

Departmental Memo

To	Minister of Conservation	Date submitted	5 March 2024
GS tracking #	24-B-0120	DocCM	DOC-7585132
Security Level	In Confidence		
From	Ruth Isaac, Deputy Director-General Policy and Regulatory Services: S9(2)(a)		
Subject	Progressing the Hauraki Gulf / Tīkapa Moana Marine Protection Bill.		
Attachments	Attachment A – Cabinet paper: Progressing the Hauraki Gulf / Tīkapa Moana Marine Protection Bill.		

Purpose – Te aronga

- To provide you with a draft Cabinet paper (Attachment A) seeking approval for the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) to continue to progress through the House.

Background and context – Te horopaki

- In August 2023, the Bill was introduced to the House and referred to the Environment Select Committee (the Committee). The Department of Conservation provided its initial briefing to the Committee in December 2023. The Committee report back date to the House is 29 May 2024.
- On 26 February 2023, the Leader of the House wrote to you (as Minister responsible for the Bill) seeking confirmation that you, and the Government, still wish for the Bill to continue to progress through the House. You were invited to submit a short paper to the LEG committee confirming whether the Government wishes to proceed with the Bill.
- A draft Cabinet paper is provided for your consideration (Attachment A). Note that there is a placeholder for information following Ministerial consultation between 5 and 12 March.
- You recently approved the legislative bid for the Bill, as the highest priority within your Conservation Portfolio, with a priority Category 4 (to be passed by the end of 2024 if possible) [24-B-0008 refers].
- The Department of Conservation has consulted with Fisheries New Zealand on the draft Cabinet paper, due to their involvement and interest in the Bill. Other agencies have been notified of the Cabinet paper.

Risk assessment – Aronga tūrarū

- There is growing public demand for new marine protection in the Gulf and ongoing frustration with the slow pace at which protection is proceeding. The original independent stakeholder-led Tai Timu Tai Pari Sea Change Hauraki Gulf Spatial Plan was first published over 10 years ago. Since then, the application for Hākaimango-Matiatia (Northwest Waiheke) Marine Reserve has been lodged, a number of rāhui have

been established and the Hauraki Gulf Forum has called for 30% of the Gulf to be protected.

8. Any further delays caused by the Bill not continuing to be progressed through the House will exacerbate growing frustrations and sense of lack of action. Given multiple engagement processes, including several rounds of engagement with mana whenua, there would need to be clear messaging regarding any decision not to proceed with the Bill.
9. Some aspects of the Bill are contentious but are addressed through the novel design of the Bill. Through the Select Committee process, submitters have raised fundamental concerns about the Bill. In particular, the impact on users of the Hauraki Gulf, particularly fishers, and the allowance for customary non-commercial fishing in the proposed marine protection areas. Concerns have also been raised regarding the potential effect of the proposals on rights established under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and related Deed of Settlement. The Cabinet paper addresses these concerns.

Next steps – Ngā tāwhaitanga

10. Ministerial consultation is to occur from 5-12 March. The Cabinet paper is to be lodged Thursday 14 March and considered by the LEG committee Thursday 21 March.
11. Officials are available to meet to discuss any aspects of the Cabinet paper or the Bill.

Attachments – Ngā tāpiritanga

12. Attachment A: Cabinet paper: Progressing the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

ENDS

Attachment A: Cabinet paper: Progressing the Hauraki Gulf / Tikapa Moana Marine Protection Bill

Attachment A has been released separately in this package