



Evaluation of Kaikōura Marine Guardians

Final report

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Executive summary

This report presents findings from an evaluation of the Kaikōura Marine Guardians. The evaluation is part of a wider Review of the management measures established by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 (the Act). The Act was passed in response to the Kaikōura Marine Strategy. The strategy was developed by Te Korowai, a community-based group that was established in Kaikōura to ensure the long-term sustainability of the marine environment around Kaikōura, working alongside central and local government officials.

The objectives of the evaluation were to assess the operation and effectiveness of the Guardians, including the extent to which the group includes representation of relevant interests and expertise, how well the process of providing advice has worked and whether the advice was taken into account in decision-making, and the extent to which the Guardians' operational processes have been delivered as intended.

The evaluation used a combination of a document review and interviews to answer the Key Evaluation Questions. This included reviewing 42 documents and interviews with key informants, who were representatives from the Department of Conservation (the Department) and Fisheries NZ, the Guardians, and community stakeholders. While most of the interviews were conducted online, the evaluation also involved a visit to Kaikōura, during which six interviews were conducted.

The evaluation findings will be used to inform a 10-year Review of specific management measures, which is a requirement of the Act.

Key findings

To what extent do the Guardians' appointments represent the interests and expertise stipulated in the Act?

The current mix of Guardians is appropriate and aligns with the requirements of the Act

This evaluation found that the current mix of Guardians provided representation of interests and expertise that is appropriate and in line with the requirements of the Act. The mix includes representation from Te Rūnanga o Ngāi Tahu; Te Rūnanga o Kaikōura; commercial, customary and recreational fishing, Te Korowai, environmental, education, tourism, and marine science. This mix remains relevant. In addition to the requirements of the Act, both Guardians and community stakeholders considered it important that the Guardians primarily consists of local representation, which is currently the case.

Despite the diverse backgrounds of the Guardians, some community stakeholders perceived recreational fishing interests to be under-represented, claiming both commercial and customary have multiple representatives whereas recreational fishing had one representative. Although the boat club had actively encouraged this person to become a Guardian, they believed that their club's large membership warranted additional representation. They considered the lack of recreational fishing representation had led to a bias in advice that



negatively impacted recreational fishing without sufficient consultation, while also missing opportunities to consider a broader array of fishing management tools that could help address issues associated with recreational fishing. These concerns could be mitigated through improved consultation with the recreational fishing community, and better communication of the rationale for marine management decisions.

In addition, the Guardians have co-opted people into meetings when there was a gap in the knowledge or expertise needed to develop well-informed advice. This approach enables a balance to be struck between ensuring the size of the advisory group remains manageable, while accessing specific knowledge when needed. Such an approach could be used to engage local recreational fishing expertise and experience when advice is being prepared that could be perceived to negatively affect those interests.

Process of appointing Guardians is not well understood

The evaluation found that although those directly involved in the process of appointing Guardians considered it to work well, the process was not well understood by those not directly involved.

Interviews with key informants indicated that the process started with seeking public nominations. Representatives from the Department and Fisheries NZ then assessed the applications and made recommendations to the Ministers who made the final selection decisions. However, interviews with some Guardians and community stakeholders indicated that they experienced the process as opaque, lacking transparency and expressed confusion about what was involved.

The lack of clarity surrounding the process contributed to some community stakeholders questioning the fairness of selection decisions, which in turn led to concerns about whether the Guardians had the right mix of representation. Limited evidence suggests these issues were undermining the trust in the Guardians, leading to concerns that the advice favoured some interests, particularly commercial, over others such as recreational fishing. To ensure the important role the Guardians play is not undermined, it is important that this issue is addressed by providing greater transparency over the process through clearer communication with the Kaikōura community about the selection process.

How well is the Guardians' advice function operating?

The Guardians' advice has made an important difference in managing Te Tai o Marokura

The evaluation found that the Guardians' advice has added value and has made an important contribution to decisions concerning the sustainability of Te Tai o Marokura. Guardians, key informants and a community representative indicated that the Guardians had played a key role in supporting recovery post-earthquake, providing advice that led to closures of fisheries while they rebuilt. The most significant example of this was the contribution they made to decisions concerning supporting the recovery and reopening of the pāua fishery. Other areas of influence included providing decision-makers with advice about establishing the Hikurangi

Marine Reserve, the evolution of the blue cod management strategy and Hector's dolphin protection measures.

However, these positive views of the difference the Guardians were making was not universal. In particular, a few community stakeholders considered that recreational fishing had not been served well. They believed at times commercial fishing and conservationists benefitted from the Guardians' advice at the expense of recreational fishing. That said, there are a range of broader factors that may contribute to this perspective including concerns with inadequate recreational fishing representation in the Guardians and misunderstandings about the extent of the Guardians' role. Negative perceptions of the Guardians' effectiveness may also stem from instances when the community was not aware that a decision was made contrary to Guardians' advice.

There is an opportunity to improve the community's understanding of the Guardians' role and advice through improved communication and transparency with the local community that is designed to improve public awareness.

The focus of advice has been reactive

The evaluation found that the advice provided by the Guardians has been reactive and would benefit from being strengthened by developing a more proactive approach that is informed by an agreed strategic direction.

The effect of the 2016 earthquake meant that the main focus of the Guardians' advice between 2017 and 2023 involved responding to its impact on the marine environment and surrounding area. This advice included management of the pāua fisheries post-earthquake which involved providing advice on protecting these fisheries as they rebuilt and reopened, participating in the establishment of a Restoration Liaison Group to manage and oversee ecology in response to the earthquake, and supporting research of the marine environment post-earthquake.

Although the Act allows for the Guardians to initiate providing advice, most Guardians and key informants indicated that the advice provided was largely reactive to agency agendas, particularly Fisheries NZ. For some Guardians this was a tension because agencies were seen as having strong commercial and economic imperatives, whereas the Guardians' mandate was more related to sustainability.

Given the substantial impacts of the 2016 earthquake, it is understandable that the advice has been largely reactive. However, to optimise the effectiveness of the Guardians going forward it will be important to adopt a more proactive approach that is informed by an agreed strategic direction that sets out the necessary steps to achieve the vision and purpose of the Guardians.

The quality of agency support with providing advice has been mixed

The evaluation found that the advice process had not worked as well as it could have.

Most Guardians and key informants highlighted the Act was a key enabler for the Guardians' advice process including giving them the power to make recommendations directly to Ministers. In addition, if there is a marine management issue related to Kaikōura, and the Guardians give advice in relation to the issue, the agencies must take that advice into account.



Further, key informants indicated that the Guardians had more influence than other advisory bodies because of their statutory role, even though they were not decision-makers.

However, limited evidence indicates that on occasion the agencies have not sought advice from the Guardians. For example, a letter to the Minister of Oceans and Fisheries indicated that Fisheries NZ had not sought the Guardians' input when developing a Threat Management Plan review for Hector's and Māui dolphins. In addition, there have been reported issues with agencies altering or not fully representing the Guardians advice with the relevant Minister. Although these issues are historical, it has had an adverse effect on the relationship between the Guardians and agency staff, generating distrust and undermining the relationship. To prevent such issues emerging in the future, the process would benefit from improved communications and transparency concerning what advice is shared with the Ministers. This includes agencies sharing any difference of opinion directly with the Guardians.

In addition, the Guardians can find themselves held accountable by the local community due to misunderstandings about the limitations of their role due to an inaccurate perception that they are directly making decisions rather than providing advice. This misunderstanding suggests that the limitations of the Guardians' role has not been well communicated in the local community, causing confusion amongst the people of Kaikōura.

How well are the Guardian's operational procedures functioning?

Current resourcing levels limit the effectiveness of the Guardians

The evaluation found that current resourcing levels are insufficient for strategic planning to occur, making it very difficult for the Guardians to provide proactive advice and produce annual reports as required.

A letter to the Ministers in September 2016 showed that the Guardians sought clarification and guidance on the process of providing advice and looked to establish an annual work programme in collaboration the Department and Fisheries NZ officials. Although the agencies had supported the Guardians with preparation of annual reports in the past, there was not sufficient support available for strategic planning and while some annual reports have been produced, they have not been completed regularly.

Sufficient support for the Guardians would include resourcing to; undertake strategic planning sessions including an independent facilitator if required, create a long-term strategic plan for Te Tai o Marokura, and develop annual work plans that can be monitored and reported on. The absence of such planning made it difficult for the Guardians to provide proactive advice.

Similarly, the Guardians considered current levels of support made it difficult for them to perform their role well. A key concern raised was an inability to be truly effective due to only meeting four times a year. This made it difficult for the Guardians to respond to issues in a timely manner, which limits their ability to work through these issues and to track the difference their advice is making. Guardians involved from the beginning noted that they often conducted work outside of the four meetings per year, to ensure their work was impactful. However, a few key informants raised concerns that some of this work may sit outside of the scope of the Guardians' role.



To enable the Guardians to adopt a more proactive approach to their advice, to clarify the scope of their work, and to determine the levels and types of resourcing needed to ensure the role is effective, a strategic plan needs to be developed.

The Guardians' ability to provide well-informed advice is hindered by inadequate access to timely scientific evidence

Letters to Ministers in September 2016 showed that the Guardians sought support to access more research that could help ensure they provided well-informed advice. This request included seeking a discretionary annual operating budget of \$30,000 to conduct research. It also highlighted the importance of agencies establishing baseline observations of the area of the marine reserve and other key areas of interest to enable before and after assessments of the difference the Act had made. The absence of such a budget has meant that the Guardians are unable to commission independent scientific research, as a result they have relied on the agencies providing them with the necessary evidence and information.

A further request for research support was made in a letter to Ministers in 2020 which included research to explore the social impact of the Act and its tools on the region. However, indications are that the Guardians did not receive this support. Although the agencies have provided some information and data when requested, this was not always sufficient nor provided in a proactive or timely manner. Further, the scientific evidence sought by the Guardians was not always available or accessible to agencies, such as more detailed information about the status of local fisheries. Information derived from commercial fishing were viewed as not providing sufficiently accurate evidence.

All the Guardians placed high importance on the need for robust scientific evidence to enable them to provide well-informed advice. The high level of dependence on the limited research capacity of agencies to provide them with scientific evidence has reduced their ability to provide independent evidence-based advice. As part of developing a strategy it would be beneficial to explore options for filling this important gap in the Guardians' resources, including identifying key gaps in the existing scientific evidence that need to be addressed.

The roles of the Guardians and Te Korowai need to be clarified

The evaluation found that there is confusion about the roles of the Guardians and Te Korowai, which would benefit from being addressed.

When the Act was developed it was intended that the two roles would be complementary, integrated functions under which the Guardians provide advice to the government and Te Korowai work closely with communities. While the original Guardians had this understanding with most of them having been part of Te Korowai, how the two roles worked had not been discussed with newer Guardians or communicated with the broader community.

This lack of communication had led to confusion about the purpose of the two roles, with a few community stakeholders indicating that there was a lack of transparency in what and how Te Korowai operated in relation to the Guardians. This contributed to misunderstandings about the role of the Guardians and how they operated. Further these community stakeholders did not seem to understand the limitations of the Guardians' role, that it was an advisory only and that they did not have decision-making powers.



Developing a strategy would create an opportunity to clarify the roles of the Guardians and Te Korowai, including the interplay, and to clearly communicate this to the local community. This would lead to a better shared understanding of the vision and scope of the Guardians' role and greater transparency on how it works with Te Korowai.

Recommendations

Recommendations for the Guardians

1. Clarify the roles and responsibilities of Te Korowai and the Guardians and share these with the community and stakeholders.
2. Develop and monitor a strategic plan and annual work plan, to maintain focus and guide meeting structure.

Recommendations for the agencies

1. Consider providing more administration, facilitation, and research resources as this would set the Guardians up to operate more effectively.
2. Improve communications and feedback as part of the advice process to promote transparency and trust.
3. Provide resources for the Guardians to undertake adequate strategic planning including the development of annual work plans that can be monitored and regularly reported on.

1 Introduction

1.1 Kaikōura Marine Management Act 2014

The Kaikōura marine and coastal environment holds great significance historically, culturally, spiritually, environmentally and economically. This significance led to the establishment of Te Korowai, a community-based group that seeks to ensure the long-term sustainability of the marine environment around Kaikōura. Representation on the group has included a range of local organisations and interests involved with the coastal marine area, as well as government, regional and local agencies. In response to many issues and uses of the marine environment, Te Korowai developed a management strategy for the coast which was published in 2012.¹ The strategy was designed to create the conditions to care and protect the coastal marine area of Te Tai o Marokura, with the vision:

“By perpetuating the mauri and wairua of Te Tai o Marokura, our community, as kaitiaki of Tangaroa’s tāonga, are sustaining a flourishing, rich and healthy environment, where opportunities abound to sustain the needs of present and future generations.”²

Recognising the need to put further safeguards in place for Te Tai o Marokura, members of Te Korowai worked with government officials to establish the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 (the Act). The Act requires a 10-year review of specific management measures established by the Act, including the Guardians, Hikurangi Marine Reserve, Te Rohe o Te Whānau Puha Whale Sanctuary, Ōhau New Zealand Fur Seal Sanctuary, Mangamaunu Mātaitai, Oaro Mātaitai, Te Waha o te Marangai Mātaitai, Oaro-Haumuri Taiāpure and Te Taumanu o Te Waka a Māui Taiāpure.

On 7 August 2024, the Minister of Conservation and the Minister for Oceans and Fisheries commenced a Review after consulting with the Kaikōura Marine Guardians regarding its terms of reference. The Department of Conservation (the Department) and Fisheries New Zealand (Fisheries NZ) are delivering the Review and have engaged Allen + Clarke to conduct the component of the Review that relates to an evaluation of the Guardians.

1.2 Kaikōura Marine Guardians

The Act established the Kaikōura Marine Guardians (the Guardians) as an advisory committee. The Guardians represent iwi and local community interests and provide advice about the coast and sea around Kaikōura, known as Te Tai o Marokura. The current committee consists of 11 members, including one representative of Te Rūnanga o Ngāi Tahu, two representatives of Te Rūnanga o Kaikōura, six community representatives who go through a

¹ Te Korowai. (2012). Kaikōura Marine Strategy: Sustaining our sea.

https://www.teamkorowai.org.nz/s/Kaikoura_Marine_Strategy_lo_res.pdf

² Te Korowai. (2012). Kaikōura Marine Strategy: Sustaining our sea.

https://www.teamkorowai.org.nz/s/Kaikoura_Marine_Strategy_lo_res.pdf p.15. In the strategy, *Mauri* is described as the life-force of the living system, and *wairua* its spirit which can be enhanced or diminished by human actions.



selection process led by the Department and Fisheries NZ, and one nominee each of the Minister of Conservation and the Minister for Oceans and Fisheries.

The Guardians have an advisory role to the Minister of Conservation, the Minister for Oceans and Fisheries, the Minister for Biosecurity or to officials who are exercising a power or performing a function under the biosecurity, conservation, and fisheries legislation. The key function of the Guardians is to provide advice on any biosecurity, conservation, or fisheries-related matters in respect to Te Tai o Marokura. The Guardians may provide advice on request or on their own initiative, and if the matter relates exclusively to the Kaikōura Marine Area, section 7(3) of the Act requires that “the person receiving the advice must take the advice into account.”

2 The evaluation

The Department and Fisheries NZ engaged *Allen + Clarke* to conduct an evaluation of the Kaikōura Marine Guardians which is part of a wider Review of the specific management measures established by the Act.

2.1 Evaluation objectives

The objectives of this evaluation were to assess the operation and effectiveness of the Guardians, including:

- the extent to which the group has included representation of relevant interests and expertise
- how well the process of providing advice has worked and whether the advice was taken into account in decision-making
- the extent to which the Guardians' operational processes have been delivered as intended.

2.2 Key evaluation questions

In line with the objectives described above, the evaluation investigated the following key evaluation questions (KEQs):

1. To what extent do the Guardians' appointments represent the interests and expertise stipulated in the Act?
2. How well is the Guardians' advice function operating?
3. How well are the Guardian's operational procedures functioning?
4. What lessons have been learned that can inform the ongoing operation and effectiveness of the Guardians?

The KEQs were ordered under a set of criteria that establish a standard against which performance of the Guardians was measured: relevance, effectiveness, and efficiency. The criteria were then operationalised into specific areas of investigation that the evaluation focused on, and indicators that provide details of what good 'looks like' for the Guardians' role.

Together, these formed the framework for evaluating the operation and effectiveness of the Guardians' role. The evaluation framework (KEQs, criteria, areas of investigation and indicators) is provided in **Appendix A**.

2.3 Evaluation methodology

The evaluation used a combination of a document review and interviews to answer the KEQs. Details of the data collection methods are provided below.

2.3.1 Document review

The Department and Fisheries NZ provided a range of documents related to the operations of the Guardians, provision of advice, and reporting. These documents included the Act, Kaikōura Marine Strategy, Terms of Reference for the Guardians, minutes from meetings, correspondence with Ministers, advice, submissions and consultations, and cabinet papers.

A sample of 42 documents were reviewed and summarised by the evaluators. An initial three documents were reviewed to enable the evaluation team to develop a deeper understanding of the Guardians' role and to inform the development of the evaluation framework. During the data collection phase of the evaluation, the evaluators undertook a deductive review of the documents against the KEQs. A key focus of this review was understanding the advice process, from identifying when advice from the Guardians was needed through to whether that advice was used for decision-making purposes. The evidence gathered through the deductive review was triangulated against the primary data generated through the interviews to validate and contextualise the findings relating to the Guardians' role in providing advice on Te Tai o Marokura.

2.3.2 Qualitative interviews

The evaluation included qualitative interviews with 22 participants. This included key informant interviews with representatives from the Department and Fisheries NZ, community stakeholders and Guardians. While most of the interviews were conducted online, the evaluation also involved a visit to Kaikōura, during which six interviews were conducted. Further details of the qualitative interviews participant sample are provided in Table 1 below.

Table 1: Kaikōura Marine Guardians evaluation qualitative interview participants

Data collection mechanisms	The Department	Fisheries NZ	Guardians	Community stakeholders	Total
Key informant interviews	2	3	–	–	5
Kaikōura site visit	–	–	4	2	6
Online + written	–	–	9	2	11
Total	2	3	13	4	22

Key informant interviews

Interviews were conducted with representatives from the Department and Fisheries NZ. The interviews provided information about the selection process and representativeness of the current mix of Guardians, the advice process, and the types and level of support that the agencies have provided to the Guardians.

Community stakeholder interviews

Four community stakeholders representing local interests in the Kaikōura coastline and establishing the Guardians were interviewed. These interviews provided information about the wider perspectives on the intentions of the Act, understanding of the selection process and how representative the Guardians are of community interests, levels of awareness and understanding of the Guardians' functions and work, and arrangements for engaging with community interests.

Guardian interviews

The evaluation team interviewed eight current Guardians which were a mix of both new (as of August 2024) and reappointed representatives, and four former Guardians. The interviews provided information about the extent to which representation corresponded with the requirements of the Act and covered the necessary areas of knowledge and perspectives (e.g., commercial, recreational and customary fishing, range of scientific knowledge), how effective the role has been in providing advice, how well the role has been operationalised, any barriers or enablers, and what improvements could be made.

2.3.3 Data analysis and synthesis

The qualitative data from the interviews was deductively coded against the KEQs to identify themes and sub-themes. The raw data was coded using an open-coding approach to sort the data into broad thematic categories. The analysis included comparing and contrasting findings between the different sources of evidence, highlighting commonalities and differences, and focusing on the requirements set out in the Act. To ensure the analysis answered the evaluation questions and told a 'coherent story', the evaluation team tested the relevance of each theme and the strength of the evidence through initial evaluation design discussions and preliminary findings discussions, with both agency staff and the Guardians.

The analysis formed the basis for making evaluative judgements about the effectiveness of the Kaikōura Marine Guardians, how well the group has operated, and identifying gaps or issues that need to be addressed.

2.3.4 Limitations

This evaluation was conducted within a relatively tight timeframe with limited resources. As such there was insufficient time and resource to conduct a comprehensive review of all the documents that were shared with *Allen + Clarke*. The evaluation prioritised documents relating to the advice process (KEQ2), with a limited review of materials on representation (KEQ1) and Guardian operations (KEQ3). Interview evidence provided insights for these latter KEQs.

The representativeness of community stakeholders is limited. Out of ten that were invited to participate, four met with the evaluators. The six that did not participate either declined the opportunity (1 person) or did not respond to invitations to participate (5 people). Further, community stakeholders that were interviewed predominantly represented recreational fishing interests. This means that broader community interests were not captured therefore caution should be applied in relation to findings regarding the extent to which community views are represented.

3 Key findings and insights

3.1 Alignment of Guardian appointments with the Act

This section focuses on answering KEQ 1: To what extent have the Guardians' appointments provided representation of the interests and expertise stipulated in Section 6(4) of the Act establishes the requirement that the interests and areas of expertise of Te Rūnanga o Ngāi Tahu, the Kaikōura community, and biosecurity, conservation, education, environment, fishing, marine science and tourism will be represented. Guardians generally represent an appropriate mix of interests and expertise

This evaluation found that the current mix of Guardians provided improved representation of interests and expertise that is appropriate and in line with the requirements of the Act.

Feedback from most Guardians and key informants indicates that the current mix of Guardians provide relevant representation of interests and expertise that are well aligned with the requirements of the Act. This mix includes Te Rūnanga o Ngāi Tahu; Te Rūnanga o Kaikōura; commercial, customary and recreational fishing, Te Korowai, environmental, education, tourism, and marine science. There was also general consensus that the Guardians should primarily consist of local representation, which is currently the case.

Further, indications are that representation has improved over time. Although the original mix of Guardians was viewed as appropriate, representation from Te Rūnanga o Kaikōura and recreational fishing diminished over time. While customary fishing interests were still represented through other Guardians, stakeholders viewed the absence of representation from Te Rūnanga o Kaikōura for a period, as an important gap, in terms of both customary fishing and also broader local customary knowledge and expertise.

While the issues with representation from Te Rūnanga o Kaikōura had been addressed through a review of the Guardians' Terms of Reference in December 2023, perspectives on whether there was sufficient recreational fishing representation remained mixed. Interviews with some community stakeholders and a few Guardians indicated that recreational fishing was currently not represented as well as it could be. Although the current mix of Guardians included a recreational fishing representative, this was viewed as insufficient representation both in terms of the number of representatives and that the person was viewed as representing interests at a national level rather than local. A key concern was that insufficient representation of recreational fishing interests had led to advice that negatively impacted recreational fishing without adequate consultation and missed opportunities to consider a broader array of fishing management tools that had the potential to help address issues associated with recreational fishing.

In contrast to these views, some Guardians believed that recreational fishing interests were adequately covered as most Guardians were involved in recreational fishing activities. Further, they considered there were practical limits in the extent to which different interests could be represented. Most Guardians emphasised the importance of recognising that they were part of a bigger community and the need to consider broader interests when developing advice.



This was reflected in some Guardians feedback who emphasised the importance of independence, being dispassionate and a willingness to accept other perspectives. This is reflected in the Guardians' Terms of Reference which sets out that "All Committee members are expected to ... take a whole marine and coastal environment view and not regard themselves as representatives or advocates for a particular sector or interest."³ One Guardian commented:

"You are part of a bigger community and there is a range of values and views, and you have to accept the differences."

The Guardians explained that when there was a gap in knowledge or expertise, they could co-opt relevant people or expertise into a specific meeting. A key advantage of this approach is that it would enable a balance to be struck between ensuring the size of the advisory group remains manageable, while accessing specific knowledge as required. Such an approach could be used to engage additional recreational fishing expertise and experience when the advice provided to Ministers could be perceived as affecting those interests.

3.1.1 Process of appointing Guardians is not well understood

The evaluation found that although those directly involved in the process of appointing Guardians considered it to work well, the process was not well understood by those not directly involved.

Key informants described the process for selecting most current members of the Guardians as beginning with a public consultation process which sought public nominations. This process included directly approaching significant community-based groups, such as the boat club, to seek applications. Applicants were required to submit a curriculum vitae.

Representatives from the Department and Fisheries NZ then assessed the applications against a matrix of required skill areas and those with multiple strengths and/or who could represent broader sector interests. The assessment process aimed to ensure continuity through retaining some present members, while also attracting new Guardians who could provide fresh perspectives. The recommended appointees, along with the analysis that informed the recommendations, were then shared with Ministers who made the final selection decisions. Almost all key informants considered the process to be clear, transparent and had worked well, leading to a good mix of interests and expertise. The selection process for Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu representatives was different with hapū and iwi identifying their respective representatives.

However, a few key informants expressed concerns about the level of understanding of the process amongst the Kaikōura community, how visible the process had been and whether communications had been sufficiently targeted. These concerns were also reflected in feedback from some Guardians and community stakeholders who held similar views. This

³ Kaikōura Marine Guardians Ministerial Advisory Committee Terms of Reference (2024-28) p,4

feedback included likening the selection process to “a black box,” noting a lack of transparency, and confusion over what was involved.

The lack of clarity surrounding the process contributed to some community stakeholders questioning the fairness of selection decisions, which in turn led to concerns about whether the Guardians had the right mix of representation (as discussed in section 3.1). Limited evidence indicates that these issues were undermining the trust in the Guardians, leading to concerns that the advice was not balanced and that the Guardians were advancing a ‘hidden agenda’ that favoured some interests over others. If this situation were to continue it creates a risk that certain elements of the Kaikōura community could attempt to undermine the important role the Guardians play. These issues should be addressed by the agencies who are managing the process providing greater transparency through clearer communication with the Kaikōura community about nomination, selection, and appointment processes.

3.2 Effectiveness of the advisory function

This section focuses on answering KEQ 2: How well is the Guardians’ advice function operating?

3.2.1 Nature and focus of the advice has been reactive

The evaluation found that the advice provided by the Guardians has been reactive and would benefit from being strengthened by developing a more proactive approach that is informed by an agreed strategic direction.

A review of key documents showed that between 2017 and 2023, the Guardians have provided a mix of continued and specific advice covering a range of areas (see Table 2 and Table 3),⁴ with the advice predominantly related to matters raised by Fisheries NZ or the Department.

Table 2: Focus areas of Guardians’ advice provided on an ongoing basis.

Continued advice	Dates	Matter related to
Advice provided on Fisheries sustainability controls	August 2017 May 2018 June 2019	Fisheries NZ

⁴ Note this is not an exhaustive list, rather it is based on the documents that were shared with the evaluation team.



Continued advice	Dates	Matter related to
Advice provided related to Pāua including pāua recovery enhancement work, the pāua quota management area, and the recreational pāua fishery.	October 2018 February 2021 October 2021 November 2022 November 2023	Fisheries NZ

Table 3: Specific advice provided by the Guardians

Specific advice	Dates	Matter related to
Advice to Minister of Conservation for Placement of the Kaikōura Canyon and Mountains on New Zealand's Tentative List for Inscription as World Heritage.	March 2017	Guardians
Support for application from NZTA for a Wildlife Act Authority	September 2017	Department of Conservation
Advice to Minister for Biosecurity to develop prevention and contingency plans for the biosecurity of Kaikōura Marine Management Area.	February 2019	Guardians
Advice to Minister of Conservation and Minister of Fisheries in response to Hector's and Māui dolphins Threat Management Plan review	July 2019	Fisheries NZ
Advice and recommendations about Amateur Charter Fishing in Fiordland and Kaikōura.	December 2019	Fisheries NZ

Between 2017 and 2023, key areas that the Guardians provided advice on were responding to the impact of the November 2016 earthquake, which had significantly impacted the marine environment. This included management of the pāua fisheries post-earthquake, and providing advice on protecting the pāua fisheries as they rebuilt and the reopening. The Annual Report (2016/17) noted that the Guardians had:

“... supported work to identify and mitigate risks to the productivity of the coast. Most particularly in respect of pāua, with support for both translocation and reseedling programs.”⁵

The report also noted that the Guardians supported the commercial pāua industry request for a full a ban on pāua harvest until the stock could sustain further harvest. Other examples of the Guardians' advice and involvement in addressing the impact of the earthquake included participating in the establishment of a Restoration Liaison Group to manage and oversee

⁵ Kaikōura Marine Guardians. (2017). Annual Report 2016/2017. <https://www.doc.govt.nz/globalassets/documents/about-doc/statutory-bodies/kaikoura-marine-guardians-annual-report-2016-2017.pdf>

ecology in response to the earthquake and supporting the research that was undertaken of the marine environment post-earthquake.

Interviews with the Guardians indicated that the earthquake, which occurred on the day of their inaugural meeting, had a substantial impact on the focus of their work, with one Guardian describing it as *“commanding our attention for a long time.”* There was general consensus that addressing the issues associated with the earthquake which were ongoing, and providing advice on the pāua fisheries had been the primary focus for the Guardians over the past ten years.

Although the Act allows for the Guardians to initiate providing advice, most Guardians and key informants indicated the advice provided was largely reactive to agency priorities and driven by the agencies, particularly Fisheries NZ. While this is understandable given the substantial impact the 2016 earthquake had on the seabed and surrounding area, for some Guardians this was a tension as agencies and particularly Fisheries NZ, were seen by some to have strong commercial and economic imperatives, whereas the Guardians’ mandate was more focused on sustainability. One Guardian commented:

“A lot of the advice is driven by [the] agency. They have a strong representation and guide a lot of the agenda.”

Similarly, one community stakeholder also raised the reactive and agency-driven nature of the Guardians’ advice and questioned its effectiveness, commenting:

“How do [the Guardians] find their niche, outside of officials’ advice? How is it actually advice?”

There is an opportunity to strengthen the Guardians’ advice role, making it more effective through creating a more proactive and sufficiently resourced approach that is informed by an agreed strategic direction that sets out the necessary steps to achieve the vision and purpose of the Guardians.

3.2.2 Process of providing advice has been suboptimal

The evaluation found that the advice process had not worked as well as it could have.

Most Guardians and key informants highlighted the Act was a key enabler for the Guardians’ advice process as it gave them the power to make recommendations directly to Ministers. In addition, if a marine management issue was related to Kaikōura, the agencies must take into account any advice received from the Guardians. Additionally, one key informant indicated that the degree of the Guardians’ influence was elevated compared to other community groups because they have a statutory role, even though they were not decision-makers. One key informant commented:

“We put advice up that, based on best available information, the Guardians have this view or advice. The Minister decides though whether they agree.”

However, most Guardians interviewed were not clear about the process of how advice from the Guardians to a Minister was handled or treated and a perceived lack of transparency had



caused issues in the past. Other concerns that were raised by Guardians about this process included a perception that agencies were reinterpreting advice and/or not sharing Guardian advice with a Minister. These issues are summarised in comments from Guardians which included:

“Decisions are made in the back office. [There is a] feeling of a lack of transparency.”

“[There’s a] transparency issue where advice is drafted by agencies and we don’t often see it first, in terms of a review process.”

There was also limited evidence that there had been occasions when advice should have been sought from the Guardians but had not been. In particular, evidence from the document review shows that the Guardians advice had not been sought with regards to a Threat Management Plan review for Hector’s and Māui dolphins. This led to an urgent request to the Minister involved to remedy the review process, as section 7 of the Act required that the Guardians provided advice on matters relating to conservation and fisheries. The letter also noted that as the community had become *“aware of the potential impacts of these proposals deep and unnecessary concern has been caused.”*⁶

When issues occur with the advice process it has an adverse effect on the relationship between the Guardians and agency staff, generating distrust and a sense that the agencies are working against them rather than with them. Similarly, the Guardians can find themselves held accountable by the local community due to misunderstandings about the limitations of their role. For example, two community stakeholders believed that decisions made by Government about Kaikōura are reflective of advice provided by the Guardians. This misunderstanding suggests that the limitations of the Guardians’ role has not been well communicated in the local community, causing confusion amongst the people of Kaikōura. For example, one key informant commented:

“[There is] very little transparency to the public of what they are advising.”

Government agency representatives that were interviewed stated they were clear about the process for seeking advice and described the communication and steps they had taken to assist the Guardians with drafting and reviewing advice, as well as conveying the Ministers’ decisions back to the Guardians. However, the process would benefit from improved communications and feedback from the agencies to the Guardians. This would include sharing all Guardian advice with the Minister, with agency views provided separately, including any differences with the Guardians’ advice. Further, to promote transparency and trust, it is suggested that agencies share and discuss any differences of opinion directly with the Guardians.

⁶ Letter to Minister of Conservation and Minister of Fisheries. (July 2019). Hector’s and Māui dolphins Threat Management Plan review, p.1.



3.2.3 Influence of the advice provided by the Guardians

The evaluation found that the Guardians' advice has added value and made an important contribution to decisions concerning the sustainability of the marine environment in the Kaikōura area.

Interviews with the Guardians, key informants and one community stakeholder indicated that the Guardians had been very influential over specific issues. In particular, their involvement in the earthquake marine environment recovery and the reopening of the pāua fishery were viewed as two standout events that highlighted the value and mana of the Guardians and their networks. The Guardians were viewed as playing a key role in supporting recovery post-earthquake, providing advice that led to closures of fisheries while they rebuilt. Feedback from interviewees included:

“The Kaikōura earthquake response – it was valuable having an existing body that could plug straight into the emergency management”

“Locally the Guardians are seen as essential ... That's why having local representative is so important ... [it] leads to better local outcomes”

Additionally, some participants emphasised other important differences that were made because of the Guardians' advice including those related to decisions about the Hikurangi Marine Reserve, the evolution of the blue cod management strategy and Hector's dolphin protection measures. Key informant feedback included:

“There are [now] different rules for Kaikōura to elsewhere, that were strongly influenced by the Guardians' advice”

“[Advice about pāua has] stepped Kaikōura out of being governed by old rules to an area that has a specific set for local management of local resource by local people. It is a really tangible, significant accomplishment.”

These positive views of the difference the Guardians had made were not universal. In particular, a few interviewees considered that recreational fishing had not been served well. They believed that their needs had not been adequately met, with commercial and conservationists benefiting from the Guardians, sometimes at the expense of recreational fishing. However, there are a range of factors that could contribute to this perspective including concerns with inadequate recreational fishing representation (see section 0), and misunderstandings about the extent of the Guardians' role (see section 3.2.2).

Negative perceptions of the Guardians' effectiveness may also stem from instances when their advice is ignored. A key example involves the reopening of the pāua fisheries. Although the Guardians would have preferred a more conservative approach to the reopening, a higher level of pāua take was permitted. One Guardian described the impact of this decision on the pāua fishery:

“[At wading depth] in the first year of reopening 72% of pāua were removed, in the second year it was another 12%, and the last year the remaining of the

rebuilt stock were removed. Although there's still heaps but they're deep in the water, making it harder for recreational fishers to access them."

There is an opportunity to improve community understanding of Guardian advice and its impact through better local communication. This should include greater transparency about both the advice Guardians provide and the government decisions that follow.

3.3 Efficacy of the Kaikōura Marine Guardians' operations

This section focuses on answering KEQ 3: How well are the Guardian's operational procedures functioning?

3.3.1 Current resourcing levels limit the effectiveness of the Guardians

The evaluation found that current resourcing levels are insufficient for strategic planning to occur, which entrenches the Guardians reactive approach to providing advice.

A review of key documents indicated that in September 2016 the Guardians sought additional support to perform their role. The 2016 request included seeking clarification and guidance on the process for providing advice, requesting to establish annual work programmes in collaboration with agency officials, and highlight resourcing and priorities related to the Guardians' areas of responsibility as set out in the Act.

Interviews with key informants indicates that on a business-as-usual basis, they considered sufficient support was provided for the Guardians to meet four times a year. This support included preparing agendas for the meetings according to the Guardians' instructions, a venue and catering, agency representatives attending the meeting, and preparing the meeting minutes. In the past, the agencies had also prepared annual reports.

That said, some key informants and most Guardians considered current resourcing levels were a barrier to the Guardians' ability to undertake strategic planning which was needed to be able to provide effective advice. This planning should include articulating the long-term, medium-term and intermediate goals to move towards more proactive influence. The absence of such planning made it difficult for the Guardians to provide proactive advice. One key informant commented:

"[It's] hard for their advice function to operate well because they don't seem to have a strategic vision or work programme. They aren't always ahead of the issue."

In keeping with these suggestions, the Guardians considered current levels of support had made it difficult to perform their role well. A key concern raised was an inability to be truly effective due to only meeting four times a year. This made it difficult for the Guardians to respond in a timely manner to issues, which limits their ability to work through issues and to track the difference their advice is making. Some Guardians, especially those involved from

the beginning, noted that they often conducted work outside of the four meetings per year, to ensure their work was impactful.

Despite these limitations, the Guardians have displayed a strong commitment to deliver high quality advice. Almost all Guardians commented that they treated their role as voluntary work. Although they recognised that they were entitled to compensation for the hours spent attending Guardian meetings, they noted the amount that could be claimed was too low and did not adequately cover loss of earnings for those that were self-employed. As such, most Guardians did not seek reimbursement. However, they were concerned that the expectations placed on them to maintain a strategic focus and monitor impact, as well as provide adequate advice both proactively and when requested, within four meetings per year exceeded what would normally be expected of a volunteer. The reliance on the Guardians' engaging in voluntary work was reflected in an excerpt from notes the Guardians shared with agencies in April 2024:

“Given the Guardians work outside of the meetings voluntarily, the amount of work that can be undertaken is by the generosity of the Guardians time. If apathy crept in, in not wanting to work voluntarily we would be in a situation of several members making decisions, this is a concerning place to be put in. We must be able to rely on the Agencies involvement to undertake tasks under instruction. We do not have resources to outsource the work.”

However, a few key informants suggested that some of this work may sit outside of the scope of the Guardians' role. Developing a strategy including undertaking strategic planning sessions with an independent facilitator to create a long-term strategic plan and develop annual work plans would enable the Guardians and agencies to agree on the scope of the role and to identify the levels and types of resourcing needed to ensure the Guardians remain relevant and effective.

3.3.2 Guardians would benefit from improved access to timely scientific evidence

The evaluation found that the Guardians' ability to provide well-informed advice is hindered by inadequate access to timely scientific research or evidence.

Letters to the then Minister of Conservation and Minister of Fisheries in September 2016 and September 2020 indicate that the Guardians requested resource support. In 2016, the Guardians requested a discretionary annual operating budget of \$30,000 to conduct research which would support them to provide independent advice. In the letter they highlighted the importance of the agencies establishing baseline observations of the area of the marine reserve and other key areas of interest to support before and after assessment of the difference the Act had made. In September 2020, the Guardians requested a range of research support, some of which focused on the effectiveness of their advice which is addressed through the 10-year review, as well as the social impact of the Act and its tools on the region. Indications are that these requests for additional support, including research, did not progress, apart from baseline observations in the marine reserve undertaken by the Department. This has meant that the Guardians have remained highly dependent on the agencies' support, reducing their ability to provide independent advice.

This situation is reinforced by one Guardian who commented in relation to the reliance on the agencies for support:

“We’re acting through the agencies who are working within their frameworks (and budgets) which are limited.”

In addition, the lack of an independent budget has meant that the Guardians are unable to commission independent scientific research, instead relying on the agencies to provide them with the necessary evidence and information. Most Guardians noted a lack of access to research, data and analysis. Although the agencies had provided some information and data when requested, this data was not always sufficient for Guardian requirements and wasn’t always provided in a proactive or timely manner. The lack of readily available information had at times inhibited the Guardians ability to provide effective advice.

Further the scientific evidence they sought was sometimes unavailable. For example, one Guardian noted that it would be helpful to have more accurate information about the status of local fisheries. They considered information derived from commercial fishing (based on quota catches under the Quota Management System (QMS)) did not provide sufficiently accurate evidence. This request for baseline observations aligns with a request in September 2016 for the development of such information.

All the Guardians placed high importance on the need for robust scientific evidence to enable them to provide well-informed advice. However, the lack of opportunities to either commission independent research or input into agencies plans for research and monitoring activities in relation to Te Tai ō Marokura, has reduced their ability to provide independent evidence-based advice. As part of developing a strategy it would be beneficial to explore options for filling this important gap in the support provided to the Guardians, including identifying key gaps in the existing scientific evidence that need to be addressed.

3.3.3 The roles of the Guardians and Te Korowai need to be clarified

The evaluation found that there is confusion about the roles of the Guardians and Te Korowai and that this needs to be addressed.

Interviews with recently appointed Guardians and key stakeholders indicates that they do not have a clear understanding of the roles of the Guardians and Te Korowai, and how they differ. This confusion about the two roles extended to a few interviewees suggesting that Te Korowai selected Guardians based on its own membership and that they determined the agenda for meetings.

Indications are that when developing the Act, the intention had been for the two roles to be complementary, with integrated functions under which the Guardians provide advice to the government and Te Korowai work closely with communities. However, this intention and how it might work had not been discussed with newer Guardians or communicated with the broader communities. One Guardian described it as:

“I know the history, but our role as Guardians is advice to the Minister. Te Korowai role and the Guardian role is blurred.”



At the same time, other interviewees considered Te Korowai was the ‘execution arm’, filling a gap in the Guardian role. One interviewee shared their understanding of how the two groups had been expected to work together:

“Te Korowai was going to be hands-on, on the ground, stakeholder liaisons who fed information to the Guardians. The Guardians were at a higher-level with agencies and Ministers.”

However, this appears to have led to the Guardians relying on Te Korowai to consult and communicate with the community. As a result, limited evidence suggests the community do not have a good understanding of the role of the Guardians, with a few interviewees suggesting a lack of transparency in what and how the group operated. This contributed to misunderstandings about the role of the Guardians, including its statutory obligations and its limitations. For example, a few community stakeholders did not seem to understand that the role of the Guardians was advisory only, and that it does not have any decision-making powers.

These issues could be addressed through the development of a strategy which clearly states the vision, purpose and long-term goals of the Guardians. Such a strategy would create an opportunity to clarify the roles of the Guardians and Te Korowai including the interplay, and to clearly communicate this to the local community, leading to a better shared understanding of the vision and scope of the Guardians’ role. Further, having a strategy and annual plan would enable the Guardians to be more effective, providing a basis to establish the level of support and resourcing needed to adequately undertake the function, and to measure the difference the Guardians are making to the sustainability of Te Tai o Marokura.

4 Conclusion and recommendations

This section focuses on answering KEQ 4: What lessons have been learned that can inform the ongoing operation and effectiveness of the Guardians?

4.1 Conclusion

The evaluation found that the Guardians have met the composition and function as set out in the Act. The mix of Guardians is appropriate, in line with the requirements of the Act and remained relevant. The group's composition aligns with local perceptions that the Guardians should primarily consist of local representatives.

The Guardians have provided advice that has added value and been beneficial to managing the marine environment in Kaikōura. A key area that was highlighted as benefiting from their involvement was supporting the recovery of the marine environment post the 2016 earthquake and managing the pāua fishery. The Guardians were viewed as having played a key role in providing advice that led to closures of fisheries while they rebuilt, including closing and reopening the pāua fisheries.

However, there are some local perception issues that need to be addressed. Despite the diverse backgrounds of the Guardians, concerns were raised that recreational fishing was not adequately represented. These issues were compounded by a lack of transparency and understanding at a community level, of the selection process for Guardians, with a few interviewees suggesting the process was unfair, giving preference to some groups such as commercial fishing and Te Korowai representation over others.

Limited evidence indicates that these issues were undermining the trust in the Guardians, with concerns raised that the advice provided favoured some interests, such as commercial fishing, at the expense of recreational fishing. Concerns were also raised that there had been missed opportunities to consider a wider array of fishing management tools that could be used to manage fisheries better. These issues could be mitigated through improved consultation with the recreational fishing community, and better communication of the rationale for marine management decisions with the community.

In addition, the Guardians would benefit from the development of a strategy that clearly sets out their vision, purpose and strategic goals. While the substantial impacts of the 2016 earthquake on the marine environment make it understandable that advice has been largely reactive, establishing a strategy would enable the Guardians to provide more proactive advice, which would further enhance their effectiveness.

A strategy would also create the basis for addressing some broader perception issues among the Kaikōura community. This includes confusion about the roles of the Guardians and Te Korowai and how they differ, along with the scope and limitations of the Guardians' role. However, a key barrier to developing a strategy are current resourcing levels which means that there is insufficient time and human resources to undertake such work. To optimise the opportunities that developing a strategy would generate, adequate levels of resourcing would need to be set aside, including effectively communicating the strategy with the local community. The strategy should also be used to determine the ongoing level of resourcing



needed for the Guardians to achieve the strategic outcomes and to measure their effectiveness on an ongoing basis.

4.2 Recommendations

The recommendations below set out opportunities for the role of the Guardians to be strengthened and more effective.

Recommendations for the Guardians

1. Clarify the roles and responsibilities of Te Korowai and the Guardians and share these with the community and stakeholders, particularly recreational fishing.
2. Develop and monitor a strategic plan and annual work plan, to maintain focus and guide meeting structure.

Recommendations for the agencies

1. Consider providing more administration, facilitation, and research resources as this would set the Guardians up to operate more effectively. This could include:
 - a. Support for long-term strategic planning, monitoring and reporting activities
 - b. Governance training specific to ministerial advisory committees, for Guardians
 - c. Option of independent chair who is resourced appropriately
 - d. Creating opportunities for the Guardians to have input into agencies plans for research and monitoring activities in relation to Te Tai ō Marokura.
2. Improve communications and feedback as part of the advice process as this would promote transparency and trust.
3. Provide resources for the Guardians to undertake adequate strategic planning including the development of annual work plans that can be monitored and regularly reported on.

Appendix A: Evaluation framework

KEQs	Criteria	Area of investigation	Indicators - what good looks like
1. To what extent have the Guardians' appointments provided representation of the interests and expertise stipulated in the Act?	Relevance	Adequacy of representation	<ul style="list-style-type: none"> • Various stakeholders understand the appointment process • Process of appointing new Guardians is transparent • Appointments have ensured adequate representation of the interests and expertise as stipulated in the Act • Community stakeholders consider their interests and views have been regularly sought and represented • Community stakeholders endorse appointments • Māori consider their interests and expertise have been adequately represented
		Continued relevance	<ul style="list-style-type: none"> • Expertise requirements stipulated in the Act have continued to be relevant • Annual review process that looks at the mix of Guardians and its alignment with requirements as stipulated in the Act have been undertaken
2. How well is the Guardians' advice function operating?	Effectiveness	Nature and frequency of advice provided	<ul style="list-style-type: none"> • Ministers and agencies have sought advice from the Guardians • Focus of advice has aligned with the mission, purpose and strategic direction for the Guardians • Provision of advice has been responsive to unexpected circumstances
		Efficacy	<ul style="list-style-type: none"> • Guardians have a post-advice review process • The Guardians have been adequately resourced, including technology, to provide advice in a timely manner

KEQs	Criteria	Area of investigation	Indicators - what good looks like
			<ul style="list-style-type: none"> The Department and Fisheries NZ have a good understanding of the Guardians' role and there is agreement on their obligations in terms of providing support
		Successes and barriers	<ul style="list-style-type: none"> What are the barriers, constraints or limitations to the Guardians executing their advice function effectively? What are the highlights/success stories as a result of the Guardians' advice? <p><i>These are analytical questions – the findings will be identified through a synthesis of data</i></p>
		Influence of the Guardians	<ul style="list-style-type: none"> Process of providing advice through to decisions made has been transparent The Guardians have been regularly updated on how their advice is being used (or not), including whether it was altered and the rationale for change Final advice was ratified by the Guardians Application of advice has made an observable impact with Te Tai o Marokura in a better state than it was in 2014
3. How well are the Guardians' operational procedures functioning?	Efficiency	Implementation of the role	<ul style="list-style-type: none"> Mission and purpose are up-to-date and are well understood by the Guardians, key stakeholders and partners with clear agreement on the desired end state for Te Tai o Marokura Strategic direction is well understood by the Guardians and key stakeholders and partners Clear plan that shows current position and steps needed to advance to reach desired end state Guardians have consistently developed annual work programmes and annual reports

KEQs	Criteria	Area of investigation	Indicators - what good looks like
			<ul style="list-style-type: none"> • A clear record of quarterly actions that track improvements over time • A clear review process that includes analysing actions and results as part of continuous learning • Transparency of budget • The Guardians have developed relationships with a wide range of stakeholders and partners, and their role is well understood • Guardians have adequate time to build relationships with each other to enable an effective way of working • Opportunities to work with other stakeholders and partners have been identified and are progressing • There is a shared understanding of the types and frequency of support the Department and Fisheries NZ are expected to provide
		Enablers and barriers	<ul style="list-style-type: none"> • What are the barriers or limitations to the Guardians executing these functions effectively? • What are the highlights/success stories of the Guardians operating effectively and progressing key stakeholder and partner relationships? <p><i>These are analytical questions – the findings will be identified through a synthesis of data</i></p>
4. What lessons have been learned?	<i>This is an analytical question – the findings will be identified through a synthesis of data</i>		



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