

18 June 2024

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Tēnā koe [REDACTED]

Thank you for your request to the Department of Conservation (DOC), received on 15 May 2024, in which you asked about occasions when DOC was notified of alleged illegal fishing activity at the Poor Knights Islands Marine Reserve. We have considered your request under the Official Information Act 1982.

DOC rangers patrol at Poor Knights Islands Marine Reserve for compliance purposes. DOC staff also spend time at the reserve for biodiversity and biosecurity monitoring. As a result, there is a DOC presence at the reserve and the ability to respond to non-compliance.

The vast majority of offences in marine reserves are detected by DOC patrolling and intercepting alleged illegal activity in the marine reserves. Relatively few offences are detected by public notification only.

Please note the following when reading through our responses to your questions:

- We have limited our answers to those occasions when DOC was officially notified by members of the public on our hotline number (0800 DOCHOT) or transferred through to DOC from the NZ Fisheries poacher hotline. There are many other instances detected proactively by DOC staff, which have not been included in this response as your request specifically asked for notifications.
- Any interceptions or reports from Fisheries/Maritime Police that have been passed on to DOC for processing and further investigation have been included in this response.
- DOC may be notified multiple times about the same incident of alleged illegal fishing. Our response includes multiple notifications of some incidents.

Your questions and our responses are listed below:

1. *Between May 15 2022 and May 15 2024, on how many occasions was the Department of Conservation notified of alleged illegal fishing activity inside the marine reserve at the Poor Knights Islands in Northland? Please provide a*

breakdown to show a comparison of the numbers of notifications between May 2022-2023 and between May 2023-2024.

Between May 15 2022 and May 15 2024 DOC was notified of alleged illegal fishing activity inside Poor Knights Islands Marine Reserve on six occasions. All six of these occasions were recorded between May 2023 and May 2024.

- 2. In regards to the number of alleged breaches between May 15 2022 and May 15 2024, on how many occasions did the Department of Conservation, or any partner agency, prosecute, warn or educate fishers over the notifications it received?*

During this period all reports of alleged fishing as detailed in question one were further investigated by DOC. Four of the six reports made are regarding one incident, and this incident is still under active investigation. One of the reports resulted in an infringement notice and warning letter. One was investigated further but there was not enough evidence to identify the alleged offender.

- 3. Between May 15 2022 and May 15 2024, please provide any photos or video held by DOC of vessels which were alleged to be breaching rules in relation to the marine protection measures at the Poor Knights Islands*

Please see attachment one for the photos relating to the incident without enough evidence. Faces have been obscured and withheld under section 9(2)(a) of the Official Information Act to protect the privacy of natural persons.

Photos relating to the incident that resulted in an infringement notice and warning letter are described in the table in response to question four below. A summary of information (i.e. our description of the photos) is allowed for under section 16 of the Official Information Act to protect the privacy of natural persons (section 9(2)(a)). There are no countervailing public interests that warrant releasing these photos in full.

In addition, some photographs have been withheld in full under Section 6(c) of the OIA to avoid prejudice to the maintenance of the law, due to the incident being under current investigation. DOC does not hold any video footage of this incident.

- 4. Between May 15 2022 and May 15 2024, I request any investigation reports held by DOC in relation to vessels which were alleged to have breached the marine protection measures by fishing at the Poor Knights*

Official 'investigation reports' are not necessarily written up for every incident and there are no investigation reports for the three incidents detailed above. As such, this part of your request is refused under section 18(e) of the Official Information Act as the information does not exist.

Summary of the incidents:

Incident	Date	Status	Description	Photos
1	4 November 2022	Completed – infringement notice	A vessel was observed trolling a single lure within the Poor Knights Islands Marine Reserve (High Peak Rocks)	Photos show <ul style="list-style-type: none"> • lure being retrieved from the marine reserve • Vessel trolling in the marine reserve Waypoint 006 was taken when the first photo was taken – 35 33.280S / 174 43.363E
2	3 January 2024	Closed due to insufficient evidence	Received information from a member of the public that a person was fishing at the Poor Knights Islands Marine Reserve. Unable to identify suspects and no MNZ jet ski numbers noted. Tutukaka Marina checked footage from the boat ramp security cameras and did not see these being launched at the ramp.	Provided as attachment 1 – faces withheld 9(2)(a)
3	13 May 2024	Open	Withheld in full – section 6(c)	Withheld in full – section 6(c)

5. *Between May 15 2022 and May 15 2024, on how many occasions was the Department of Conservation notified of alleged illegal fishing activity inside any marine reserve or protected area in New Zealand. Please provide a list of where the breaches were alleged to have occurred and detail how many of those cases resulted in any enforcement action from the Department of Conservation or partner agencies*

On 31 May 2024 you refined this question to include only marine reserves.

During this period DOC was notified on 361 occasions of alleged illegal fishing activity in marine reserves across New Zealand. These notifications were reported through DOC's hotline (0800DOCHOT), some of which may have been transferred from members of the public initially calling the Fisheries hotline (0800 4 POACHER). Again, please note that DOC may be notified multiples times of the same incident, and these are included in the figures.

Please see the following table for a list of all the marine reserves where notifications were reported of alleged fishing activity:

List of marine reserves where alleged illegal fishing activity was notified from the public	Number of notifications
Poor Knights	6
Whangarei Harbour	30
CROP	21
Tawharanui	12
Long Bay-Okura	96
Motu Manawa-Pollen Island	17
Te Matuku	8
Te Whanganui O Hei	10
Tuhua	1
Te Tapuwae o Rongokako	1
Te Angi Angi	8
Tapuae	19
Kapiti	19
Taputeranga	81
Westhaven	1
Horoirangi	11
Tonga Island	3
Kokomohua-Long Island	1
Hikurangi	7
Pohatu	1
Akaroa	3
Ulva Island	1
Punakaiki	2
Tauparikākā	2

The 361 notifications resulted in 90 compliance files logged in our DOC compliance system. Of the 90 compliance files, 33 resulted in enforcement action (official education/advocacy, warnings and infringement notices). Six of these files are still under active investigation.

The other files were closed for one of the following reasons: member of the public educating alleged offenders themselves, confirmation an offence did not take place, insufficient evidence to confirm an offence or not enough evidence to progress the file.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Please note that this letter (with your personal details removed) may be published on the Department's website.

Nāku noa, nā



Stacey Wrenn
Director Regulatory Authorisations (acting)
Department of Conservation
Te Papa Atawhai