



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report back on the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Portfolio **Conservation**

On 30 September 2024, following reference from the Cabinet Legislation Committee, Cabinet:

- 1 **noted** that in June 2024, the Cabinet Legislation Committee invited a report back seeking decisions on amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill), including in relation to clause 4 (the Treaty of Waitangi clause), and the interaction between customary fishing and the protected areas established under the Bill [LEG-24-MIN-0132];
- 2 **agreed** to retain the current Treaty of Waitangi clause with additional ‘signposting’ provisions;
- 3 **agreed** that references to ‘whānau, hapū and iwi’ be replaced with ‘iwi’;
- 4 **agreed** that the Treaty of Waitangi clause states that all Treaty of Waitangi settlements will be upheld;
- 5 **noted** that in August 2024 the Cabinet Social Outcomes Committee agreed the scope and purpose of a review of legislative references to the principles of the Treaty of Waitangi [SOU-24-MIN-0105];
- 6 **noted** that the Treaty of Waitangi clause in paragraph 2 above will fall within the scope of the above review, and that the Department of Conservation will assess the clause as part of that review;
- 7 **agreed** that the provision for customary non-commercial fishing (as regulated under the Fisheries Act 1996) is retained;
- 8 **agreed** to retain the prohibition on bottom trawling, dredging, and Danish seining fishing methods in seafloor protection areas and high protection areas, even for customary non-commercial fishing;
- 9 **agreed** that regulation of customary non-commercial fishing is out of the scope for regulations developed under clause 66 of the Bill;
- 10 **agreed** that the requirement to consult with the Minister for Oceans and Fisheries is removed for regulations developed under clause 66 of the Bill;
- 11 **agreed** that the regulation of customary non-commercial fishing is out of scope for regulations developed under clause 67 of the Bill;

- 12 **agreed** that the requirement to consult with the Minister for Oceans and Fisheries is removed for regulations developed under clause 67 of the Bill;
- 13 **agreed** that the requirement for biodiversity objectives and associated regulations to be developed collaboratively with mana moana is amended to require consultation with mana moana;
- 14 **noted** that, with these proposed changes, customary non-commercial fishing will be regulated through the Fisheries Act only;
- 15 **agreed** that provisions that acknowledge rights under the Marine and Coastal Area (Takutai Moana) Act 2011 are retained;
- 16 **agreed** that the ‘no compensation’ clause (clause 9A) in the Bill is removed;
- 17 **agreed** that ring-net fishing is provided for in the Kawau Bay and Rangitoto and Motutapu high protection areas with a review at three years;
- 18 **agreed** to the following conditions on ring-net fishing, subject to confirmation that the conditions are workable:
- 18.1 ring-net fishing can only occur between 1 March and 31 August each year;
- 18.2 ring-net fishing can only be carried out by commercial permit holders who have fished in these areas in one or more of the past three fishing years;
- 18.3 ring-net fishing is limited to the targeting of kahawai, grey mullet and trevally;
- 19 **authorised** the Minister of Conservation to make any further detailed policy decisions necessary for the Bill in line with the decisions in this paper, including on the review of ring-net fishing, in agreement with the Minister for Oceans and Fisheries, as appropriate;

Next steps

- 20 **agreed** to progress the above changes through releasing an Amendment Paper for the Committee of the Whole House stage on the Bill;
- 21 **authorised** the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office for an Amendment Paper reflecting the above changes.

Rachel Hayward
Secretary of the Cabinet