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Department of Conservation
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Submission: Hauraki Gulf Marine Protection Areas proposals

Until the full package of proposals for both marine protection and fisheries management is made available for public consultation, and a genuine effort is made by officials to consider any feedback, we have no option but to oppose the current marine protection proposals issued by the Department of Conservation.

Submitters

1. The New Zealand Sport Fishing Council (**NZSFC**) is a recognised national sports organisation with over 38,500 affiliated members from 53 clubs nationwide. NZSFC has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz.
2. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 28 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. NZACA is committed to protecting fish stocks and representing its members' right to fish.
3. Collectively we are 'the submitters'. The joint submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
4. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this process. We would like to be kept informed of future developments. Our contact is Helen Pastor secretary@nzsportfishing.org.nz.

Proposals

5. On Wednesday 14th September 2022 we received advice from the Department of Conservation (**DoC**) they were consulting on the [Revitalising the Gulf marine protection proposals](#). David Parker, the Minister of Oceans and Fisheries, and Poto Williams, the Minister of Conservation, will consider feedback to later inform a Hauraki Gulf Marine Protection Bill. Feedback is due by **Friday 28th October 2022**.
6. DoC and Fisheries New Zealand (**FNZ**) are currently implementing the [Revitalising the Gulf – Government action on the Sea Change Plan](#), reforms intended to improve the health of the Hauraki Gulf Marine Park.
7. DoC is proposing to [create 19 protected areas](#) in the Hauraki Gulf Marine Park. To enable this outcome, they are proposing to create two new marine protection tools - High Protection Areas (**HPAs**) and Seafloor Protection Areas (**SPAs**). The 19 protection areas are:
 - a. **12 High Protection Areas:** These areas will prohibit activities such as commercial and recreational fishing while providing for the expression of customary practices and fishing by mana whenua.
 - b. **5 Seafloor Protection Areas:** These areas are aimed at protecting seafloor habitats by prohibiting activities that damage or disturb the seafloor, including bottom trawling and longlining, Danish seining, potting, set netting and mining, and allowing for activities that do not involve seafloor contact.
 - c. **2 protected areas:** These will be extensions to the existing Cathedral Cove/Whanganui-a-Hei and Cape Rodney-Okakari Point (Leigh) marine reserves.

Discussion

8. The submitters have been actively addressing fisheries depletion and marine protection in the Hauraki Gulf Marine Park for more than 20 years. Our goal is to see marine abundance and biodiversity restored in the Hauraki Gulf for the benefit of future generations.
9. Our Kahawai Legal Challenge was successful in defining the need for the Minister of Fisheries (as the role was then titled) to have *particular regard* to the Hauraki Gulf Marine Park Act when setting the Total Allowable Commercial Catch (TACC)¹ for fish stocks within the Marine Park.
10. We have also been involved with Sea Change since 2013. After two years of intense, focused and deeply committed hard work the Stakeholder Working Group settled on the [Sea Change plan](#), which was submitted to the Ministers of Fisheries and Conservation in late 2016.
11. In this context we submit the Minister of Conservation, Poto Williams, and the Minister for Oceans and Fisheries, David Parker, agree to extend the consultation period for the marine protection proposals from 28 October, to align with the consultation period for the inextricably and intimately connected Hauraki Gulf Fisheries Plan. FNZ intends to consult on that Plan from mid-November 2022 to mid-February 2023. There has been no reasonable

¹ Sanford Ltd and Ors v The NZRFC NZSFC. CA163/07 [11 June 2008].

explanation from DoC or the Minister as to why the consultation processes are not aligned. On 13 October 2022 we [sent a letter](#) to both Hon. David Parker and Poto Williams requesting alignment, and received a reply on 28 October advising “*we do not consider it necessary that the two consultation periods coincide*”.

12. Since June 2022 there have been two people representing recreational fishing interests on the Hauraki Gulf Fisheries Plan Advisory Group. These representatives have been unable to discuss how the content of the Fisheries Plan has evolved through the Advisory Group process due to the onerous conditions set out in the Group’s Terms of Reference. It is this type of constraint that denies the public adequate information to make informed decisions even this far into the development process. This is not good enough.
13. There is already case law establishing the need for open minded consultation processes². The current process purportedly seeks to revitalise the Hauraki Gulf. How can anyone have a view on what steps are most appropriate to revitalise the Hauraki Gulf when we are given a map with 19 protected areas on it, and very little else in the way of integrated management actions? A veil of secrecy over other information including the Fisheries Plan and the location of ‘trawl corridors’ is neither helpful nor informative.
14. We understand any marine protection changes under Revitalising the Gulf will be based on the Marine Protected Areas Policy and Implementation Standard 2005. This current consultation does not meet Planning Principle 4 in the Standard, as it is not possible to achieve this without an adequate timeframe or information: “*processes will be undertaken in a transparent manner that informs and allows for participation and input from the public*”. [pg 18]
15. Until the full package of proposals for both marine protection and fisheries management is made available for public consultation, and a genuine effort is made by officials to consider any feedback, **we have no option but to oppose the current marine protection proposals issued by DoC.**
16. When the integrated package of measures to address both marine protection and fisheries management is released, providing adequate information and a reasonable consultation time, we will submit a substantive response.

² Wellington International Airport Limited and others v Air New Zealand [1993] 1 NZLR 671, at p. 675.