under restriction
taonga	Something that is highly prized or of great value
tauhou	<i>Zosterops lateralis</i> (waxeye)
taupata	<i>Coprosma repens</i>
tawaki	<i>Eudyptes pachyrhynchus</i> (Fiordland crested penguin)
te Ara a Kiwa	The pathway of Kiwa
Te Kerême	The Ngäi Tahu Claim
tëtëaweka	<i>Olearia angustifolia</i>
tieke	<i>Philesturnus carunculatus</i> (South Island saddleback)
tüü	<i>Puffinus griseus</i> (Sooty shearwater)
tüü	<i>Pelecanoides urinatrix</i> (Southern diving petrel)
tüü wainui	<i>Pachyptila turtur</i> (fairy prion)
törea	<i>Haematopus unicolor</i> (variable oystercatcher).



toutouwai	<i>Petroica australis rakiura</i> (Stewart Island robin).
tūī	<i>Prosthemadera novaeseelandiae</i>
tūpare	<i>Olearia colensoi</i>
tutukiwi	<i>Coenocorypha aucklandica huegeli</i> (Snares Island snipe)
weka	<i>Gallirallus australis scotti</i> (Stewart Island weka)
wharariki	<i>Phormium cookianum</i> (mountain flax)



Extracts from Ngäi Tahu Deed of Settlement 1997

13.6 CROWN TĪTĪ ISLANDS

13.6.1 Definitions

In this *clause 13.6*:

Administering Body in relation to the Crown Tītī Islands means the body constituted in accordance with *clause 13.6.2(e)*;

Commencement Date means the date when the Minister approves the initial bylaws for the control and management of the Crown Tītī Islands pursuant to *clause 13.6.6*;

Crown Tītī Islands means the islands that, since the Deed of Conveyance dated 29 June 1864 whereby the island of Rakiura and all the large islands and all the small islands adjacent to it were transferred to the Crown, have remained in the ownership and control of the Crown subject to certain rights of Rakiura Māori to take tītī as provided in the Regulations, and as more particularly defined in the term "Crown island" in Regulation 2 of the Regulations, and includes the islets and stacks adjacent to them, and also includes Pikaumamakau-iti (North Island) being 8.3 hectares, more or less, Section 1 SO 12217, more particularly described as Southland Land District, Southland District Council,

1. Motonui Island or Edwards Island
46.9 hectares, more or less, being Section 15 SO 12215.
2. Jacky Lee Island
30.7 hectares, more or less, being Section 16 SO 12215.
3. Bunker Islets
10.7 hectares, more or less, being Section 17 SO 12215.
4. Pihore Island
1.4 hectares, more or less, being Section 14 SO 12215.
5. Weka Island
8.1 hectares, more or less, being Section 11 SO 12215.
6. Rukawahakura Island
23.3 hectares, more or less, being Section 12 SO 12215.
7. Takiwiwini Island
1.5 hectares, more or less, being Section 13 SO 12215.
8. Kopeka Island
1.8 hectares, more or less, being Section 10 SO 12215.
9. The Brothers (formerly known as the Sisters)
4.6 hectares, more or less, being Section 9 SO 12215.
10. Ernest Island
16.7 hectares, more or less, being Section 7 SO 12215.
11. Kaninihi Island
2.6 hectares, more or less, being Section 8 SO 12215.
12. Putauhinu Island
149.9 hectares, more or less, being Section 5 SO 12215.
13. Pukeweka Island
3.2 hectares, more or less, being Section 6 SO 12215.



14. Big Island
23.6 hectares, more or less, being Section 4 SO 12215. (b) that Part IVA of the Conservation Act 1987 will not apply to the vesting of the Crown Titi Islands referred to in *clause 13.6.2(c)*;

15. Betsy Island
6.3 hectares, more or less, being Section 2 SO 12215. (c) for the vesting of the fee simple estate in the Crown Titi Islands in Te Rünanga on the Settlement Date;

16. Kundy Island or North Island
23.0 hectares, more or less, being Section 1 SO 12215. (d) for the Crown Titi Islands to continue to be managed by the Crown as if they were a conservation (stewardship) area from the Settlement Date to the Commencement Date and further that:

17. Rat Island
13.1 hectares, more or less, being Section 3 SO 12215. (i) neither Te Rünanga nor the Crown will undertake any activity that would prejudice the customary rights of Rakiura Mäori to take titi on a sustainable basis and the control and management of the Crown Titi Islands in accordance with this *clause 13.6*;

18. Pikomamakau-iti or North Island
8.3 hectares, more or less, being Section 1 SO 12217 (ii) such management will be undertaken subject to the Regulations existing at the date of this Deed; and

as shown on *Allocation Plans SS 432, sheets 1 to 9 (SO 12252)*;

Rakiura Mäori means any person who is a member of the Ngäi Tahu Tribe or Ngäti Mamoe Tribe and is a descendant of the original Mäori owners of Rakiura/Stewart Island;

Rakiura Titi Committee means the committee elected pursuant to Regulation 7(1)(c) of the Regulations; and

Regulations means the Titi (Muttonbird) Islands Regulations 1978.

13.6.1 Legislation for the Crown Titi Islands

The Crown agrees that the Settlement Legislation will provide:

(a) for the removal of the status of conservation (stewardship) area managed for conservation purposes from the Crown Titi Islands on the Settlement Date, notwithstanding Part V of the Conservation Act 1987;

(b) that Part IVA of the Conservation Act 1987 will not apply to the vesting of the Crown Titi Islands referred to in *clause 13.6.2(c)*;

(c) for the vesting of the fee simple estate in the Crown Titi Islands in Te Rünanga on the Settlement Date;

(d) for the Crown Titi Islands to continue to be managed by the Crown as if they were a conservation (stewardship) area from the Settlement Date to the Commencement Date and further that:

(i) neither Te Rünanga nor the Crown will undertake any activity that would prejudice the customary rights of Rakiura Mäori to take titi on a sustainable basis and the control and management of the Crown Titi Islands in accordance with this *clause 13.6*;

(ii) such management will be undertaken subject to the Regulations existing at the date of this Deed; and

(iii) *clause 13.6.2* does not limit or affect the power of the Minister to apply sections 36 to 47 of the Conservation Act 1987 until Commencement Date;

(e) for the Minister to appoint the persons selected by the Rakiura Titi Committee and Te Rünanga in accordance with clause 13.6.3 as an administering body by a notice in the New Zealand Gazette as soon as practicable after the Minister is notified in accordance with clause 13.6.3 of the persons selected;

(f) for the Administering Body to be deemed to be appointed by the Minister pursuant to section 38(2) of the Reserves Act 1977, as an administering body to control and manage the Crown Titi Islands with effect from the Commencement Date, as if the Crown Titi Islands were a Nature Reserve;

- (g) for the management of the Crown Titi Islands in accordance with clause 13.6.2(f) to be subject to the customary rights of Rakiura Mäori to take titi on a sustainable basis so that those rights are not in any way adversely affected by the management of the Crown Titi Islands in accordance with *clause 13.6.2(f)*;
- (h) for the consent of Te Rünanga and the approval of both Te Rünanga and the Crown in clause 13.6.9 to be deemed to be sufficient for the purposes of section 38(2) of the Reserves Act 1977;
- (i) that the terms and conditions as to the use of the Crown Titi Islands set out in clause 13.6.9 and Attachments 13.8 and 13.9 will be quoted in a schedule to the Settlement Legislation as a matter of record only;
- (j) that quoting the terms and conditions referred to in clause 13.6.2(i) in a schedule to the Settlement Legislation shall not have the effect of giving them any greater force or effect than they have as terms and conditions as to the use of the Crown Titi Islands pursuant to section 38(2) of the Reserves Act 1977;
- (k) for the Administering Body to exercise all the powers and functions of administering bodies under the Reserves Act 1977, except where this clause 13.6 provides to the contrary, and such powers and functions shall include the power to make bylaws relating to the management of the Crown Titi Islands in accordance with this clause 13.6;
- (l) that, on the Commencement Date:
 - (i) the Crown will cease to manage the Crown Titi Islands;
 - (ii) the Administering Body will commence controlling and managing the Crown Titi Islands in accordance with this *clause 13.6*; and

(iii) the Regulations will cease to apply to the Crown Titi Islands; and

- (m) for the Crown to, each year, meet those costs of the Administering Body set out in each annual budget approved by the Minister that relate to the Administering Body controlling and managing the Crown Titi Islands as if they were a Nature Reserve.

13.6.3 Rakiura Titi Committee and Te Rünanga to Select Members of the Administering Body

Te Rünanga and the Crown agree that:

- (a) the Administering Body will consist of up to nine Rakiura Mäori selected by Rakiura Mäori at their first annual meeting held pursuant to Regulation 7(1) of the Regulations after the Settlement Date, and one Rakiura Mäori selected by Te Rünanga; and
- (b) within 10 Business Days of the meeting referred to in clause 13.6.3(a), the Rakiura Titi Committee and Te Rünanga will notify the Minister of the persons selected under clause 13.6.3(a), and the Minister will then formally appoint those persons as the Administering Body by a notice in the New Zealand Gazette as soon as practicable after he or she is notified of the persons selected.

13.6.4 Constitution of the Administering Body

Te Rünanga and the Crown agree that, within two years of the appointment of the Administering Body pursuant to *clause 13.6.2(e)*, the Administering Body and Te Rünanga will prepare and agree on a constitution for the Administering Body for the control and management of the Crown Titi Islands in accordance with this *clause 13.6*, taking into



account the relevant provisions of the Reserves Act 1977 and the Regulations existing at the date of this Deed, and that the constitution shall include the following matters:

- (a) the Administering Body shall be authorised to expend and apply money in controlling and managing the Crown Titi Islands in accordance with this clause 13.6, ensuring the sustainable take of titi, and for the purposes of undertaking any work programme, including any work programme for scientific research;
- (b) the total membership of the Administering Body shall be up to ten members who shall each be appointed for a term of five years;
- (c) after the expiry of the five year term of appointment of the initial members of the Administering Body, the terms of some members will be extended so that no more than three members of the Administering Body will be required to stand for reappointment in any one year;
- (d) the Administering Body shall have the power to appoint persons with relevant expertise or knowledge to provide advice to the Administering Body; and
- (e) the constitution of the Administering Body may be amended from time to time, provided that any amendment continues to enable the Administering Body to undertake the matters set out in clauses 13.6.4(a) to 13.6.4(d) and to control and manage the Crown Titi Islands in accordance with this clause 13.6.

13.6.5 Bylaws

Te Rünanga and the Crown agree that, within two years of the appointment of the Administering Body pursuant to *clause 13.6.2(e)*, the Administering Body, Te Rünanga and the Minister will prepare and agree on the initial bylaws for the control and management of the Crown Titi Islands in accordance with this *clause 13.6*, taking into account the relevant provisions of the Reserves Act 1977 and the Regulations existing at the date of this Deed.

13.6.6 Minister of Conservation to Approve Bylaws

The Crown and Te Rünanga agree that the Minister will approve the initial bylaws for the control and management of the Crown Titi Islands in accordance with this clause 13.6, and any amendments to those bylaws, provided that he or she is satisfied that:

- (a) the constitution of the Administering Body agreed to pursuant to *clause 13.6.4* is appropriate and enables the Administering Body to administer and expend money on land and to undertake the functions of an administering body under the Reserves Act 1977 and this *clause 13.6*; and
- (b) the initial bylaws for the control and management of the Crown Titi Islands in accordance with *clause 13.6*, and any amendments to those bylaws, are not inconsistent with the Reserves Act 1977.

13.6.7 Costs of Establishing the Administering Body

Te Rünanga and the Crown agree that the costs of establishing the Administering Body will be met by the Crown upon application by the Administering Body to the Director-General of Conservation.



13.6.8 Name for Crown Titi Islands

The Crown agrees that, if the Administering Body formally notifies the Crown of a name to be used in place of the "Crown Titi Islands", then the Crown will use that name whenever the group of islands referred to in this Deed as the Crown Titi Islands are referred to in any legislation or regulations enacted from the time the Administering Body notifies the Crown of such name. This agreement will not oblige the Crown to amend any legislation that has already been reported back from Select Committee.

13.6.9 Consent to Management of the Crown Titi Islands

Te Rünanga consents to the matters set out in clauses 13.6.2(f) and 13.6.2(g) and both Te Rünanga and the Crown approve the following terms and conditions as to the use of the Crown Titi Islands, all in accordance with section 38(2) of the Reserves Act 1977:

- (a) the Crown Titi Islands shall be managed and controlled by the Administering Body in accordance with the terms and conditions set out in Attachment 13.8, and the Administering Body shall, in the exercise of its functions, comply with those terms and conditions; and
- (b) the Administering Body shall prepare and submit to the Minister for his or her approval a management plan for the management of the Crown Titi Islands in accordance with this clause 13.6 following the process set out in Attachment 13.9 and shall, in the exercise of its functions, comply with the management plan for the Crown Titi Islands.

Attachment 13.8 Terms And Conditions Of Administering Body Controlling And Managing The Crown Tītī Islands

(Clause 13.6.9)

1 Terms used in this Attachment 13.8 have the same meaning as in clauses 13.1.1 and 13.6.1 of the Deed of Settlement.

2 The Administering Body, in controlling and managing the Crown Tītī Islands in accordance with clause 13.6 of the Deed of Settlement, shall comply with the following matters:

- (a) the Administering Body and the Minister will meet from time to time throughout the year to discuss any matter relating to the control and management of the Crown Tītī Islands, including the matters set out in paragraph 2(d) of this Attachment 13.8, and the Minister shall be given reasonable notice of and have the right to attend all meetings of the Administering Body which relate to the control and management of the Crown Tītī Islands;
- (b) prior to the annual meeting of Rakiura Māori held pursuant to Regulation 7(1) of the Regulations, the Administering Body and the Minister shall agree on a work programme for the following year and agree who should fund and undertake each part of that work programme;
- (c) the Administering Body and the Minister will not unreasonably withhold its or his or her agreement to the inclusion of any proposal in the annual work programme if the proposal is consistent with the control and management of the Crown Tītī Islands in accordance with clause 13.6 of the Deed of Settlement;
- (d) the matters which may form part of the work programme include:
 - (i) the protection, maintenance, restoration or enhancement of the Crown Tītī Islands consistent with the customary

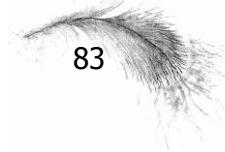
rights of Rakiura Māori to take tītī on a sustainable basis from the Crown Tītī Islands and the control and management of the Crown Tītī Islands in accordance with clause 13.6 of the Deed of Settlement, including the prevention of the introduction of, or eradication, or management of, pests including, but not limited to rats, mice, cats, stoats, the eradication of introduced plants, revegetation and restoration of native flora and fauna;

- (ii) establishing, re-establishing, maintaining or managing threatened species of flora and fauna (except where this would have a material adverse effect on the management of the Crown Tītī Islands in accordance with clause 13.6 of the Deed of Settlement);
- (iii) conducting or arranging for the carrying out of research and the monitoring of species of flora and fauna by the Minister of Conservation or his or her agents or assigns, and on such terms and conditions, as may be approved by the Minister and the Administering Body;
- (iv) monitoring and assessing the tītī population and ensuring the continuing sustainable harvest of tītī; and
- (v) for the Minister to assist the Administering Body in setting up monitoring and assessment procedures and providing such scientific information as may be requested by the Administering Body;
- (e) any agreed annual work programme will be subject to:
 - (i) any management plan approved in accordance with clause 13.6.9(b) of the Deed of Settlement; and
 - (ii) any existing species recovery plan under the Wildlife Act 1953; and



- (iii) any species recovery plan under the Wildlife Act 1953 which is being implemented at the date of this Deed or is implemented after this Deed, or any part of such a species recovery plan, which relates to species on the Crown Titi Islands and is agreed to by the Administering Body (or, prior to the appointment of the Administering Body, by the Rakiura Titi Committee);
- (f) if either the Minister or the Administering Body makes any proposal for inclusion in an annual work programme, the other party will not withhold his, her or its agreement to the inclusion of that proposal in the annual work programme if the proposal:
 - (i) is consistent with the control and management of the Crown Titi Islands in accordance with clause 13.6 of the Deed of Settlement;
 - (ii) is in accordance with the management plan for the Crown Titi Islands, once it has been approved; and
 - (iii) does not require the other party to incur any expenditure;
- (g) the Administering Body and the Minister will present the agreed annual work programme to the annual meeting of Rakiura Mäori held pursuant to Regulation 7(1) of the Regulations;
- (h) the Minister, and his or her servants and agents, on giving reasonable notice to the Administering Body, shall have the right of reasonable access to the Crown Titi Islands for the purposes of inspection and carrying out his or her powers and duties under the Settlement Legislation, the Regulations (until the Commencement Date) or any statutes relating to the control and management of the natural environment and of any species of wildlife; and
 - (i) the Administering Body shall prepare, and submit to the Minister for his or her approval, an annual budget within two months of its appointment pursuant to clause 13.6.2(e) of the Deed of Settlement, and at least 25 Business Days prior to the date by which the Director-General of Conservation prepares the annual budget for his or her Department each year thereafter. If a budget is not approved in any year, then the previous year's budget will apply.

3 Where the approval or consent of the Minister is required to any action by the Administering Body the Minister may in his or her discretion refuse to grant his or her approval or consent unless and until the Administering Body has submitted the management plan for approval and the plan has been approved by the Minister.



Attachment 13.9 Process For Developing Management Plans For Crown Titii Islands

(Clause 13.6.9)

1 Terms used in this Attachment 13.9 have the same meaning as in clauses 13.5.1 and 13.6.1 of the Deed of Settlement.

2 The Administering Body shall, within five years after the Commencement Date, prepare and submit to the Minister for his or her approval a management plan for the Crown Titii Islands.

3 The Minister may extend the time within which the Administering Body is required to submit the management plan to him or her for approval, where he or she is satisfied with the progress the Administering Body has made with the preparation of the management plan.

4 The management plan shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the Administering Body's resources permit, the development, as appropriate, of the Crown Titii Islands in accordance with clause 13.6 of the Deed of Settlement.

5 The Administering Body may review the management plan from time to time and amend the plan to take into account changing circumstances or increased knowledge, but in any case, shall undertake a full review of the plan at least once every ten years. Any such review or amendment shall be approved by the Minister in the same way as the initial management plan.

6 Before preparing a management plan for the Crown Titii Islands, the Administering Body shall:

(a) Give public notice of its intention to do so, such notice to be given by:

(i) publishing a notice once in a newspaper circulating in the area in which the Crown Titii Islands are situated; and

(ii) in such other newspapers (if any) as the Administering Body decides;

(b) In that notice invite persons and organisations interested to send to the Administering Body at an address to be included in the notice written suggestions on the terms of reference for the proposed plan within a time specified in the notice;

(c) In preparing that management plan give full consideration to any such comments received; and

(d) Shall consult with and have particular regard to the views of the Director-General of Conservation.

7 Nothing in paragraphs 6(a) to 6(c) of this Attachment 13.9 shall apply in any case where the Administering Body has, by resolution, determined that written submissions on the proposed plan would not materially assist in its preparation.

8 The management plan shall be prepared by the Administering Body in draft form in the first place, and the Administering Body shall:

(a) Give public notice by:

(i) publishing a notice in a newspaper circulating in the area in which the Crown Titii Islands are situated; and

(ii) in such other newspapers (if any) as the Administering Body decides;

stating that the draft plan is available for inspection at a place and at times specified in the notice, and call upon persons or organisations interested to lodge with the Administering Body written submissions on the draft plan before a specified date, being not less than two months after the date of publication of the notice;



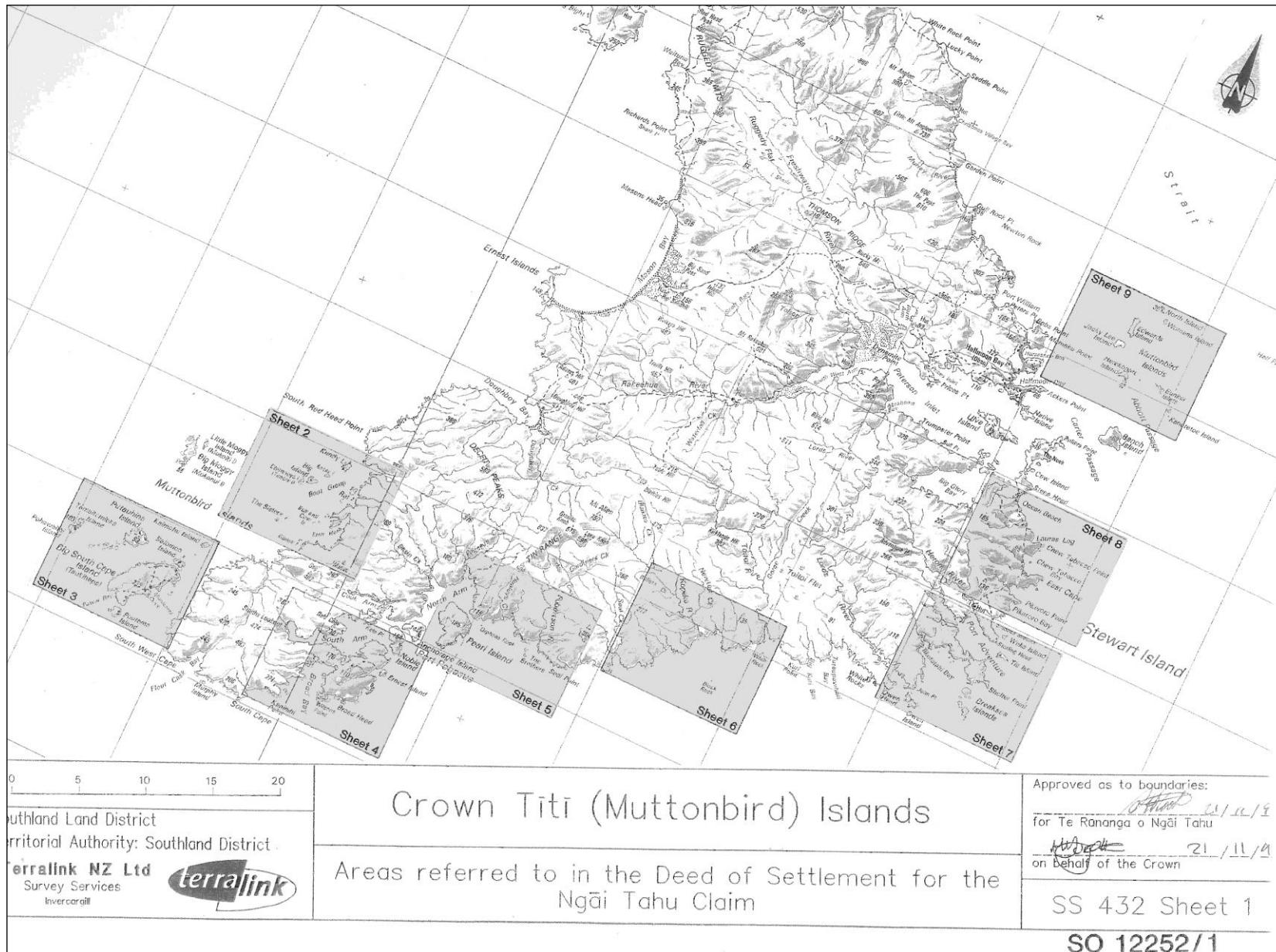
- (b) Send a copy of the plan to the Director-General of Conservation;
- (c) Give notice in writing, as far as practicable, to all persons and organisations who or which made submissions to the Administering Body under paragraph 6 of this Attachment 13.9 stating that the draft plan has been prepared and is available for inspection at the place and during the times specified in the notice, and requiring any such person or organisation who or which desires to make a submission on the draft plan to lodge with the Administering Body a written submission before a specified date, being not less than two months after the date of giving of the notice;
- (d) Make the draft management plan available for inspection, free of charge, to all interested persons during ordinary office hours at the office (if any) of the Administering Body, at the offices of Te Rünanga, at the offices (if any) of each of the four Murihiku Papatipu Rünanga and to the Director-General of Conservation at such office of his or her Department as may be agreed from time to time with the Director-General of Conservation;
- (e) Before recommending the management plan to the Minister for his or her approval, give every person or organisation who or which, in lodging any submission under paragraph (a) or paragraph (b) of this paragraph 8, asked to be heard in support of his, her or its submissions, a reasonable opportunity of appearing before the Administering Body, or any committee or person appointed by the Administering Body, in order to be heard on that submission;
- (f) Provide to the Minister a summary of the submissions received and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted; and
- (g) Once the Minister has approved the management plan, issue the final plan and make it available for inspection at the office (if any) of the Administering Body, at the office of Te Rünanga, at the offices (if any) of each of the four Murihiku Papatipu Rünanga and

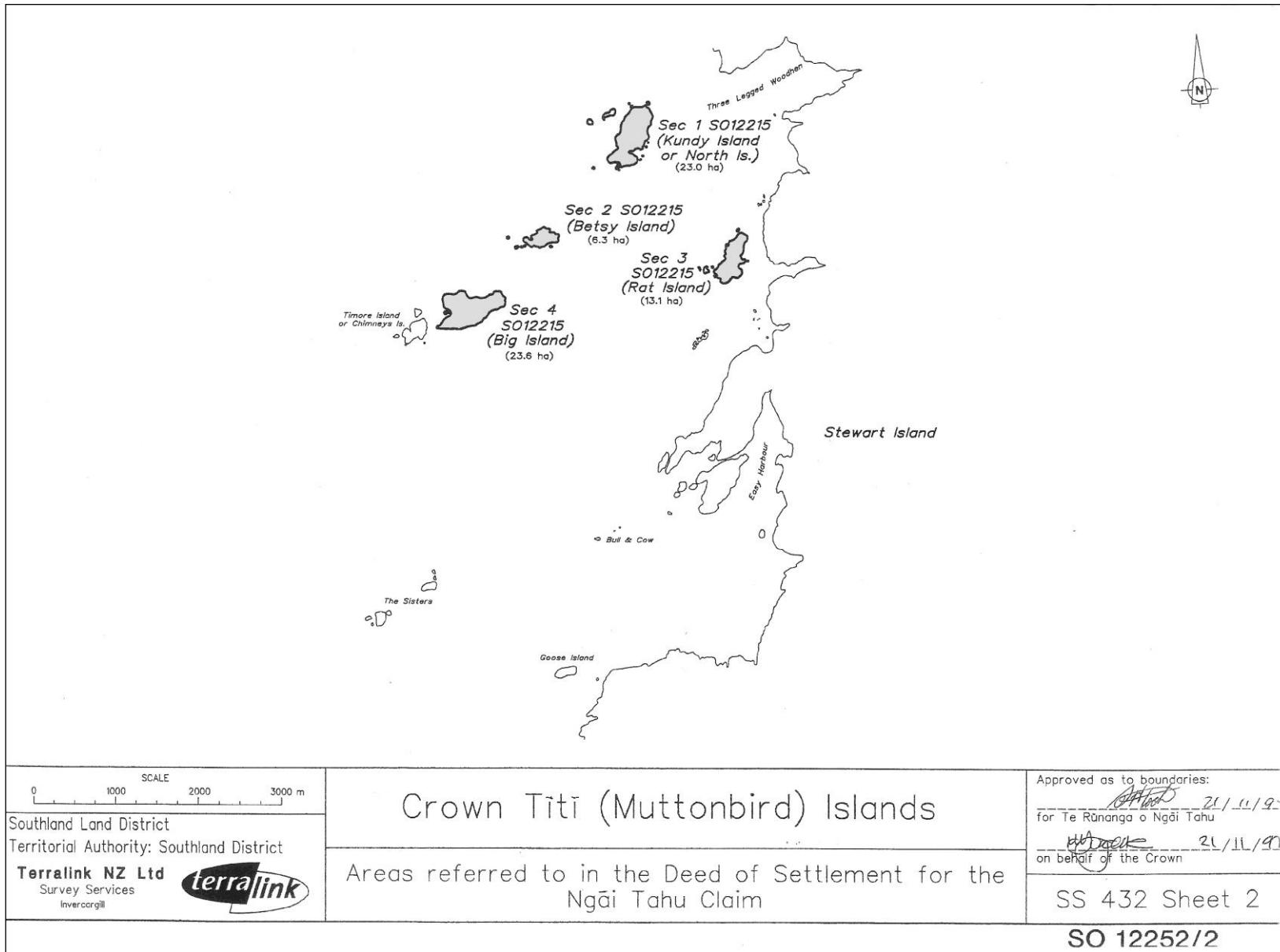
to the Director-General of Conservation at such office of his or her Department as may be agreed from time to time with the Director-General of Conservation.

- 9 If at any time the Administering Body undertakes a full review of the management plan in accordance with paragraph 5, or, subject to paragraph 10 of this Attachment 13.9, reviews the management plan, the Administering Body shall follow the procedure specified in paragraphs 6 to 8 of this Attachment 13.9 as if the review were the preparation of the initial management plan.
- 10 Where a proposed review (not being a full review) or amendment of the management plan is of such a nature that the Administering Body and the Director-General of Conservation consider that it will not materially affect the objectives or policies expressed in the management plan then, with the exception of paragraph 6(d), the Administering Body need not follow the procedure specified in paragraphs 6 to 8 of this Attachment 13.9.
- 11 The Administering Body or committee or person before which or whom any person appears at any hearing in support of any submissions shall determine the procedure to be followed at the hearing.

Appendix II — Extracts from Ngāi Tahu Deed of Settlement 1997

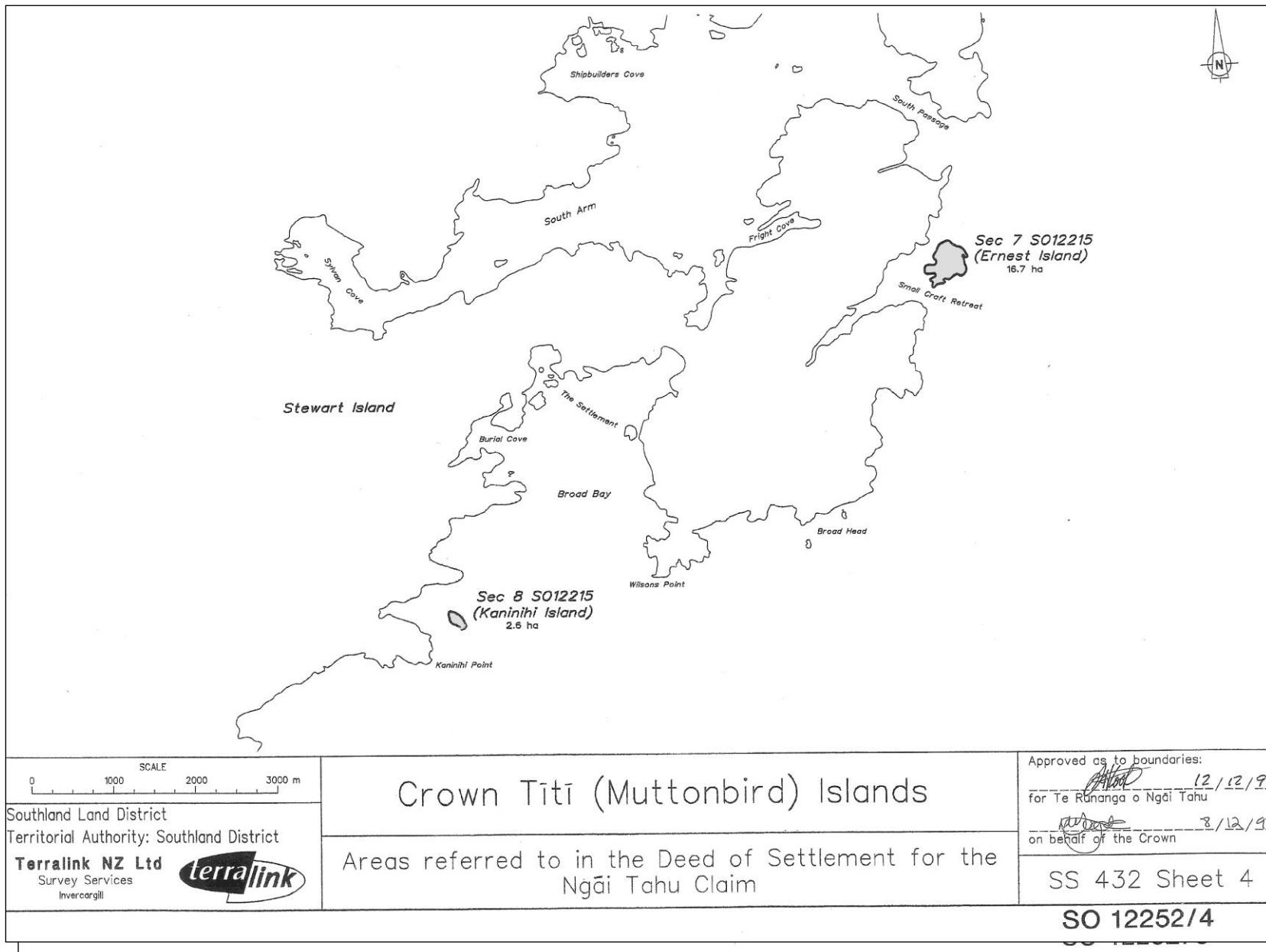
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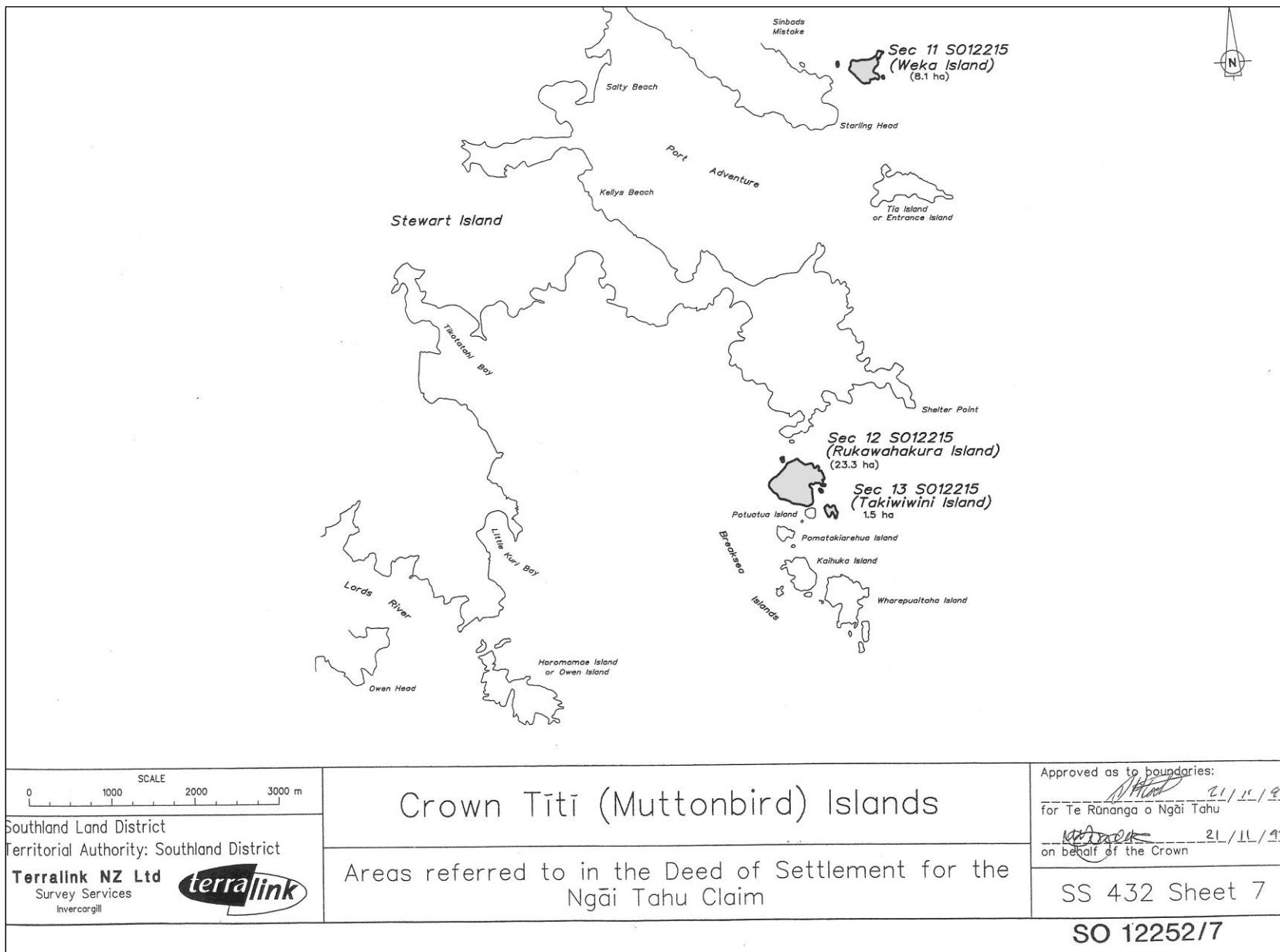


Appendix II — Extracts from Ngāi Tahu Deed of Settlement 1997

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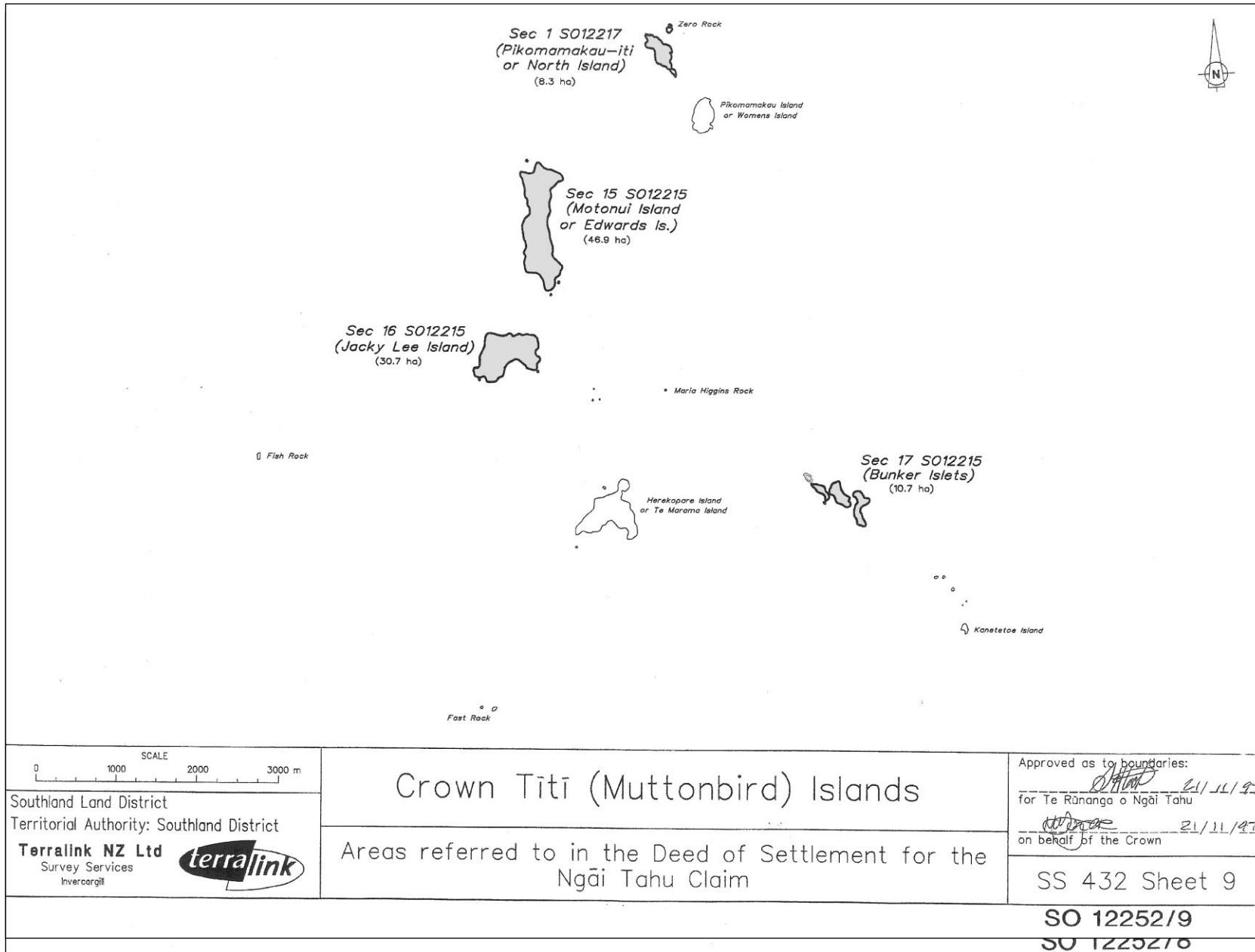


Appendix II — Extracts from Ngāi Tahu Deed of Settlement 1997



Appendix II — Extracts from Ngāi Tahu Deed of Settlement 1997

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Extracts from Ngäi Tahu Claims Settlement Act 1998

Extracts from Ngäi Tahu Claims Settlement Act 1998

333 Interpretation

In sections 334 to 337, unless the context otherwise requires,—

Commencement date means the date on which the Minister approves the initial bylaws for the control and management of the Crown Titë Islands pursuant to clause 13.6.6 of the deed of settlement;

Crown Titë Islands means the land described by that name in Schedule 106;

Rakiura Mäori means any person who is a member of the Ngäi Tahu tribe or Ngäti Mamoe tribe and is a descendant of the original Mäori owners of Rakiura/Stewart Island;

Rakiura Titë Committee means the committee elected pursuant to regulation 7(1)(c) of the Titë (Muttonbird) Islands Regulations 1978.

334 Crown Titë Islands vested in Te Rünanga o Ngäi Tahu

- (1) The Crown Titë Islands cease to be a conservation area.
- (2) The fee simple estate in the Crown Titë Islands is vested in Te Rünanga o Ngäi Tahu.
- (3) For the purposes of section 471, the vesting by subsection (2) is free from the requirement under Part 4A of the Conservation Act 1987 to reserve a marginal strip.

335 Interim management of Crown Titë Islands as if conservation area

Notwithstanding section 334, the Crown Titë Islands must continue to be managed by the Crown as if they were a conservation area from the settlement date to the commencement date and—

- (a) Neither Te Rünanga o Ngäi Tahu, nor the Crown will undertake any activity that would prejudice—
 - (i) The customary rights of Rakiura Mäori to take titë on a sustainable basis; or
 - (ii) The control and management of the Crown Titë Islands in accordance with clause 13.6 of the deed of settlement; and
- (b) The management will be undertaken in accordance with the Titë (Muttonbird) Islands Regulations 1978 as in force on 21 November 1997 together with any amendments to those regulations that are not inconsistent with paragraph (a); and
- (c) Section 334 does not limit or affect the power of the Minister to apply sections 36 to 47 of the Conservation Act 1987 to the Crown Titë Islands until the commencement date.

336 Control and management of Crown Titë Islands

- (1) As soon as practicable after the Minister is notified, in accordance with clause 13.6.3 of the deed of settlement, of the persons selected by the Rakiura Titë Committee and Te Rünanga o Ngäi Tahu in accordance with that clause, the Minister must, by notice in the Gazette, appoint those persons as an administering body



(for the purposes of section 2 of the Reserves Act 1977) of the Crown Titi Islands.

(2) On the commencement date, the administering body appointed pursuant to subsection (1) is deemed to be appointed by the Minister pursuant to section 38(2) of the Reserves Act 1977 as an administering body to control and manage the Crown Titi Islands as if they were a nature reserve, subject to the terms and conditions set out in attachments 13.8 and 13.9 of the deed of settlement (as quoted in Schedules 109 and 110) as if they were approved under section 38(2) of the Reserves Act 1977.

(3) The control and management of the Crown Titi Islands in accordance with subsection (2) is subject to the customary rights of Rakiura Mäori to take titi on a sustainable basis, so that those rights are not in any way adversely affected by the control and management of the Crown Titi Islands in accordance with that subsection.

(4) The agreement and approval of Te Rünanga o Ngäi Tahu in clause 13.6.9 of the deed of settlement to the control and management of the Crown Titi Islands in accordance with subsection (2) is sufficient for the purposes of section 38(2) of the Reserves Act 1977.

(5) The approval of the Minister of Conservation to the control and management of the Crown Titi Islands in accordance with subsection (2) is deemed to be given for the purposes of section 38(2) of the Reserves Act 1977.

(6) The quoting in Schedules 109 and 110 of the terms and conditions as to the use of the Crown Titi Islands is a matter of record only and does not give them any greater force or effect than they have as terms and conditions as to the use of the Crown Titi Islands under section 38(2) of the Reserves Act 1977.

(7) Except as otherwise provided in this section, the administering body appointed pursuant to subsection (1) may exercise all the functions and powers of an administering body under the Reserves Act 1977.

(8) The administering body appointed pursuant to subsection (1) may make bylaws relating to the management of the Crown Titi Islands in accordance with clause 13.6 of the deed of settlement.

(9) The Crown must, each year, pay those costs of the administering body appointed pursuant to subsection (1)—

- (a) That are set out in an annual budget for that year that has been approved by the Minister; and
- (b) That relate to the control and management of the Crown Titi Islands as if they were a nature reserve.

337 Amendments to Titi (Muttonbird) Islands Regulations 1978

(1) Regulation 2 of the Titi (Muttonbird) Islands Regulations 1978 is amended, on the commencement date, by—

- (a) Omitting the definition of the term "Crown island"; and
- (b) Omitting from the definition of the term "The said land" the words "and Crown islands".

(2) Regulations 3(5), 3(6), 5(7), and 7(1)(a) of the Titi (Muttonbird) Islands Regulations 1978 are revoked on the commencement date.

(3) The Minister must, as soon as practicable, advise by notice in the Gazette when subsections (1) and (2) take effect.

Constitution of Rakiura Titii Islands Administering Body

As amended February 2007

Te Waiata a Io Te Atua

Nä Te pō, ko Te Ao, tana ko Te Ao Märama, ka heke
iho ko ngä Ariki ki Te Whai Ao.

Ko tēnei tātou, ngä whakatupuranga kua waihotia ki
muri, hei kaitiaki mö ngä taonga kua mahue ki muri, kei
runga i ngä moutere e hora nei i te Moana Täpokapoka
ä Täwhaki, me Te Ara a Kewa e marohirohi e Rakiura e!

From the realms of night evolved the present world of activity and light. These gods descended into this world and provided the islands and treasures in the region of Rakiura (being the islands of the titii and other taonga). It is us who are the descendants who have the responsibility to protect the islands and the treasures that are spread about Te Moana Täpokapoka ä Täwhaki and Te Ara a Kewa that lie there glittering under the glowing skies of Rakiura.

1. PREAMBLE

1.1 The Rakiura Titii Islands are of great significance to

Rakiura Mäori who exercise the customary rights handed down to them from their tūpuna to harvest mahinga kai from the islands, particularly titii, in accordance with the tikanga associated with the islands.

1.2 By notice in the Gazette dated the 3rd day of June 1999 the Minister appointed the following persons to the Administering Body as provided for pursuant to section 38(2) of the Reserves Act 1977:

Margaret Bragg	Ron Bull
Stewart Bull	Jane Davis
Tane Davis	Carroll Fife
Shane McManus	Lesley Rewi
Michael Skerrett	Morrison (Morry) Trow

1.3 The purpose of the Administering Body is to control and manage the Rakiura Titii Islands as if they were a nature reserve, subject to the terms and conditions set out in the Deed of Settlement, the Act and this Constitution.

1.4 Pursuant to Section 334 of the Act the Rakiura Titii Islands ceased to be a conservation area and the fee simple estate was vested in Te Rūnanga.

1.5 Clause 13.6.4 of the Deed of Settlement records that Te Rūnanga and the Crown agreed that within two years of the appointment of the Administering Body, that the Administering Body and Te Rūnanga would prepare and agree on a Constitution for the Administering Body for the control and management of the Rakiura Titii Islands.

1.6 The Rakiura Titii Islands have ceased to be a conservation area but will continue to be managed by the Department of Conservation as if they were a conservation area from the settlement date to the commencement date.



2. INTERPRETATION

This Constitution shall be interpreted as to give effect to the Deed of Settlement and the Act and in this Constitution the following words shall have the following meanings unless the context shall otherwise require:

“Act” means the Ngāi Tahu Claims Settlement Act 1998;

“Administering Body” means the Administering Body appointed by notice in the Gazette in accordance with section 336 of the Act;

“Bylaws” means any bylaws which may be in force from time to time pursuant to s.336(8) of the Act;

“Commencement date” means the date on which the Minister approves the initial bylaws for the control and management of the Rakiura Titī Islands;

“Deed of Settlement” means the Deed of Settlement executed on 21 November 1997 by the then Prime Minister the Right Honourable James Brendan Bolger, for the Crown, and Te Rūnanga, comprised in the introduction and sections 1 to 20 and including the attachments to it and the deeds, maps and allocation plans appended to it and includes the Deed of Settlement as from time to time amended in accordance with its terms;

“Minister” means the Minister of Conservation;

“Members” means the persons appointed or elected from time to time to the Administering Body;

“Nature Reserve” has the same meaning as Section 20 Reserves Act 1977;

“Rakiura Māori” means a person who is a member if the

Ngāi Tahu Tribe or the Ngāti Mamoe Tribe and is a descendant of the original owners of Rakiura / Stewart Island;

“Rakiura Titī Islands” means the land comprising those islands formerly known as the Crown Titī Islands and more particularly described by that name in Schedule 106 of the Act reproduced in the first schedule to this Constitution;

“Register” means a register of Rakiura Māori as provided for in clause 4.8.2(c);

“Regulations” means the Titī (Mutton Bird) Islands Regulations 1978;

“Settlement date” means the date 15 business days after the date on which the Act came into force being October 22nd 1998;

“Special Business” includes matters seeking changes to the constitution, the bylaws or seeking to remove Members of the Administering Body pursuant to clause 4.1.6(f); and

“Te Rūnanga” means Te Rūnanga o Ngāi Tahu established by Section 6 of Te Rūnanga o Ngāi Tahu Act 1996.

3. OBJECTS

The Administering Body is established in accordance with the Deed of Settlement and the Act to control and manage the Rakiura Titī Islands as if they were a nature reserve, subject to the customary rights of Rakiura Māori to harvest titī on a sustainable basis, from the Commencement date and in particular to:

3.1 pupuruitia ngā taonga a ngā tipuna kia mau te titī mö ake tonu atu

(Hold fast to the treasures of our ancestors and keep the titī)

forever);

3.2 protect the customary rights of Rakiura Mäori to take titii on a sustainable basis;

3.3 protect, maintain, restore and enhance the Rakiura Titii Islands consistent with the customary rights of Rakiura Mäori to take titii on a sustainable basis;

3.5 foster the relationship between Rakiura Mäori, Te Rünanga and the Department of Conservation so that such relationship continues in good faith to work towards achieving the objectives of this Constitution;

3.6 make bylaws relating to the management of the Rakiura Titii Islands;

3.7 meet with the Minister from time to time throughout the year to discuss any matter relating to the control and management of the Rakiura Titii Islands;

3.8 agree with the Minister work programmes which may include the matters set out in attachment 13.8 Deed of Settlement; and

3.9 prepare and submit to the Minister for his or her approval a management plan for the Rakiura Titii Islands within 5 years from the Commencement date in accordance with attachment 13.9 Deed of Settlement.

4. ADMINISTERING BODY

4.1 Appointment to the Administering Body

4.1.1 Members: The persons described in clause 1.1 of the preamble to this constitution are the initial Members of the Administering Body. Successors to the initial Members must

be appointed in accordance with the Constitution.

4.1.2 Make up of the Administering Body: There will be a maximum of 10 Members at any one time, such Members to consist of one Rakiura Mäori selected by Te Rünanga in accordance with this Constitution and the balance of the Members shall consist of Rakiura Mäori selected by Rakiura Mäori in accordance with this Constitution.

4.1.3 Role of member appointed by Te Rünanga: The Member appointed by Te Rünanga must act to ensure that the interests of the absentee Rakiura Mäori are represented at meetings of the Administering Body and to facilitate communications between Te Rünanga and the Administering Body.

4.1.4 Term of Appointment: Subject to this Constitution the Members shall each be appointed for a term of 5 years. After the expiry of the initial 5 year term, the subsequent appointment of Members except for the member appointed by Te Rünanga shall be as follows:

(a) In the first four years following the initial term, the term of some Members may be extended so that no more than three Members will be required to stand for re-election in any one year;

(b) The three Members to stand down will be selected by;

(i) Firstly seeking the names of any member(s) who may wish to stand down; and

(ii) Secondly (if required) by way of a ballot of all sitting Members;

(c) In any event no Member shall remain on the Administering Body for longer than three years after the initial period of five years without standing for re-election; and



(d) In subsequent years Members will stand for re-election on a three yearly rotational basis **provided that** Replacement Members elected to the Administering Body are only appointed for the remainder of the term of the Member they have replaced.

4.1.5 Term of Appointment for Te Rünanga appointee:

The term of the Member appointed by Te Rünanga must be in accordance with any policy which may be adopted by Te Rünanga from time to time but in any case the appointment must be reviewed at intervals not less than three years.

4.1.6 Ceasing to be a Member: Notwithstanding Clause 4.1.3 above any Member shall cease to be a Member if that Member:

- (a) Resigns; or
- (b) Dies; or
- (c) Becomes bankrupt or makes any arrangement or composition with his or her creditors generally; or
- (d) Becomes mentally disordered or becomes a protected person under the protection of Personal and Property Rights Act 1998; or
- (e) Fails to attend three consecutive meetings of the Administering Body without leave of absence; or
- (f) Is removed by resolution passed at the Annual General Meeting or a Special Meeting called for that purpose provided that any such resolution is special business for the purposes of an Annual General Meeting.

4.1.7 Replacement of Members ceasing to be Members:

Where a Member ceases to be a Member by virtue of clause 4.1.6 the Administering Body may, and where the number falls below seven must, call a meeting of Rakiura Mäori to elect

replacement Members provided that nothing in this clause shall prevent Te Rünanga selecting another Member if it is the Member selected by Te Rünanga who ceases to hold office by virtue of clause 4.1.6.

4.2 Proceedings of the Administering Body

4.2.1 Procedure: The Administering Body shall meet together regularly for the dispatch of business provided that the Administering Body must meet at least 4 times per year. The Administering Body may otherwise regulate their meetings as they think fit.

4.2.2 Notice: At least 10 days prior to the date of the meeting notice of meetings of the Administering Body must be sent to the Minister and Te Rünanga.

4.2.3 Minister's Right to be Present: The Minister or the Minister's representative shall have the right to attend all meetings of the Administering Body in accordance with paragraph 2(a) of Attachment 13.8 of the Deed of Settlement.

4.2.4 Decision-making: Questions arising at any meeting of the Administering Body shall be decided by consensus and on all occasions the Administering Body and its Members must make a genuine attempt to reach a consensus. Where the Administering Body is unable to reach a consensus the decision may be made by a majority vote of all Members present and, in the case of a tied vote, the decision must be referred back to the next meeting of the Administering Body. If at that time there is still a tied vote then the Chairperson shall have a casting vote. Voting may take place by show of hands or by secret ballot.

4.2.5 Quorum: The quorum necessary for the transaction of the business of the Administering Body shall be six Members.

4.2.6 Expert Advice: The Administering Body may engage

persons with relevant expertise and knowledge to provide advice to the Administering Body. Those persons may attend meetings at the request of the Administering Body and give advice if requested, but they can not vote.

4.3 Chairperson and vice Chairperson

4.3.1 A Chairperson and vice Chairperson shall be agreed upon by the Members at the first meeting of the Administering Body after the Annual General Meeting. If the Members cannot agree upon who is to fill those positions then a secret ballot shall be held whereby the Member with the most votes shall be appointed as Chairperson or vice Chairperson (as the case may be).

4.3.2 If both the Chairperson and vice Chairperson is absent from any meeting of the Administering Body the Members will agree upon a temporary Chairperson and failing agreement a temporary Chairperson will be elected by Ballot.

4.4 Secretary

The Administering Body shall appoint a person to act as the Secretary after each Annual General Meeting. The Administering Body may appoint a person who is not a member of the Administering Body to act as Secretary. The Secretary shall perform such duties as may reasonably be required by the Administering Body and in particular:

- (a) Will keep the minutes of all meetings of the Administering Body and the minutes of all Annual General Meetings and Special Meetings;
- (b) Will arrange to provide copies of all agendas, minutes and financial records to the Minister and Te Rünanga at the same time as they are circulated to Members;
- (c) Will arrange to notify the Minister and Te Rünanga

of any issue which may affect the management and control of Rakiura Titii Islands;

- (d) Will arrange to provide an annual report to the Minister and Te Rünanga detailing the Administering Body's activities from the previous year;
- (e) Give notice of all meetings and prepare an Agenda; and
- (f) If the Secretary is absent from any meeting then a temporary Secretary shall be selected by the Administering Body.

4.5 Treasurer

The Administering Body shall appoint a person to act as the Treasurer after each Annual General Meeting. The Administering Body may appoint a person who is not a member of the Administering Body to act as Treasurer. The Treasurer shall perform such duties as may reasonably be required by the Administering Body and in particular:

- (a) Will keep proper records of all financial transactions;
- (b) Will ensure that an updated financial report is available for each meeting of the Administering Body;
- (c) Will ensure that all accounts / invoices received are presented to the Administering Body for approval in a timely manner;
- (d) Will ensure that all accounts approved for payment are promptly actioned; and
- (e) Will ensure that the Administering Body complies with all the requirements set out in Clause 8 of this



Constitution.

4.6 Committees

4.6.1 Delegation of Powers: The Administering Body may delegate its powers to committees.

(a) Any committee shall, subject to the approval of the Administering Body have the power to engage persons with relevant expertise and knowledge to provide advice to the committee.

4.7 Minutes

Minutes shall be kept of all meetings of the Administering Body including special meetings and meetings of any committees. The draft of the Minutes shall be circulated to the Members of the Administering Body prior to the next meeting at which time the same are to be confirmed by a resolution of the Administering Body.

4.8 Powers, Duties and Responsibilities

4.8.1 Powers: The Administering Body shall have power to do all acts and things necessary and expedient to be done for the furtherance of the objects set out in clause 3 of this Constitution and in particular may exercise the following powers and ancillary objects:

- (a) Subject to the Minister's approval, to promulgate bylaws in accordance with the Deed of Settlement and this Constitution;
- (b) To prepare and implement work programmes in accordance with the Deed of Settlement;
- (c) To prepare a management plan in accordance with the Deed of Settlement;
- (d) To borrow or raise money in accordance with s.90

Reserves Act;

- (e) To accept money and property by devise, bequest or gift, whether subject to any special trusts or not;
- (f) To expend money and apply money to control and manage the Rakiura Titī Islands in accordance with the Deed of Settlement and this constitution; and
- (g) To call hui or wānanga for the purposes of providing a forum for Rakiura Māori to participate in the work of the Administering Body.

4.8.2 Duties and Responsibilities: The purpose of the Administering Body is to achieve the objects set out in clause 3 of this Constitution and in doing so it has the following Duties and Responsibilities:

- (a) To consult widely with Rakiura Māori and to keep Rakiura Māori informed as to progress in achieving the objects. In particular the Administering Body will consult with Rakiura Māori in regard to:
 - (i) The protection of the customary rights of Rakiura Māori to take titī on a sustainable basis;
 - (ii) The making of bylaws relating to the management of the Rakiura Titī Islands and the preparation of the initial bylaws to be agreed upon by the Minister and Te Rūnanga;
 - (iii) The preparation of work programmes for each year as required by Attachment 13.8 of the Deed of Settlement;
 - (iv) The implementation of any work programmes which are agreed;
 - (v) The preparation of the management plan required by clause 13.6.9 of the Deed of Settlement;

- (vi) The implementation of the management plan;
- (vii) As part of the consultation process, any bylaws the Administering body proposes to promulgate must be notified to Te Rūnanga and advertised in a newspaper circulating in the area which the Rakiura Tītī Islands are situated and in such other newspapers (if any) as the Administering Body decides at least 3 months prior to their introduction; and
- (viii) As part of the consultation process the Administering Body will notify Te Rūnanga and Rakiura Māori of the proposed work programmes for the following year and of the proposed management plan in the notice of meeting.

(b) To consult with the Minister from time to time throughout the year in relation to the control and management of the Rakiura Tītī Islands.

(c) To keep and maintain a register of Rakiura Māori including contact details so that Rakiura Māori on the register can be directly notified of the Annual General Meeting and Special Meetings.

5. MEETINGS

5.1 Annual General Meetings

The Annual General Meeting shall be held no later than 23 February in each year upon a date and at a time and place to be fixed by the Administering Body for the following purposes:

- 5.1.1** To receive from the Administering Body a report and audited balance sheet and statement of accounts for the preceding year.
- 5.1.2** To conduct such elections as may be required in

accordance with this constitution to fill any vacancies that may have arisen on the Administering Body.

5.1.3 To consider applications for permits to go to the islands for the following season in accordance with the bylaws.

5.1.4 To consider applications for permits to build on the Rakiura Tītī Islands in accordance with the bylaws.

5.1.5 To consider such other business as may be properly brought forward to achieve the objects of this constitution as set out in clause 3.

5.1.6 To consider any other business that may be properly brought forward.

5.1.7 All business other than that set out in paragraphs 5.1.1 to 5.1.5 above shall be deemed to be special business of which notice must be given in the notice calling the meeting.

5.1.8 It will be the responsibility of any Rakiura Māori who wishes to raise matters of special business to notify the Administering Body in writing of that special business no later than December 10th of the year prior to the meeting.

5.2 Eligibility to Attend Annual General Meetings and Special Meetings

5.2.1 All Rakiura Māori are eligible to attend Annual General Meetings or Special Meetings.

5.2.2 Representatives of Te Rūnanga may attend Annual General Meetings or Special Meetings. The Chairperson may invite the representatives to speak at such meetings but they are not eligible to vote.

5.2.3 In accordance with Attachment 13.8 clause 2(a) Deed of Settlement, representatives of the Minister may attend Annual General Meetings or Special Meetings. The Chairperson may invite the representatives to speak at such meetings but they



are not eligible to vote.

5.2.4 All other people or representatives that the Administering Body deem appropriate may attend Annual General Meetings or Special Meetings. The Chairperson may allow those people or representatives to speak but such persons will not have voting rights.

5.3 Notice of Annual General Meeting

The Administering Body shall give at least 28 days notice in writing of any Annual General Meeting. Such notice to be given directly to Te Rūnanga, the Minister and all Rakiura Māori on the Register and by advertising the Annual General Meeting in a newspaper circulating in the area which the Rakiura Titii Islands are situated and in such other newspapers (if any) or by any other means as the Administering Body decides.

5.4 Procedure of Annual General Meetings and Special Meetings

For the purpose of this clause, meetings means Annual General Meetings and Special Meetings.

5.4.1 Resolutions: All resolutions to be put at a meeting shall be determined in the following manner:

(a) Resolutions are to be put to the meeting and a genuine attempt must be made to reach a consensus amongst all Rakiura Māori 18 years or older who are present; and

(b) If a resolution cannot be agreed upon by consensus within a reasonable time, such reasonable time to be determined by the Administering Body, then the resolution will be decided on by majority vote and in the case of an equality of votes, the Chairperson of the meeting shall be entitled to a casting vote –

provided that the Administering Body can-not be bound by any resolution that is contrary to the objects of the constitution or is otherwise unlawful.

5.5 Special Business:

Any Rakiura Māori wishing to bring any special business before the Annual General Meeting shall give written notice as follows:

5.5.1 The Rakiura Māori must notify the Administering Body of any special business that is to be brought before the Annual General meeting by December 10th of the previous year in order for that business to be considered at the meeting.

5.5.2 No special business shall be considered unless the same is specified in the notice convening the meeting, unless it be deemed a matter of urgency by agreement of the Members of the Administering Body present at the meeting or unless expressly authorised by this Constitution.

5.6 Special Meetings

5.6.1 A Special or extraordinary general meeting of Rakiura Māori:-

(a) may be called by the Administering Body in order to discuss any issues, which in the opinion of the Administering Body, would further the objects of this Constitution;

(b) must be called by the Administering Body if it receives written request of 20 Rakiura Māori unless the request is received within 2 months of an Annual General meeting in which case the matter would be taken to that meeting as special business; and

(c) must be called to elect replacement Members to the Administering Body if the number of Members falls

below seven.

5.6.2 Special or extraordinary meetings shall be notified in the same way as Annual General meetings as set out in clause 5.3.

5.7 Appointment of Members

5.7.1 Nominations: Only Rakiura Māori are eligible for nomination and the nominations for Members of the Administering Body shall be in writing in the form prescribed by the Administering Body as set out in the second schedule to this Constitution. Nominations must be received by the Administering Body by a date not less than two weeks prior to the Annual General Meeting.

5.7.2 Appointment of Nominees: If the nominations for Members exceeds the number of vacancies on the Administering Body, then there will be a secret ballot.

5.7.3 Chairperson of Annual General Meeting: The Chairperson shall be the Member who was the Chairperson at the last meeting of the Administering Body provided that if the Chairperson is absent from an Annual General Meeting or special meeting the Members will agree upon a temporary Chairperson and failing agreement a temporary Chairperson will be elected by the other Members present.

6. AUDITOR

The auditor shall be the Auditor General.²⁴

7. ALTERATIONS TO THIS CONSTITUTION

7.1 This Constitution may be altered, added to, rescinded or otherwise varied or amended from time to time by resolution at any general meeting or special general meeting **provided that** any alteration will be made in consultation with Te Rūnanga and no alteration shall be contrary to the Reserves Act 1977 or the Deed of Settlement.

7.2 A proposal to alter the Constitution in accordance with clause 7.1 above shall be deemed to be special business and shall be notified as required for special business in accordance with this Constitution.

8. FINANCE

8.1 Money on account: All moneys received on account of the Administering Body shall be paid into the account of the Administering Body and shall be acknowledged by a member of the Administering Body or by the Accountants acting for the Administering Body.

²⁴ The Constitution was amended at the request of the Minister of Conservation to comply with the Reserves Act 1977. The previous provision required the Administering Body to appoint an auditor and for approval of the appointment to be sought at an Annual General Meeting.



8.2 Cheques and other forms of Payments: All payments made by the Administering Body shall be authorised in such manner and by such persons as the Administering Body shall from time to time determine but in any event all authorisations shall require the signature of not less than two persons.

8.3 Endorsement: Cheques or other negotiable instruments paid or payable to the Administering Body's bankers for collection requiring the endorsement of the Administering Body may be endorsed by such person or persons as the Administering Body shall from time to time appoint.

8.4 Account books: The Treasurer shall keep or cause to be kept a proper account of the income and expenditure of the Administering Body and of the matters in respect of which such income and expenditure arises and takes place respectively and of the property, credits and liabilities of the Administering Body, and books to be provided for that purpose, and shall produce the account books, properly written up when required by the Administering Body.

8.5 Financial year: The financial year of the Administering Body shall be from the 1st day of July in one year to the 30th of June in the next year.

8.6 Audit: Once at least in every year the accounts of the Administering Body made up to the 30th June preceding shall be duly audited by the auditor of the Administering Body and an abstract of the accounts shall be printed and issued to every Member of the Administering Body, together with the Notice of the Annual General Meeting.

8.7 Reporting: The Administering Body shall forward to Te Rünanga and the Minister details of its annual estimates of expenditure and income for inclusion in Te Rünanga's and the Minister's annual planning process. Such estimates, and audited accounts shall be forwarded to the Te Rünanga and

the Minister by 21st August in each year.

8.8 Payment to Members: Provided that provision is made for this in the budget, Members of the Administering Body may receive such meeting fees and expenses as may be determined from time to time.

9. NOTICES

9.1 Minister: Notices to the Minister shall be sent to the following address.

Minister of Conservation
c/- Regional Conservator
Department of Conservation
State Insurance Building
33 Don Street
P O Box 743
Invercargill

9.2 Te Rünanga: Notices to Te Rünanga shall be sent to the following address:

Te Rünanga o Ngäi Tahu
Level 7
Te Waipounamu House
158 Hereford Street
P O Box 13-046
Christchurch



First Schedule

[Information on the Rakiura Titī Islands is found in Appendix II]



Second Schedule

NOMINATION FORM FOR ADMINISTERING BODY RAKIURA TĪTĪ ISLANDS

	Administering Body for the Rakiura Tītī Islands
Nomination proposed by:	
Nomination seconded by:	
Name of Nominee:	

Please be sure to attach a copy of the Nominee's resume.

Declaration of proposer and seconder:

We, the above named, having fully discussed and reviewed the attached position requirements, nominate and endorse the nominee. Furthermore, we are of the understanding that the above nominee has the attributes, skills and experience required to fulfil this position.

Signed: _____ Date: _____
Proposer

Signed: _____ Date: _____

Seconder

Nominee Declaration

I, the above-named Nominee, agree to accept the nomination for this position and am fully aware of the requirements and commitment involved in fulfilling this position. I undertake to fulfil this position to the best of my ability and, where necessary, to seek advice and guidance as required to ensure this.

Signed: _____ Date: _____

Nominee

Forms to be returned to the Secretary, Rakiura Tītī Islands Administering Body.

Note:

Forms and names not submitted by the due date will be ineligible for consideration.

Note:

Any person who is not a Rakiura Māori, or was not nominated and seconded by Rakiura Māori will be ineligible for consideration.

POSITION DETAIL

Position Name	Administering Body for the Rakiura Tītī Islands
Number of positions	
Who may Nominate and Second Nominations	All Rakiura Māori 18+ years of age
Functions of the Administering Body	<p>Control and management of the Rakiura Tītī Islands Developing a constitution for the Administering Body within 2 years of appointment</p> <p>Developing bylaws to govern the Islands within 2 years of appointment</p> <p>Developing a management plan for the islands</p> <p>Developing and implementing annual work plans in conjunction with DoC</p>
Ideal Person Specification Brief	<p>Must be a Rakiura Māori 18+ years of age</p> <p>A background knowledge of the history of the Rakiura Tītī Islands and the tikanga associated with birding</p> <p>An understanding of the dual management objectives set out in the Deed of Settlement</p> <p>Ability to work within the framework established by the legislation and the Deed of Settlement</p> <p>Ability to be objective and to focus on the issues</p> <p>Ability to resolve potential conflicts of interest</p> <p>Ability to work as a team member</p> <p>Ability to communicate</p> <p>Land management / financial / accounting / management / planning skills</p> <p>Have time to undertake this major task</p> <p>Have the respect of Rakiura Māori</p> <ul style="list-style-type: none"> ● Prepared to make a real commitment to the kaupapa of the Administering Body
Term of position	Three years – or until the end of the term of the person you replace.
Reason positions are available	Outcome of the Ngāi Tahu Deed of Settlement

Other Members of the Administering Body	10 Members in total - 1 to be appointed by Te Rūnanga o Ngāi Tahu
No. of meetings / hui per year	To be determined by Administering Body
Location of meetings / hui	Murihiku
Travel required	To meetings
Remuneration	To be determined by tribal policy and / or reference to the Minister of Conservation under the Reserves Act
Additional Information	<p>The Administering Body and how it operates will be subject to high levels of scrutiny both by Rakiura Māori and the world at large and the responsibilities and duties are reasonably onerous</p> <p>- Te Rūnanga o Ngāi Tahu and the Crown through DoC are committed to the kaupapa and will be giving the Administering Body as much support as is possible and appropriate</p>

Brief resume of nominee:

Name of Nominee:	
General Skills relevant to the position: (in particular any which relate to the 'ideal person' description in the Position Detail Schedule)	
Experience of tītī matters (in particular as an active / retired birder - or a member current or past of the Rakiura Māori Tītī Committee)	
Personal Statement (Any personal comments you wish to make in relation to your nomination to serve on the Administering Body)	



Bylaws for the Rakiura Tītī Islands

Rakiura Tītī Islands Administering Body

Bylaws

for the

Rakiura Tītī Islands

Published January 2005

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1. TITLE, COMMENCEMENT, AND APPLICATION

These Bylaws are for the purpose of facilitating the control and management of the Rakiura Tītī Islands by Rakiura Māori as contemplated in s.336 of the Ngāi Tahu Claims Settlement Act 1998.

The Bylaws will come into effect on the Commencement Date.

2. INTERPRETATION

In these Bylaws, unless the context otherwise requires —

“Administering Body” means the persons appointed by the Minister of Conservation pursuant to s.336(2) Ngāi Tahu Claims Settlement Act 1998;

“Annual work programme” means any activity undertaken in accordance with clause 13.6.9 of the Ngāi Tahu Deed of Settlement 1997;

“Birding season” means a period commencing on the 1st day of April in any year and ending with the 31st day of May in the same year;

“Commencement Date” means the date on which the Minister approves the initial Bylaws for the control and management of the Rakiura Tītī Islands pursuant to clause 13.6.6 of the Deed of Settlement being March 5th 2005;

“Constitution” means the Constitution of the Administering Body developed in accordance with clause 13.6.4 of the Ngāi Tahu Deed of Settlement 1997;

“European” means any person who is not a Rakiura Māori;
“Frequent” in relation to any particular Island or Manu means to —

- (a) have entered the Island as a Rakiura Māori during the five years immediately preceding the Birding Season; and
- (b) to have remained there for at least six consecutive days during at least one Birding Season;

“Island” means the Rakiura Tītī Islands and includes any one or more of the Islands and any part of the Islands, whether referred to as a Manu or not, and includes the foreshore of those Islands;

“Manu” means any area identified as a bird catching area comprising all or part of an Island;

“Rakiura Māori” means a person who is a member of the Ngāi Tahu Tribe or Ngāti Mamoe Tribe and is a descendant of the original Māori owners of Rakiura / Stewart Island;

“Rakiura Tītī Islands” means the Islands transferred to Te Rūnanga o Ngāi Tahu pursuant to s.334 Ngāi Tahu Claims Settlement Act 1998 and as described in the First Schedule to these Bylaws;

“Ranger” means the members of the Administering Body and any other person appointed pursuant to the Reserves Act 1977;

“Register of Rakiura Māori” means the register of Rakiura Māori as provided for in clause 4.8.2(c) of the Constitution;

“Structure” includes any house, whare or workhouse;

“Supervisor” means a Supervisor appointed under Bylaw 7.1

of these Bylaws:

“**Take**” and all references thereto, include taking, catching, killing, or pursuing, by any means or device; and include also an attempt to take:

“**Tītī**” means a bird of the muttonbird (*Puffinus griseus*) species known as the Tītī or Sooty Shearwater.

3. ENTRY ONTO ISLANDS

1. A person must not —
 - (a) enter onto the Islands at any time without a written permit issued by the Administering Body pursuant to these Bylaws;
 - (b) Take or disturb Tītī or their eggs on any Island except in accordance with these Bylaws.
2. A person must not assist or attempt to assist any other person to enter the Island where that person would be entering the Island in breach of these Bylaws.
3. All persons must leave the Islands at, or as soon as practicable thereafter, the expiry date shown on their permit.
4. Clauses 3(1)(a) or 3(2) do not apply in cases of emergency.

4. ISSUE OF PERMITS TO ENTER THE ISLANDS

General Provisions

1. The Administering Body may consider applications for permits to enter the Islands at any meeting of the Administering Body provided that —

- (a) Applications for permits must be in the form set out in the Second Schedule;
- (b) Permits to enter on to the Islands during the period from March 15th until May 31st will be considered at the Annual General Meeting of the Administering Body to be held in accordance with the Constitution no later than February 23rd of each year;
- (c) Applications for permits for Rakiura Māori and their whānau must be received by 12 noon on the day of the Annual General Meeting;
- (d) Applications for permits for non-Rakiura Māori must be received by January 14th of the year for which the permit is sought; and
- (e) All permits to enter onto the Islands expire within 12 months from the date of issue, or on the expiry date shown on the permit, whichever occurs first.

2. For the avoidance of doubt, clause 4.1(c) includes applications for the children, spouse, widowed spouse or widowed parent of a Rakiura Māori and clause 4.1(d) includes any non-Rakiura Māori to be taken to the Island by a Rakiura Māori for the purposes of building or maintaining any house or other structure for which a permit to build has been issued.
3. The Administering Body may decline to issue a permit to any applicant, including a Rakiura Māori, in certain circumstances or to issue a permit subject to certain conditions.
4. Reasons for declining a permit or issuing a permit with conditions include, without limitation, the verification of whakapapa of the applicant, any alleged breaches of the Bylaws by the applicant or any person included in the



permit application, a failure to utilise previous permits, health and safety or other management considerations.

5. Applications for permits to enter any Island outside of the period March 15th to May 31st will only be granted where the Administering Body decides, in its sole discretion, that it would be of benefit to the overall management of the Islands in accordance with clause 13.6 Ngāi Tahu Deed of Settlement.

Provisions relating to Rakiura Māori

1. Unless the permit specifically states otherwise, all Rakiura Māori granted a permit to enter onto any Island may, during the Birding Season —
 - (a) Take Tītī from that Island in accordance with these Bylaws;
 - (b) Take kai moana for non commercial purposes in accordance with any relevant regulations in force at the time; and
 - (c) Be in possession of any equipment or device to be used for these purposes.
2. Rakiura Māori may be granted a permit for their children, grandchildren or spouse to accompany them to an Island and, during the Birding Season, to Take Tītī from that Island in accordance with these Bylaws.
3. It is the responsibility of any Rakiura Māori making an application for any permit issued under these Bylaws to ensure that they have sufficient proof of identity and whakapapa to enable the Administering Body to approve the application.
4. Means of identification may include, without limitation, a consensus amongst Rakiura Māori attending the Annual General Meeting, the listing of the Rakiura Māori or his or

her whānau on the Rakiura Tītī register, or a succession order from the Māori Land Court to a beneficial island.

Permits for Widowed spouse of Rakiura Māori

1. Permits to enter the Island and to Take Tītī may be issued to the widowed spouse of a Rakiura Māori in circumstances where a Rakiura Māori who, pursuant to a permit granted under these Bylaws —
 - (a) was accompanied on any Island by his or her spouse, dies leaving dependent children; or
 - (b) had buildings or possessions located on an Island, dies leaving those buildings or possessions to his or her spouse.
2. Permits to the widowed spouse of a Rakiura Māori under clause 4.3.1(a) may only be issued during the period of time that the children of the Rakiura Māori are dependent upon the surviving spouse, or until the youngest of those children attains the age of 18 years, whichever is the sooner.
3. Permits under clause 4.3.1(b) may only be issued for the year immediately following the death of the Rakiura Māori and may be subject to any further terms and conditions considered appropriate by the Administering Body at its sole discretion.

Permits for Widowed Parent of Rakiura Māori

1. Permits to enter the Island may be issued to allow the widowed parent of a Rakiura Māori to continue to accompany his or her children to the Island the whānau was in the habit of frequenting.
2. Permits for widowed parents may only be issued if the

majority of the people who frequent the Island agree and subject to the condition that the widowed parent may not take birds.

3. Any permit issued to widowed parents under this clause may be subject to any further terms and conditions considered appropriate by the Administering Body at its sole discretion.

Permits for Non-Rakiura Māori

1. Permits may be issued to non-Rakiura Māori to enter the Islands for specific purposes provided that those purposes are not inconsistent with clause 13.6 Ngāi Tahu Deed of Settlement and have been approved by the Administering Body or in any management plan for the Island.
2. For the avoidance of doubt, and without limitation, permits may be issued to non-Rakiura Māori for the purposes of —
 - (a) undertaking building and maintenance work on houses, whare and other structures on the Islands on behalf of Rakiura Māori in accordance with these Bylaws;
 - (b) transporting other permit holders and equipment to and from any of the Islands;
 - (c) undertaking research programmes; and
 - (d) carrying out activities associated with the annual work programmes.
3. Permits may only be issued pursuant to 4.5.2(a) for the period between March 15th and April 1st.
4. Any permit issued to non-Rakiura Māori under these Bylaws may be subject to any further terms and conditions considered appropriate by the Administering Body at its sole discretion.

5. PROVISIONS RELATING TO BIRDING AND USE OF ISLANDS

General Provisions

1. The taking of Tītī must not commence earlier than the 1st day of April and must cease with the 31st day of May in each year, and no person shall Take Tītī at any other time.
2. No person shall, without a permit, Take or disturb eggs or Take any adult Tītī at any time.
3. No person is permitted to use or attempt to use —
 - (a) clubs;
 - (b) fences or pens, other than the use of pae; or
 - (c) dogs
 to Take birds.
4. Every person taking Tītī must immediately dispose of all refuse and offal therefrom in a lawful manner and must not allow the same to accumulate and become a nuisance or a menace to health.
5. Every person permitted to Take Tītī may make holes in burrows to Take out the Tītī provided that they immediately cause those holes to be plugged and stopped, where it is possible to do so, so that no water can enter the holes and thereby destroy the burrows.

Dogs

1. No person may take, or attempt to take, any dog onto the Island without a written permit issued by the Administering Body.
2. Permits may be issued to take dogs onto the Island provided that —



- (a) every person taking any dog on to the Island shall keep it restrained to prevent it destroying the burrows, interfering with any indigenous wildlife or causing distress to any other person on the Island; and
- (b) the dog must be kept under absolute control by the person responsible for taking the dog to the Island, and that person shall be responsible for any damage done by the dog or for any costs associated with having the dog removed from the Island pursuant to these Bylaws.
- 3. Permits will only be issued on the express condition that, in the event there appears on reasonable grounds to be a breach of the Bylaws, the Administering Body has the power to revoke the permit and require any dog to be removed from the Island forthwith at the owner's expense.

Firearms

- 1. No person shall take, cause to have taken to the Island or to possess any firearm on the Island without a permit issued by the Administering Body.
- 2. Permits under clause 5.3.1 may only be issued in order to facilitate the better management and control of the Islands in accordance with Section 13.6 Ngāi Tahu Deed of Settlement.

Biosecurity

- 1. No person shall take, or cause to be taken, any domestic animal or non-indigenous fauna (animals or birds) on to any Island except for any dog for which a permit has been granted.

- 2. All persons entering on to the Islands shall take all necessary precautions to provide for the exclusion of exotic flora and fauna on the Island and in particular cats, rats, mice, stoats, ferrets and weasels and, where exotic flora and fauna is found on the Island, shall take all reasonable steps to contain or eradicate such flora and fauna.
- 3. Any person responsible for the introduction of exotic flora or fauna may be liable for any losses caused, or cost incurred in the subsequent cost of the removal or eradication of the exotic flora or fauna.

Fires

- 1. No person shall light any fire on the Island except for domestic purposes or a signal fire in cases of emergency and in all instances the person lighting the fire shall ensure it is safely contained.
- 2. Any fire originating from torches or otherwise accidentally must be immediately extinguished by the person causing it to be lit.
- 3. Any person who causes a fire to be lit in any circumstances will be responsible for any loss caused, or costs incurred as a result.

6. BUILDINGS ON ISLANDS

General Provisions

- 1. No Rakiura Māori or other person shall without a permit -
 - (a) erect any Structure on the Island; or
 - (b) carry out any alterations, extensions or additions to existing Structures except for minor and/or interior



works.

2. Prior to applying for a permit to build, alter or extend a Structure, the applicant must obtain the agreement of the majority of Rakiura Māori who Frequent the Island on a recommendation to be submitted for approval to the Administering Body, or, if such a majority of Rakiura Māori cannot agree, a recommendation in writing by the Supervisor for the Island.
3. The Supervisor for the Island must forward to the Administering Body a copy of any written recommendation given pursuant to clause 6.1.2 of these Bylaws before January 14th of the year in which the permit is sought.

Notification by Administering Body

1. The Administering Body must notify Rakiura Māori at the Annual General Meeting of any decisions to grant or refuse a permit to building for that year.
2. The Administering Body may, in its absolute discretion, refuse to grant the permit to build, or, grant the permit to build subject to specific conditions.
3. In any event, the Administering Body shall not issue a permit to build unless the permit is consistent with any management plan adopted for the Island.

Permits may lapse

A permit to build given pursuant to subclause 6.2 of these Bylaws shall lapse and the site may be allocated to another person if the —

- (a) foundations of the proposed building have not been erected on the site within 12 months of the date the approval was given; or

- (b) Structure is not completed within two years of the setting of the foundations.

Ownership

1. A building erected on a site approved pursuant to subclause (1) of this by-law shall be the sole property of the person who required or directed its erection, or any person the building was transferred to in accordance with bylaw 6.5, and shall not be removed or destroyed unless—
 - (a) that person consents thereto; or
 - (b) a majority of the Rakiura Māori who frequent the Island at any time consider that the building has been abandoned or is in such a dilapidated state that it should be removed or destroyed, and / or the Supervisor for the Island so informs the Administering Body, and the Administering Body directs that the building be removed or destroyed.

Transfer of Interest

A person may, by written notice to that effect to the Administering Body, transfer his or her interest in a building erected on an Island to any Rakiura Māori.

Forfeit of non-permitted buildings

Any structure erected on an Island without the authority in writing of the Administering Body shall be deemed to be forfeited to the Administering Body.



7. RANGERS AND SUPERVISORS

Appointment of Supervisors

1. The Rakiura Māori Frequenting any Island or any part of any such Island may at the Annual General Meeting held in accordance with clause 9 of these Bylaws nominate one of their number, who, may be appointed by the Administering Body to be the Supervisor for the particular Island or part of an Island.
2. The Administering Body will appoint the person nominated by the Rakiura Māori who Frequent the Island unless that person does not have a permit to go to that Island, or has in the past, failed to carry out the functions of Supervisor to the satisfaction of the Administering Body.
3. Where no Supervisor has been appointed, or the Supervisor is not present on the Island at the time, the role of the Supervisor may be carried out by any Ranger appointed pursuant to the Reserves Act.

Role of Supervisors

1. Manu on each Island shall be allotted to persons by the majority of the Rakiura Māori present on the Island in the year the Manu are allotted or, if such a majority of Rakiura Māori cannot agree on allotment, by the Supervisor for the Island.
2. The Supervisor shall be responsible for ensuring a fair and equitable distribution of the privileges, opportunities, and rights under the Bylaws of all persons authorised to enter

the Island.

3. In addition to any other powers prescribed in these Bylaws, the Supervisor shall have power to call meetings of all Rakiura Māori on the Island at the time for the purpose of
 - (a) seeking approval for the location of building sites or subsequent alterations;
 - (b) allotting Manu; and
 - (c) to generally provide supervision and guidance of the conduct of birding operations on the area under supervision.
4. Supervisors must report to the Administering Body any infringement of these Bylaws as soon as it is practicable to do so.
5. Any dispute concerning the allotting of Manu or any other dispute arising out of these Bylaws shall be referred to the Administering Body who shall call a meeting of the Supervisor and other parties concerned to settle the dispute as soon as possible thereafter. Failing agreement being reached by the Supervisor and parties, or if they do not attend the meeting called the Administering Body shall make the decision, which shall be final and binding on all parties.

8. PROVISIONS RELATING TO DECISIONS OF THE ADMINISTERING BODY

1. With the exception of decisions of the Administering Body taken under clauses 4.1.5; 4.3.3; 4.4.3; 4.5.4; 5.2.3; 6.2.2; 7.2.5; 11.1; 11.2 and 11.3 of the Bylaws, any person directly affected may request the Administering Body to



reconsider any decision made in respect of these Bylaws.

2. The Administering Body shall meet as soon as practicable to reconsider any decision provided that the Administering Body may require the applicant to provide a bond not exceeding \$1,000 to cover the actual and reasonable costs of any meeting called to review a decision of the Administering Body.

9. MEETINGS

1. Not later than the 23rd day of February in each year, the Administering Body must call an annual meeting of all interested Rakiura Māori. At each such meeting —
 - (a) The Administering Body may issue permits under clauses 4,5 and 6 of these Bylaws; and
 - (b) The Rakiura Māori present may nominate Supervisors in accordance with clause 7.1.1.
2. In addition to the annual meeting to be held pursuant to subclause (1) of this Bylaw the Administering Body may at any time call a meeting of all interested Rakiura Māori.
3. The Administering Body may at any time call a meeting of all Supervisors.
4. All meetings called pursuant to clause 9 will be held in accordance with the Constitution of the Administering Body.

10. POWERS OF ADMINISTERING BODY NOT LIMITED

Nothing in these Bylaws shall in any way limit the exercise by

the Administering Body of any powers it may have in respect of the Islands.

11. BREACH OF BYLAWS

1. The Administering Body, or any person appointed by it, any Supervisor, or any police constable may lay an information against any person who commits a breach of these Bylaws, and may seize all Tītī which he reasonably believes to have been illegally Taken or to be illegally had in possession without lawful excuse.
2. All Tītī found in the possession of any person on or in the vicinity of the Islands will be presumed to have been Taken contrary to the provisions of these Bylaws until proof to the contrary is given.
3. The Administering Body, any person appointed by it in writing, any Supervisor, or any police constable may enter any part of the Rakiura Tītī Islands at any time to ensure that no breaches of these Bylaws are being committed, and any person who hinders or obstructs the Administering Body, its appointee, the Supervisor, or the police constable commits a breach of these Bylaws.
4. Any person who commits a breach of these Bylaws is liable on summary conviction to a fine not exceeding \$250 for each offence and \$5 per day for every day on which the offence has continued.
5. Where the Administering Body is satisfied a person has breached any of the Bylaws, the Administering Body may, in addition to any penalties which may be imposed under clause 4, refuse to grant that person a permit to enter the Islands for a period not exceeding five years.



12. TRANSITIONAL PROVISIONS

For the purposes of Bylaws 4.3; 4.4 and 6.6 references to permits issued under these Bylaws includes permits issued pursuant to the relevant parts of the Tītī Islands (Muttonbird) Regulations 1978.

First Schedule

[Information on the Rakiura Tītī Islands is found in Appendix II]



Second Schedule

Application for Permit

Rakiura Tītī Islands Administering Body

1. Full Name of Applicant:

.....

2. Other name applicant is known by (if any)

.....

3. Full Residential Address: (including any contact details)

.....

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.....

.....

4. Are you a Rakiura Māori (yes / no)
If you answered yes then please advise what proof of whakapapa you will be relying on?

.....

(may include previous permits being issued; succession orders to beneficial islands; inclusion on Tītī Register; known to Rakiura Māori and accepted as a Rakiura Māori)

5. Permits to enter island (s):

- (a) Rakiura Māori to enter island (4.2 Bylaws); and
- (b) Spouse, children or grandchildren accompanying a Rakiura Māori to enter island and take tītī (4.2 Bylaws);
- (c) Rakiura Māori to enter island but not to take tītī (4.2.1 Bylaws);
- (d) Widowed spouse of Rakiura Māori to enter the island and to take tītī (4.3);
- (e) Widowed parent of Rakiura Māori accompany children to enter island but not to take tītī (4.4 Bylaws);
- (f) Non-Rakiura Māori to enter island but not to take tītī (4.5 Bylaws) –
 - i. Builders;
 - ii. Researchers;
 - iii. Work programmes;
 - iv. Transportation of persons and/or equipment; or
 - v. Other (please state)

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Names:

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Category:

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6. Other permits

- (a) To build on the island (6 Bylaws);
 - i. a description of the work to be undertaken with drawing showing approximate size and location in relation to other buildings or relevant landmarks; and
 - ii. the recommendation of the Supervisor (6.3 Bylaws) **must be attached to this application**;
- (b) To take a dog or dogs to the island (5.6 Bylaws);

Names of dog (s)

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General description of each dog

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(c) To take a firearm to the island (5.7 Bylaws) –

- proof the applicant holds a current firearms licence; and
- proof that majority of people frequenting the island have agreed **must be attached to this application.**

(d) To transport permit holders or equipment to the islands (4.5.2(b) Bylaws) –

- a description of vehicle (s) to be used **must be attached to this application.**

(e) Applications for any other permit sought from the Administering Body **must contain sufficient information / documentation** to enable the application to be processed.

7. Dates for which permit is sought: (circle one)

- March 15th May 31st(year)
- March 15th April 1st(year)
- Other(year)

8. Place (island) for which the permit is sought;

(a) Name of island

(b) Have you had a permit for this island before (yes / no)

- If you answered 8(b) yes and you are a Rakiura Māori – please indicate which years (out of the previous five years) you have spent six days or more on the island for the purposes of taking tītī -;;;;;; and

ii. Please show which people on your current permit application accompanied you to the island for six days or more on those years –

Names

Year/s

.....

.....

.....

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NB – if the application for a permit is for more than one island then the information required in 8(a) and (b) must be provided for each of the islands.

**General comments:**

1. Every applicant is responsible for the conduct of other persons named on the permit application.
2. All applications for any permit to be issued in respect of activities on the islands between March 15th and May 31st must be received by the due date and time in accordance with the Bylaws.

The Bylaws were prepared in accordance with clause 13.6.5 of the Ngāi Tahu Deed of Settlement 1997, approved by a resolution of Te Rūnanga o Ngāi Tahu on September 22nd 2002, and approved by the Minister of Conservation on the 13th of December 2004. The Ministers' approval takes effect on the 5th of March 2005 which is also the "Commencement Date" in terms of s.333 of the Ngāi Tahu Claims Settlement Act 1998.

Tane Davis

Chairperson

Rakiura Tītī Islands Administering Body

These Bylaws have been made by a resolution of the Rakiura Tītī Islands Administering Body on December 1st 2004 in accordance with s.336(8) of the Ngāi Tahu Claims Settlement Act 1998. Notice of an intention to promulgate these Regulations was given in the Southland Times on in accordance with clause 4.8.2(a)(vii) of the Constitution of the Rakiura Tītī Islands Administering Body.



List of publications by research team

Peer reviewed scientific papers

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