

**From:** [Peter Galvin](#)  
**To:** [Ruth Isaac](#); [Sam Thomas](#); [Harry Evans](#)  
**Subject:** Fwd: Seafood NZ Ring Netters Submission  
**Date:** Friday, 30 August 2024 4:58:27 pm  
**Attachments:** [SNZ Amendment 1 Ring Netting.pdf](#)

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Kia ora ano. This is what has been sent through. No sign of the letter - I'll follow that up. Peter

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**From:** Melanie Quintela [s 9\(2\)\(a\)](#)  
**Sent:** Friday, August 30, 2024 4:53:59 pm  
**To:** Peter Galvin [s 9\(2\)\(a\)](#); Harry Evans [s 9\(2\)\(a\)](#)  
**Subject:** FW: Seafood NZ Ring Netters Submission

Nāku noa, nā Mel



**Melanie Quintela**  
Senior Private Secretary | Office of Hon Tama Potaka MP  
Minister of Conservation  
Minister for Māori Crown Relations: Te Arawhiti  
Minister for Māori Development  
Minister for Whānau Ora  
Associate Minister of Housing  
DDI: [s 9\(2\)\(a\)](#) | E: [s 9\(2\)\(a\)](#)  
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

***Email disclaimer:** Please note information about meetings related to the Ministers' portfolios will be proactively released (this does not include personal or constituency matters).*

*For each meeting in scope, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio. If you attend a meeting with the Minister on behalf of an organisation, the name of the organisation will be released. If you are a senior staff member at an organisation, or meet with the Minister in your personal capacity, your name may also be released. The location of the meeting will be released, unless it is a private residence. The proactive release will be consistent with the provisions in the Official Information Act, including privacy considerations. Under the Privacy Act 1993 you have the right to ask for a copy of any personal information we hold about you, and to ask for it to be corrected if you think it is wrong. If you'd like to ask for a copy of your information, or to have it corrected, or are concerned about the release of your information in the meeting disclosure, please contact the sender. You can read more about the proactive release policy at <https://www.dia.govt.nz/Proactive-Releases#MS>*

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**From:** Adrienne Frew [s 9\(2\)\(a\)](#)  
**Sent:** Friday, August 30, 2024 4:53 PM  
**To:** Melanie Quintela [s 9\(2\)\(a\)](#)  
**Subject:** FW: Seafood NZ Ring Netters Submission

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**From:** George Clark [s 9\(2\)\(a\)](#)  
**Sent:** Friday, August 30, 2024 4:52 PM  
**To:** Adrienne Frew [s 9\(2\)\(a\)](#)  
**Subject:** Seafood NZ Ring Netters Submission

Hi Adrienne,

See attached letter from Seafood NZ on the Ring Netting Fishers impacted by the Hauraki Gulf Bill.

Cheers,

George

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**Amendment 1:**

Allow fishing to be undertaken using the method of ring-netting (defined in Fisheries (Commercial Fishing) Regulations 2001) from a vessel less than 6 metres in length within the following High Protection Areas between March and August:

Kawau                      Otata – Noises                      Motutapu                      Rotoroa                      Motukawao

This amendment will provide for the continued operation of several local businesses that provide fresh fish to Auckland markets, particularly to Māori and Pasifika communities. Without this amendment, their businesses are likely to become uneconomic as they do not have other areas that they can fish over the winter months.

This reflects a maximum operation of five vessels who currently remove an annual total of 18 tonnes of kahawai, grey mullet, parore and trevally from these areas.

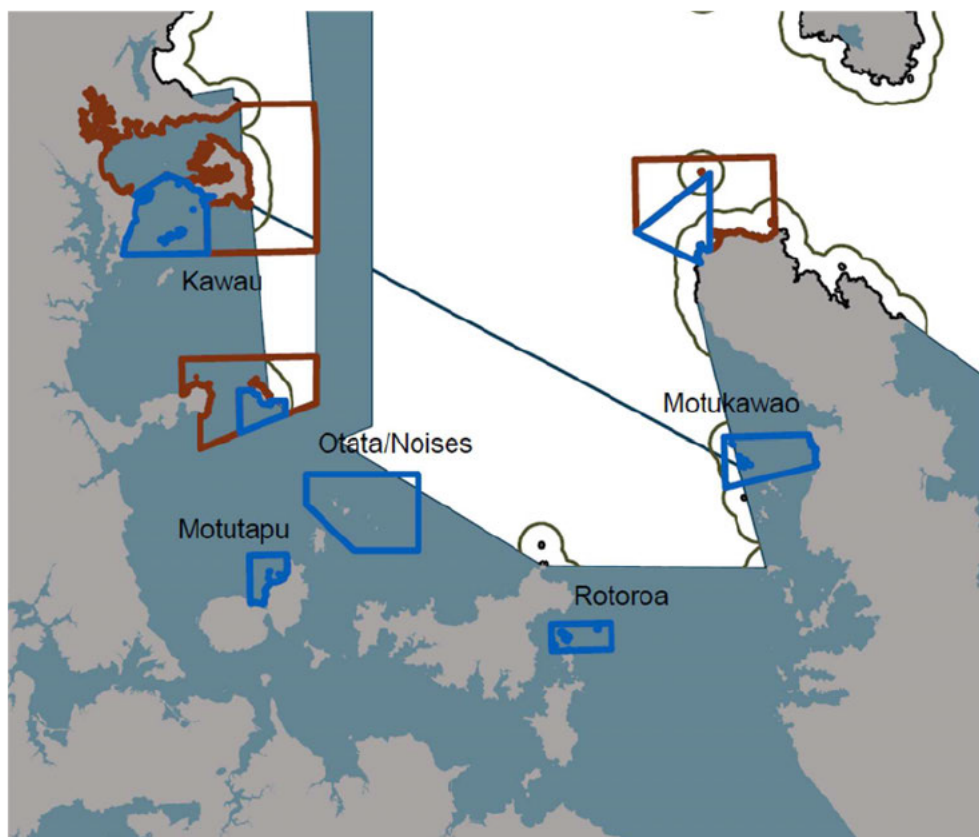
Ring netting as a method has very little impact on the environment beyond the target species removed. It operates from a small vessel with the operator throwing a net out over an identified aggregation of target species and hauling it in by hand.

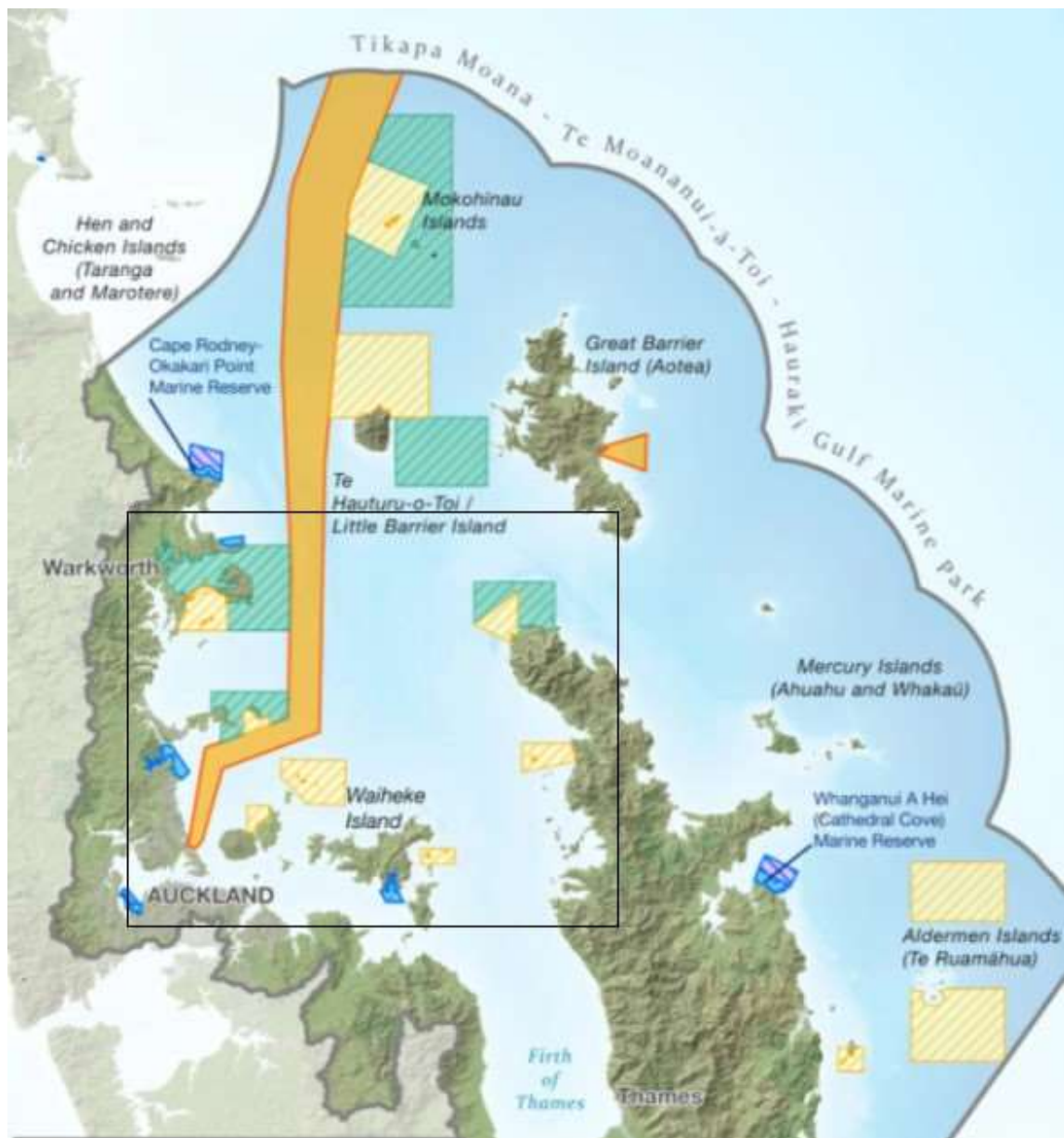
**Map of inner Hauraki Gulf: High Protection Areas with Ring Net Fishing Activity**

Blue Areas: High Protection Areas

Red Areas: Seafloor Protection Areas

Grey Area: Closed to bottom trawl and Danish Seine





**From:** [Peter Galvin](#)  
**To:** [Ruth Isaac](#); [Sam Thomas](#); [Harry Evans](#)  
**Subject:** FW: Extra document for ring next meeting this morning  
**Date:** Monday, 2 September 2024 8:44:05 am  
**Attachments:** [HG Amendment Paper.docx](#)

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More context for this morning's meeting with Hon Shane Jones. Peter

**From:** Melanie Quintela [s 9\(2\)\(a\)](#)  
**Sent:** Monday, September 2, 2024 8:39 AM  
**To:** TWP [s 9\(2\)\(a\)](#) Dale Karauria [s 9\(2\)\(a\)](#) Peter Galvin [s 9\(2\)\(a\)](#)  
**Subject:** Fwd: Extra document for ring next meeting this morning  
Mōrena  
Additional paper for your 10am this morning  
Ngā mihi, Mel  
Senior Private Secretary  
Office of Hon. Tama Potaka

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**From:** Adrienne Frew [s 9\(2\)\(a\)](#)  
**Sent:** Monday, September 2, 2024 8:16:39 AM  
**To:** Melanie Quintela [s 9\(2\)\(a\)](#)  
**Subject:** Fwd: Extra document for ring next meeting this morning  
Hi Mel  
Here's another paper for our Ministers' meeting this morning.  
Tks, A

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**From:** George Clark [s 9\(2\)\(a\)](#)  
**Sent:** Monday, September 2, 2024 7:57:06 AM  
**To:** Adrienne Frew [s 9\(2\)\(a\)](#)  
**Subject:** Extra document for ring next meeting this morning  
Hi Adrienne,  
See attached additional paper that FNZ had for Ring Netting from Seafood NZ for meeting this morning.  
Kind regards,  
George



**George Clark**

**Private Secretary (Fisheries and Aquaculture) | Office of Hon Shane Jones**

Minister for Oceans and Fisheries | Minister for Regional Development |  
Minister for Resources | Associate Minister of Finance | Associate Minister  
for Energy

Phone: [s 9\(2\)\(a\)](#)

Mobile: [s 9\(2\)\(a\)](#)

Email: [s 9\(2\)\(a\)](#)

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This Amendment Paper amends the Tikapa Moana / Hauraki Gulf Marine Protection Bill.

The Bill establishes 19 marine protected areas in the Hauraki Gulf with a purpose to contribute to the restoration of the health and mauri of the Hauraki Gulf / Tikapa Moana.

The Amendment Paper includes three amendments to better provide for the economic prosperity and wellbeing of local fishing businesses while not compromising the recovery of the health and mauri of the Gulf. (In fact, the amendments will enhance the mauri of the Gulf by supporting local communities to access affordable, healthy seafood.)

#### Amendment 1:

Allow fishing to be undertaken using the method of ring-netting (defined in Fisheries (Commercial Fishing) Regulations 2001) from a vessel less than 6 metres in length within the following High Protection Areas between March and August:

- Kawau
- Otata – Noises
- Motutapu
- Rotoroa
- Motukawao

This amendment will provide for the continued operation of several local businesses that provide fresh fish to Auckland markets, particularly to Māori and Pasifika communities. Without this amendment, their businesses are likely to become uneconomic as they do not have other areas that they can fish over the winter months.

This reflects a maximum operation of five vessels who currently remove an annual total of 18 tonnes of kahawai, grey mullet, parore and trevally from these areas.

Ring netting as a method has very little impact on the environment beyond the target species removed. It operates from a small vessel with the operator throwing a net out over an identified aggregation of target species and hauling it in by hand.

#### Amendment 2:

Amend boundaries of 3 HPAs (Mokohinau, Little Barrier Island, Cape Colville) as per Appendix I to allow for rock lobster potting.

These amendments would allow for the continued operation of three vessels and provide up to **s (2)(b)(ii)** in yearly export value, while maintaining a high degree of biodiversity protection by habitat type. These minor adjustments will significantly reduce the adverse effects on these family businesses who are heavily reliant (up to 75%) on these sites for

their livelihoods. These amendments will also minimise the displacement of commercial and recreational fishing for rock lobster in these areas to other parts of the Hauraki Gulf, which would intensify fishing pressure and increase the risk of local depletion that a number of stakeholders have raised concerns about in recent years. This is particularly relevant for rock lobster, as it is a sessile species limited to suitable rocky reef habitat, so closure of these areas reduces the available yield that the TAC and TACC are based on.

This amendment will also allow for some continued set netting and ring netting in the Cape Colville area which further supports the objective of Amendment 1 above.

Amendment 3:

Amend proposed extension of existing marine reserve at Whangau A Hei (Cathedral Cove) to allow for rock lobster potting as per Appendix II.

This amendment would allow for the continued operation of 1 current vessel reliant on this area and provide an estimated **s (2)(b)(ii)** in export value.

**IF SPAs remain in the Bill:**

Amendment 4:

Amend the scope of prohibited activities in Mokohinau SPA to allow commercial rock lobster potting and bottom longlining.

This amendment would allow for the continued operation of 2 vessels and provide an estimated **s (2)(b)(ii)** in export value.

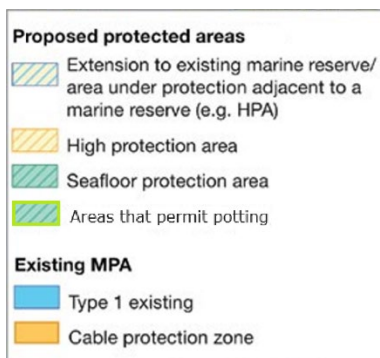
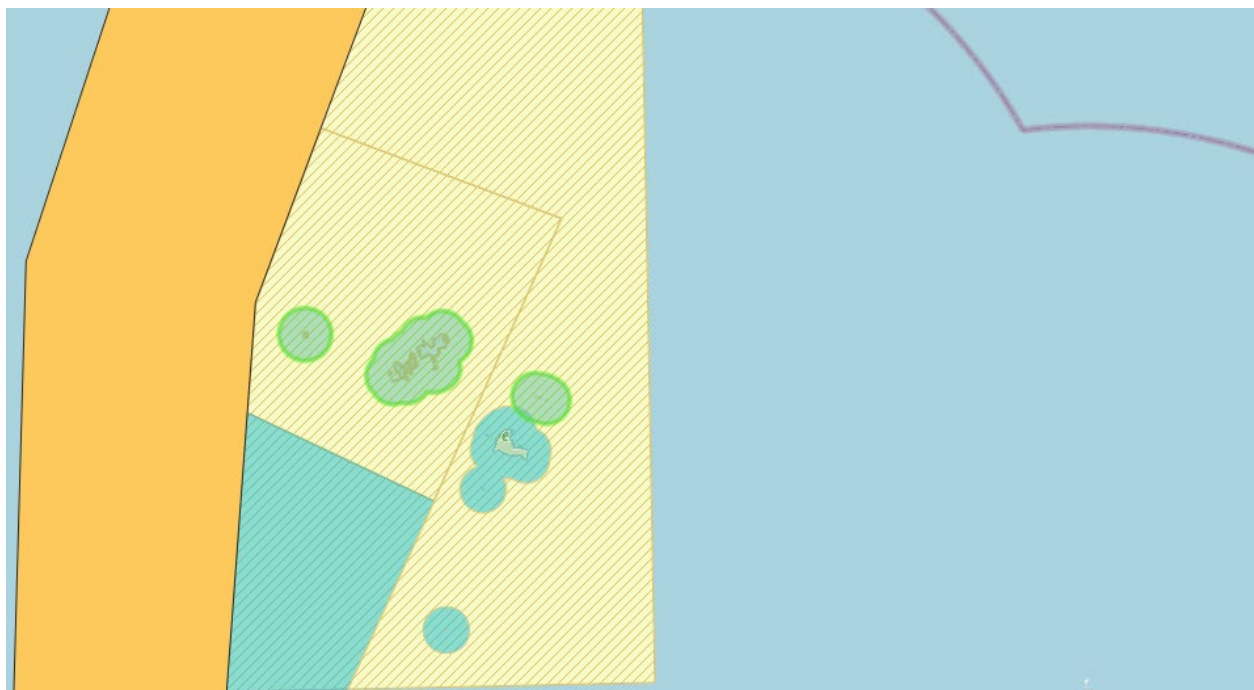
## Appendix I: Amendment 2

### Mokohīnau Islands

Amend the area around the coastline at:

- Tatapihi (Grouper) Island; and
- Pokohinu (Burgess) Island; and
- Hokoromea (Flax) Island; and
- Atihau Island; and
- Maori Rocks

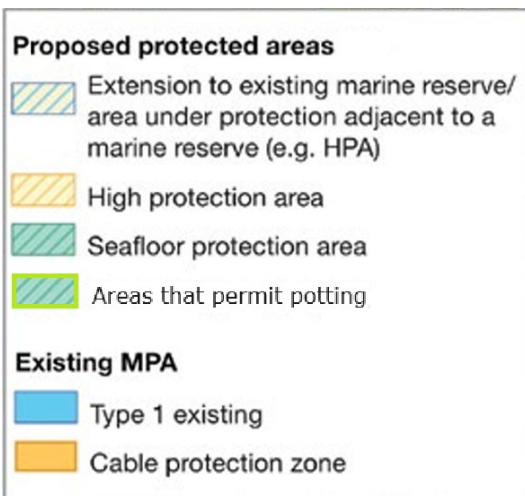
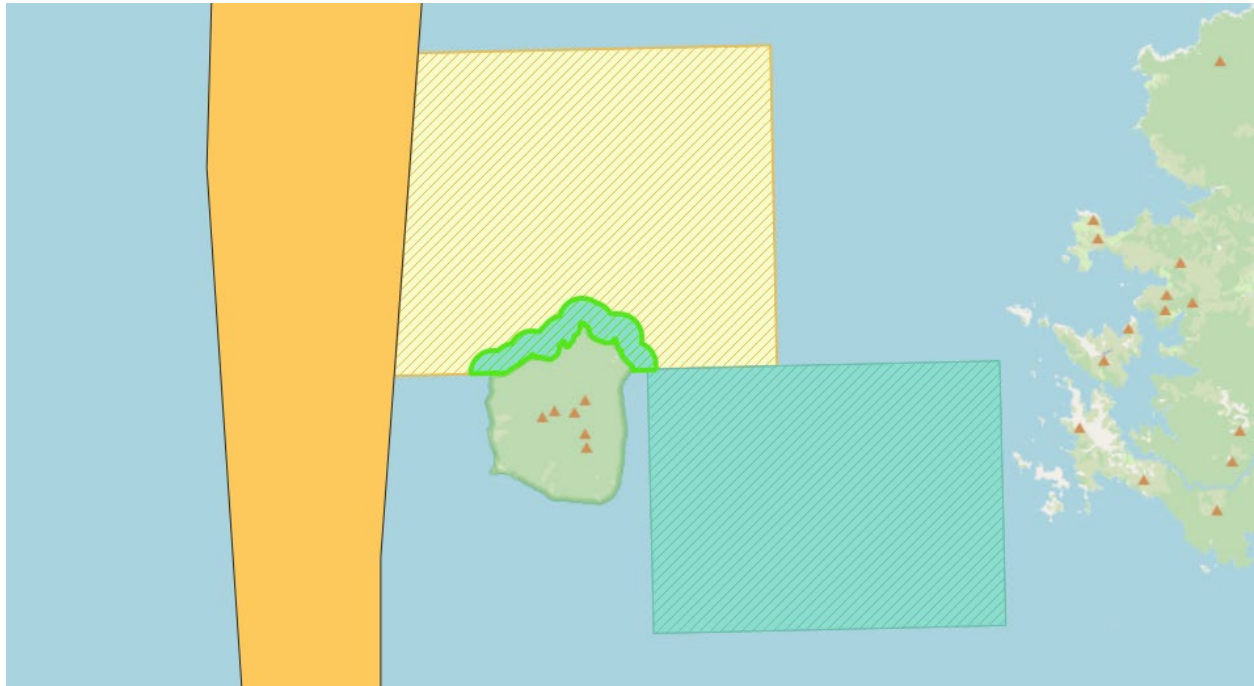
out to 0.5 nautical miles to permit potting (outlined in green below). This will retain the overall level of protection consulted on, while aligning with the amendments at the areas around Motukino (Fanal) Island and Simpson Rock to permit potting.





## Te Hauturu-o-Toi / Little Barrier Island

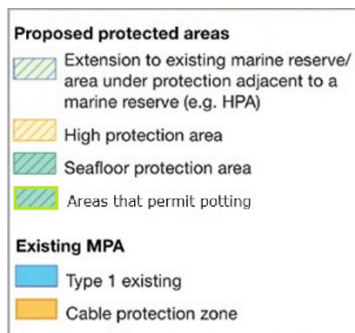
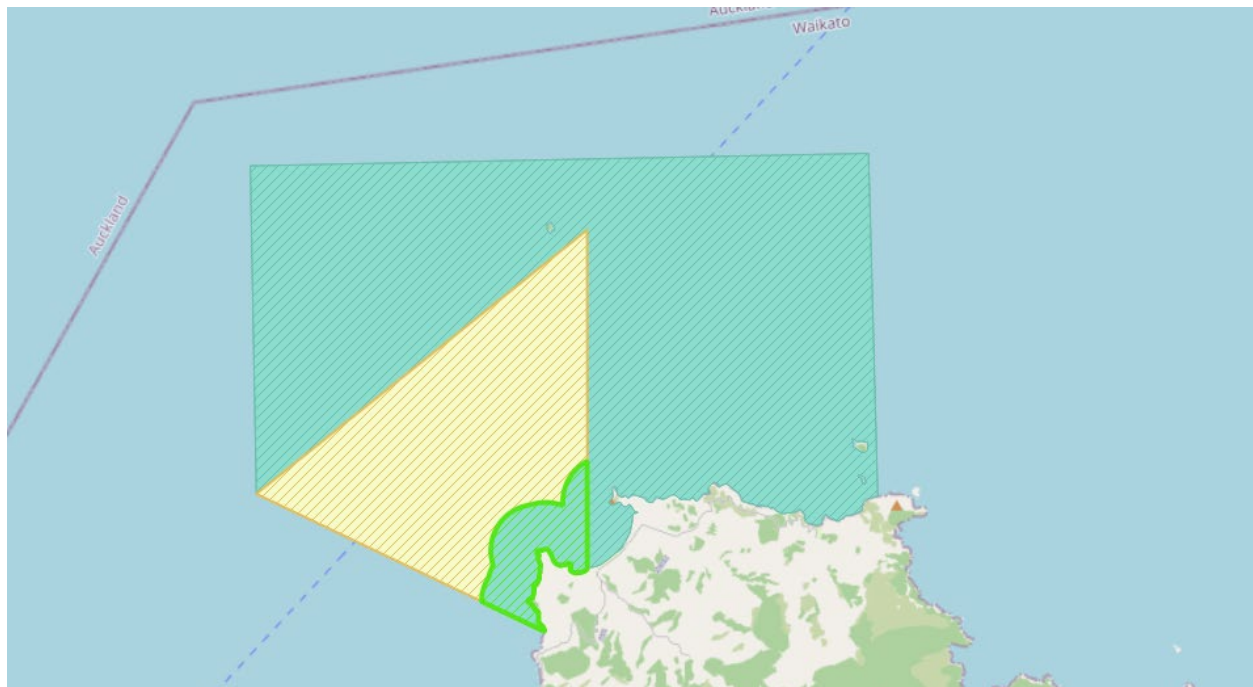
Amend the area around the northern coastline of Little Barrier out to 0.5 nautical miles to permit potting (outlined in green below).





## Cape Colville

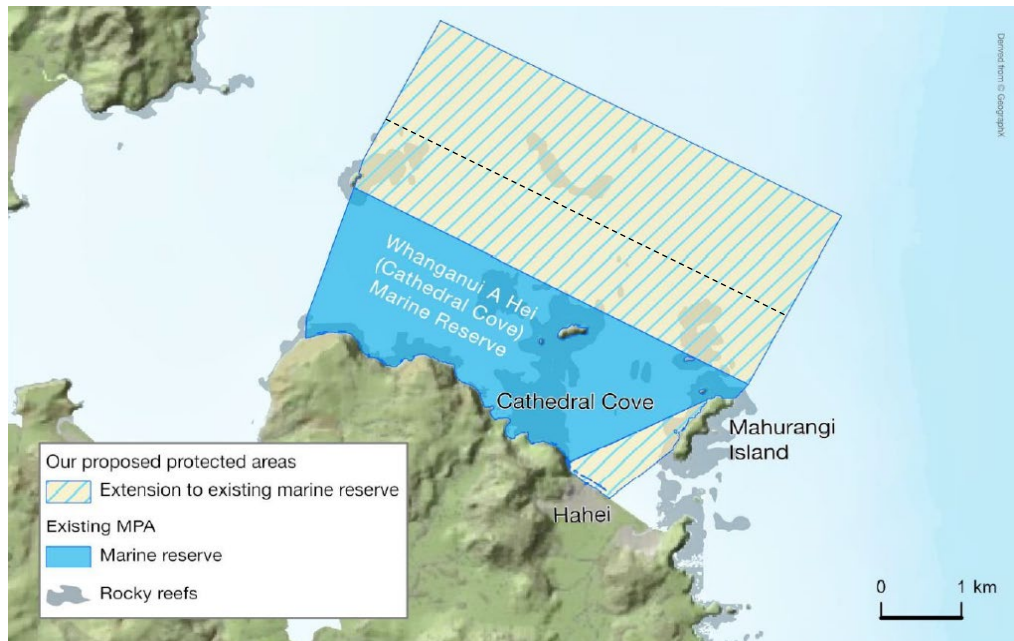
Amend the area around the northern coastline at Kaiiti Point out to 0.5 nautical miles to permit potting (shown in green below).



## Appendix II: Amendment 3

### Whanganui-a-Hei (Cathedral Cove) marine reserve extension

Shorten the extension of the outer boundary of the proposed marine reserve extension. The sketch below is indicative of the proposed adjustment (dotted line).



From: [Peter Galvin](#)  
To: [Ruth Isaac](#); [Stephanie Rowe](#); [Mike Tully](#)  
Cc: [Catherine Wilson](#); [Sam Thomas](#); [Siân Roguski](#); [Ewan Delany](#); [Tui Arona \(parliament\)](#)  
Subject: Debrief on catch up session with MOC - 9 Sept  
Date: Monday, 9 September 2024 10:55:05 am

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Kia ora koutou

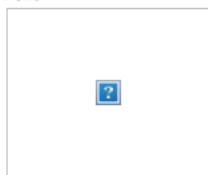
We'll send papers back as we can though we got feedback on a number of paper this morning:

- **Out of scope**  
[Redacted]
- [Redacted]
- Hauraki Cab paper – he has made some edits which we will send back then it's good to go. He did think that for customary fishing that we were reverting to the Fisheries Act approach, so clarification on that would be great with the updated paper please.
- **Out of scope**  
[Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

**Out of scope**  
[Redacted]

Cheers

Peter



**Peter Galvin**

Private Secretary – Conservation | Office of Hon Tama Potaka MP  
Minister of Conservation | Minister for Māori Development  
Minister for Māori Crown Relations: Te Arawhiti | Minister for Whānau Ora  
Associate Minister of Housing (Social Housing)

M: [s 9\(2\)\(a\)](#) Website: [www.beehive.govt.nz](http://www.beehive.govt.nz)

Email: [s 9\(2\)\(a\)](#) Private [s 9\(2\)\(a\)](#), Wellington 6160, New Zealand

Please also send all e-mails directed at me to my colleague: Harry Evans [s 9\(2\)\(a\)](#)

**From:** [Emma Hill](#)  
**To:** [Harry Evans](#)  
**Cc:** [Sam Thomas](#); [Angela Bell](#); [Debbie Freeman](#)  
**Subject:** RE: My email text - re phone call  
**Date:** Friday, 5 April 2024 2:59:00 pm  
**Attachments:** [Hauraki Gulf Tikapa Moana Marine Protection Bill - Departmental Report to Select Committee - DOC-7611112.pdf](#)  
[image002.png](#)  
[image003.jpg](#)

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Kia ora Harry,

As discussed this morning, below is an update on the Departmental Report that can be provided to the Minister. We have also attached the version of the Departmental Report sent to the Clerk of the Committee this afternoon.

The Departmental Report to the Environment Committee has been submitted today so that their timelines could be met (the Committee is meeting to start considering the report on Thursday 11<sup>th</sup> April).

**Based on your feedback, we have made several amendments to the Departmental Report, including:**

- Exempting installation, maintenance and repair of submarine cables from the prohibitions in the Bill.
- Exempting a select range of council activities from prohibitions including:
  - Monitoring and enforcement of a regional coastal plan or resource consents;
  - State of the environment monitoring;
  - Scientific research and conservation activities.
- Clarifying that only applicants and whānau, hapū and iwi that exercise kaitiakitanga in the relevant area will be able to appeal permitting decisions.
- We have also added an “avoidance of doubt” recommendation that activities undertaken by DOC are exempt from the prohibitions.

**There remain opportunities for you to input on the next iterations of the Bill**

- There are two ways for you to further affect change in the Bill:
  - You can instruct DOC and PCO to prepare one or more Amendment Papers (APs). We recommend this approach is taken for substantive policy issues. Note that APs also require Cabinet agreement, unless the changes are minor. It is possible to submit APs at any time until 24 hours before the Committee of the Whole House stage.
  - You could also engage with the chair of the Committee, either informally or through writing a letter, with any additional changes you would like to see made to the Bill through the Select Committee process. This could enable some minor unresolved issues to be dealt with in the revision-tracked version of the Bill reported back to the House for second reading. We can draft a letter for you to provide to the chair of the Committee if desired.
- We have provided an overview of the outstanding issues that you have a view on below, and how each can be progressed under one of the two options highlighted above.

**Progressing your remaining feedback:**

- You requested that the title of the Bill include ‘Te Moananui-ā-Toi’. We note that several other accepted variations of this name exist, including Te Moananui-a-Toi, Te Moananui-o-Toi, and Te Moananui-ō-Toi. The Departmental Report currently recommends no change to the name of the Bill due to a lack of clarity about which version of the name to include. If you would like to progress with a variation of Te Moananui-ā-Toi in the name of the Bill, **this advice could be provided to the Select Committee, either informally or through writing a letter. We can support you in drafting a letter to the Select Committee recommending this change.**
- You requested that the marine reserve extension at Te Whanganui-o-Hei should instead be a high protection area (HPA). Note that this is a substantive change to the Bill and would therefore require Cabinet approval. As such, and to meet the Bill’s timeframes, we advise that this change should be progressed through an AP rather than as a change proposed in the Departmental Report. **Officials can work on developing this AP. You may wish to consider whether the Cape Rodney-Okakari Point marine reserve extension should also be an HPA. We will provide you with further advice on this matter.**
- You requested that the review clause (currently 25 years, with the option to review earlier and more frequently at the Minister’s discretion) be amended to require reviews at 5, 10, and 20 years after the Bill’s enactment. Such frequent reviews would be highly resource-intensive, and would have implications for funding. We have therefore not made changes to the Departmental Report. We propose to continue working through options for the review clause (including any implications for funding), to seek decisions from you, and for further changes to be progressed through an AP if needed. **We will provide you with further advice on this matter.**
- For the Rangitoto and Motutapu Islands HPA, we have had limited opportunity to further engage with Ngāi Tai ki Tāmaki, and as such, no specific amendments have been proposed in time for inclusion in the Departmental Report. We have reached out to Laurie Beamish at your request following our recent meeting, but unfortunately he has Covid and has not been able to engage. **We still intend to speak to Laurie when he is well. We propose briefing you on the matter after speaking with him, to inform your potential options for the HPA to progress through an AP.**

We note also that the Committee has written to the Minister to seek agreement to two weeks’ extension to the Bill’s report-back date, due to the delay in providing the departmental report. Because there is a two-week recess at the start of June, the extension would not delay the Bill’s second reading (which could take place as early as 27 June). We consider this is a “win-win” situation, which will allow the Committee more time to consider the Bill in detail, without delaying its progress through the House, and therefore recommend you support the extension. You are required to advise the Committee on whether you support this request no later than 5.00pm on Monday 8 April.

Ngā mihi,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere

Whare Kaupapa Atawhai – Conservation house

18 – 32 Manners Street | Wellington | 6011

Phone: s 9(2)(a)

[www.doc.govt.nz](http://www.doc.govt.nz)



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**From:** Harry Evans s 9(2)(a)

**Sent:** Friday, April 5, 2024 8:57 AM

**To:** Emma Hill <ehill@doc.govt.nz>

**Subject:** My email text - re phone call

Basically the Minister agreed to finalise the departmental report on the Hauraki Bill – when he approved the recs he made several edits in pen for changes (attached for your reference) DOC has been through these and a couple have raised issues for clarification. I've been slammed and haven't gotten these back to you as quickly as I should have, I'm sorry.

DOC needs to submit the departmental report tomorrow and where things are unclear is planning to leave things as drafted and these can be sorted in the future through an amendment paper etc – at this stage this is just the departmental report for the select committee. He will have other opportunities to make changes to the Bill.

**Seeking Minister's permission to delay select committee report back – action required**

I also need to seek the Minister's permissions by Monday at the latest to delay the Select Committee report back on this Bill, given we have caused a delay in finalising the departmental report – I recommend he grants this – **could you approve on his behalf or mention this to him when you next speak on the phone?**

**Matters for clarification from Minister's feedback**

Extension to Te Whanganui-o-Hei (Cathedral Cove) Marine Reserve

The Minister indicated his preference for the extension of this marine reserve to be in the form of a high protection area as opposed to a marine reserve extension.

Would the Minister like to see this change reflected in the Departmental Report, or through an Amendment Paper?

Note that we consider this is a substantive change to the Bill and would therefore require Cabinet approval. As such, we advise that this change should be progressed through an Amendment Paper rather than as a change proposed in the Departmental Report.

Officials can work on developing this Amendment Paper.

**Position for now – no change in departmental report – too late in piece to make change and he may wish to make this for two areas rather than just this one**

Name of Bill

In his response, the Minister stated his preference for the inclusion of 'Te Moananui-ā-Toi' to the name of the Bill: Hauraki Gulf / Tikapa Moana (Te Moananui-ā-Toi) Marine Protection Bill.

We support the inclusion in the name of the Bill but seek a confirmation of the decision to use 'Te Moananui-ā-Toi' as opposed to other variations of the name.

Of the three iwi that submitted for the inclusion in the name, they each submitted a slightly different name:

Ngāi Tai ki Tāmaki: Te Moananui-ā-Toi

Ngāti Manuhiri: Te Moananui-ā-Toi

Ngāti Whātua o Ōrakei: Te Moananui-ō-Toi

We also note that 'Te Moananui-ō-Toi' is sometimes used.

Our original advice was not to include 'Te Moananui-ā-Toi' in the name of the Bill, and we did not provide the level of detail in the Departmental Report for the Minister to make a decision on which variation of the name to include.

**Position for now – leave the name how it is – I think the Minister would want to ensure all relevant iwi were comfortable with name – and he can update the name at a later stage**

Potential change to the Rangitoto and Motutapu High Protection Area

DOC have had limited opportunity to further engage with Ngāi Tai ki Tāmaki, and as such, no specific amendments have been proposed in time for inclusion in the Departmental Report.

Is the Minister comfortable with the Departmental Report not reflecting any change to the Rangitoto and Motutapu High Protection Area at this stage (but reflecting on-going engagement) and anything that comes to light through further conversation is put into an Amendment Paper?

We also note that the Minister might want to consider progressing the Cape Rodney – Okakari Point Marine Reserve extension as an HPA also based on mana whenua feedback. Again, we think this is most appropriately provided for through an Amendment Paper.

**Position for now – leave things how they are**

Exemption for council activities

In relation to councils carrying out activities in SPAs and HPAs, the Minister indicated that he would 'prefer to exempt but must notify DOC which can then intervene or add conditions where necessary' (note the exemption would be for the council needing a permit under this Bill to do an activity).

We have spoken to DOC lawyers about the Minister's preference for exempting council activities and have a recommendation.

We have been advised that it would be unworkable to have an arrangement whereby (via an amendment to the RMA) Councils must

notify DOC about their activities and for DOC to be able to intervene or place any conditions on consents.

We propose recommending in the Departmental Report:

- Exempting a select range of council activities from prohibitions including:
  - Monitoring and enforcement of a regional coastal plan or resource consents (or you could broaden this out by just saying monitoring and enforcement by a council);
  - State of the environment monitoring;
  - Scientific research and conservation activities.
- Do not exempt other council activities. These activities would then require a permit under this Bill if in conflict with the prohibitions, e.g., construction of a wastewater pipe, infrastructure, discharge activities etc. DOC can then place appropriate conditions on a permit under this Bill.

This is the level of change we are proposing could be put forward in the Departmental Report, otherwise any other changes or further consideration would need to be considered through an Amendment Paper.

**Position for now – the recommendation made above**

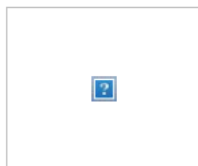
Review period

We had the chance to discuss with our legal team the Ministers decision to have the Ministerial Review occur at 5, 10 and 20 years (as opposed to the currently proposed 25 year period).

We got very strong feedback that this frequency of Ministerial Review is not advisable as these types of reviews are resource intensive and it is not recommended for primary legislation to have such frequent review periods.

We do not believe we can resolve this issue in time for the Departmental Report to be provided to the Select Committee tomorrow, and as such, propose that there is no change to the recommendation in the Departmental Report. Instead, this can be worked through in an Amendment Paper and following further engagement with the MOC.

**Position for now – review period as originally framed at 25 years and work to sort this can happen for an amendment paper**



**Harry Evans**

Private Secretary – Conservation | Office of Hon Tama Potaka MP  
Minister of Conservation | Minister for Māori Development  
Minister for Māori Crown Relations: Te Arawhiti | Minister for Whānau Ora  
Associate Minister of Housing (Social Housing)  
DDI: [s 9\(2\)\(a\)](#)  
Email: [s 9\(2\)\(a\)](#) | Website: [www.beehive.govt.nz](http://www.beehive.govt.nz)  
Private Bag 16041, Parliament Buildings, Wellington 6160, New Zealand



**From:** [Emma Hill](#)  
**To:** [Harry.Evans](#)  
**Cc:** [Siân Roguski](#)  
**Subject:** TPOG advice on Hauraki Bill  
**Date:** Monday, 26 August 2024 10:25:00 am  
**Attachments:** [TPOG advice - Hauraki Gulf Marine Protection Bill.pdf](#)  
[image001.png](#)

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Kia ora Harry,

As discussed, we did engage with the Treaty Provisions Oversight Group on the Treaty clause in the Hauraki Gulf Bill. Their advice is attached for your reference.

Ngā mihi,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere  
Whare Kaupapa Atawhai – Conservation house  
18 – 32 Manners Street | Wellington | 6011

Phone: **s 9(2)(a)**  
[www.doc.govt.nz](http://www.doc.govt.nz)



4 July 2024

## **Treaty Provisions Oversight Group**

Thank you for meeting with us on 26 June to discuss the Hauraki Gulf / Tikapa Moana Marine Protection Bill.

To clarify, we now understand that your intention is not to amend or add anything in terms of the underlying policy, but to clarify how the proposed clause would be complied with. You indicated that your initial preferred option was to signpost which provisions in the bill are aimed at addressing Treaty rights and obligations, rather than to add new operative provisions.

### **What does the Treaty clause add to other provisions aimed at protecting Māori rights and interests or Treaty obligations?**

For your upcoming advice to your Minister (and potentially Cabinet) on Treaty clause options, it will be important to describe what outcomes the operative clause and any amendments to it would achieve in addition to existing provisions in the bill aimed at protecting Māori rights and interests or Treaty obligations. This should include analysis of how alignment with the Conservation Act 1987 Treaty clause supports the intended policy objectives.

In this instance, section 4 of the Conservation Act 1987 would already apply to the management of the extended marine reserves (via the Marine Reserves Act 1971 being listed in schedule 1 of the Conservation Act) but would not automatically apply to management of the new seafloor protection areas or high protection areas. For new protection areas, the bill includes provisions that allow the continuation of customary fishing, and there other provisions throughout the bill that provide for collaboration and consultation with Māori and consideration of anticipated effects on Māori rights and interests.

TPOG considers that further analysis is required to show to Ministers how a general Treaty clause, or additional signposting provisions, would better protect those interests.

### **Other options could be identified**

Other options may be available that were not identified in your memo to us, or in our discussion.

For example, you may also want to reconsider the option of listing this Act in schedule 1 of the Conservation Act (other enactments administered by Department). That option would support alignment between both Acts, and any later changes to the Conservation Act clause would likely be carried over. We recognise that in our earlier advice we agreed there were optics and administrative reasons to prefer a mirror provision over listing.

Another option may be to only include a signposting clause (rather than as well as) the general clause.

For any options it will be necessary to explain what the likely effects are, and how they address the outcomes sought.

### **Would signposting provisions support greater clarity?**

It is not clear that signposting provisions in this instance, either within or alongside the existing clause 4, would achieve greater clarity or specificity about how the implementation of Treaty obligations are provided for in the Bill. The outcome may be that the signposting defines or limits how the clause is understood by decision-makers under the Act. On the other hand, the courts would not likely see increased description in the clause as constraining the application of Treaty principles in decision-making.

### **How would a general clause and descriptive provisions work together?**

If you do decide to pursue the option to include additional descriptive provisions, then you will need to consider how the general and specific clauses will work together. For example, the now repealed Water Services Entities Act 2022 included a combination of general operative and descriptive Treaty provisions. The general operative clause in that instance included subclauses indicating how it interacted with the descriptive clause and Treaty settlement obligations.

### **Ministers are likely to question the enactment of a new general Treaty clause**

The Government has committed to reviewing legislative references to Treaty principles, and has indicated that general Treaty provisions would not be included in legislation going forward. With no further change, the bill will on enactment immediately fall within scope of the legislative review, and may either be amended or repealed. In light of those factors, Ministers are likely to question the enactment of a new general Treaty principles clause.

### **Changes to the Treaty clause would require Cabinet approval**

Cabinet approval would be required for changes to the Treaty clause before the Parliamentary Counsel Office can draft the changes. Very significant policy changes may well raise an issue of whether an Amendment Paper should be referred to the select committee for its consideration, but it is unusual and there is no requirement to do so. The decision on whether to do so is ultimately for Ministers and Cabinet.

We are available to discuss this advice and ask to be consulted should the advice be referred to in any briefings to the Minister or subsequent Cabinet papers.

### **Treaty Provisions Oversight Group**

**From:** [Emma Hill](#)  
**To:** [Harry Evans](#)  
**Cc:** [Siân Roguski](#); [Ruth Isaac](#)  
**Subject:** Updated Cabinet paper for Hauraki Gulf / Tikapa Moana Marine Protection Bill  
**Date:** Tuesday, 27 August 2024 11:02:00 am  
**Attachments:** [24-B-0412 - Attachment A - Cabinet paper report back on the Hauraki Gulf Tikapa Moana Marine Protection Bill - updated following meeting 26 August.docx](#)  
[image001.png](#)  
[image002.png](#)

---

Kia ora Harry,

Please see attached an updated version of the Hauraki Gulf / Tikapa Moana Marine Protection Bill Cabinet paper.

This version of the paper reflects the requested changes made by the Minister at the meeting yesterday. All changes are track changed.

The paper outlines the options the Minister raised but as we are unclear which is his preferred option, the paper is neutral on this. We are happy to update the paper if the Minister gives a steer on which options he wants to put forward as his preferred option.

We also thought it might be useful to include a quick summary of what the Bill currently does in terms of customary fishing in case that is useful for the Minister in considering changes proposed in the Cabinet paper.

#### **Overview of customary non-commercial fishing (customary fishing) as currently provided for in the Bill**

##### Marine reserves

No fishing, including customary fishing, can occur in the two proposed marine reserves.

##### Seafloor protection areas

All fishing (commercial, recreational, customary) can occur in these areas so long as bottom trawling, Danish seining and dredging methods aren't used.

##### High protection areas

Commercial and recreational fishing is prohibited. Customary fishing, as regulated under the Fisheries Act, can continue in high protection areas so long as bottom trawling, Danish seining and dredging methods aren't used.

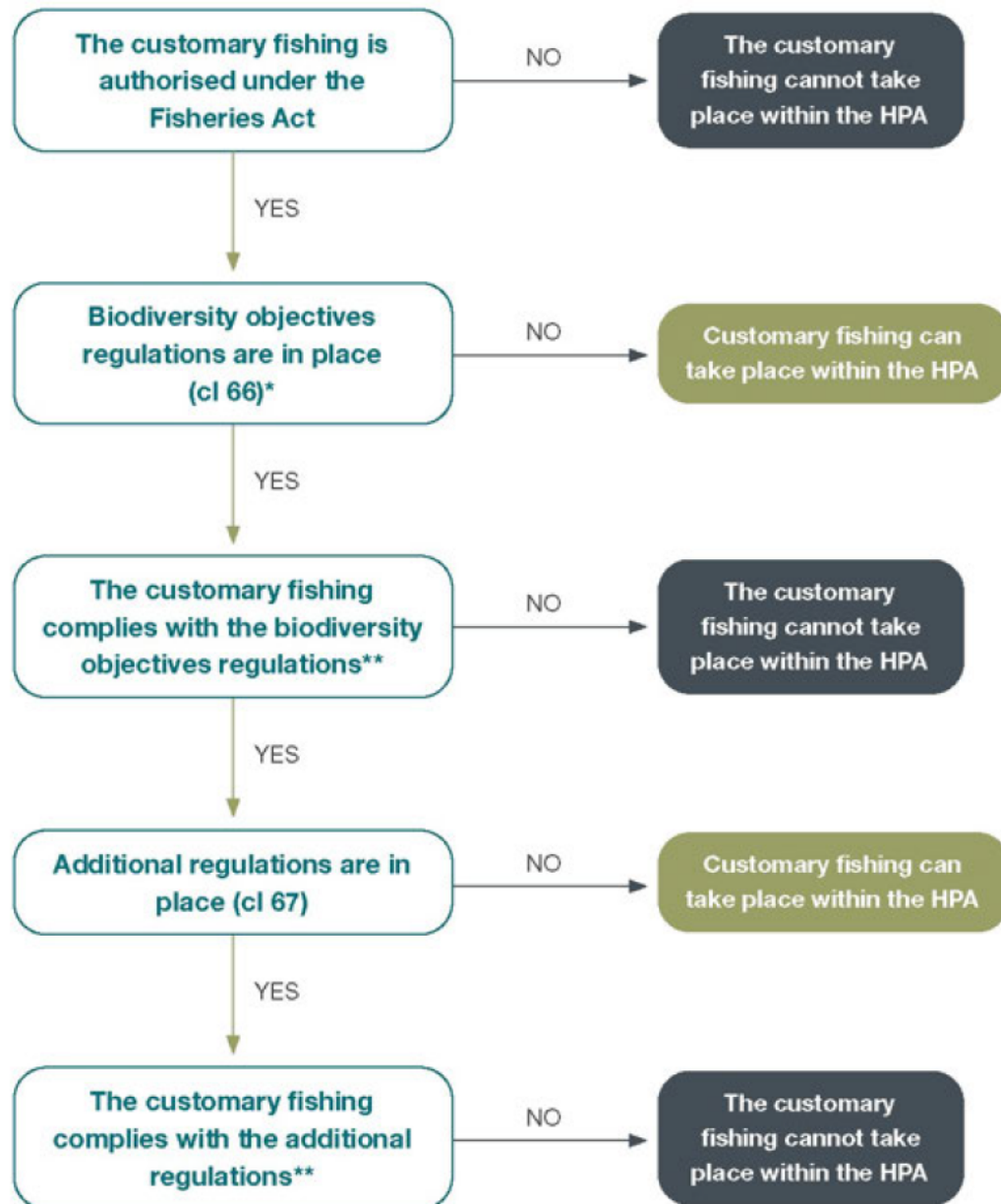
Customary fishing in high protection areas must adhere to any regulations made under the Bill that are made in regard to customary fishing.

There are two avenues for these regulations to be made:

1. Clause 66: Regulations are co-developed between the Crown and mana whenua and give effect to co-developed biodiversity objectives. In this case, the regulation of customary fishing can only be to the minimum extent reasonably necessary to give effect to the biodiversity objectives
2. Clause 67: Further regulations are developed by the Minister of Conservation. In this case, the regulation of customary fishing can only occur if the Minister of Conservation is satisfied that regulations have been made under clause 66 and there is evidence they are not sufficient to achieve biodiversity objectives and that additional management actions are necessary. The Minister of Conservation cannot recommend regulations unless mana whenua and the Minister for Oceans and Fisheries has been consulted.

Below is a diagram outlining how customary fishing occurs in high protection areas under the

current drafting of the Bill:



\* Biodiversity objectives are developed collaboratively with whānau, hapū and iwi that exercise kaitiakitanga in the HPA.

\*\* DOC and Fisheries New Zealand will work with tangata kaitiaki to support the application of any regulations relating to customary fishing.

Ngā mihi,

Emma

**Emma Hill** (she/her)  
Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere  
Whare Kaupapa Atawhai – Conservation house  
18 – 32 Manners Street | Wellington | 6011

Phone: s 9(2)(a)

[www.doc.govt.nz](http://www.doc.govt.nz)





**From:** [Emma Hill](#)  
**To:** [Tui Arona \(parliament\)](#); [Peter Galvin](#)  
**Cc:** [Siân Roguski](#); [Angela Bell](#)  
**Subject:** RE: Draft Hauraki Gulf Cabinet paper: MOC comments  
**Date:** Wednesday, 11 September 2024 1:53:00 pm  
**Attachments:** [image001.png](#)  
**Out of scope**  
[24-B-0412 - Attachment A - Cabinet paper report back on the Hauraki Gulf Tikapa Moana Marine Protection Bill - updated 11 September.docx](#)

---

Kia ora Tui,

That is great news! Thank you for that. I have tracked the new change into a clean version of the paper I sent you yesterday.

As for an overview of the Bill I have a very high-level overview below and attached is a previous overview with more detail sent previously to MOC:

- The Bill is proposing to implement 19 new marine protection areas:
  - 2 extensions to existing marine reserves (Cape Rodney – Okakari Point Marine Reserve and Te Whanganui-o-Hei / Cathedral Cove Marine Reserve)
  - 12 high protection areas (a new protection tool that provides a high level of protection while providing for customary non-commercial fishing as regulated under the Fisheries Act 1996)
  - 5 seafloor protection areas (a new protection tool that prohibits activities that will have the most impact on crucial seafloor habitats)
- The Bill is a response to a call for action to address the declining health and mauri of the Hauraki Gulf / Tikapa Moana.
- The Bill has progressed through the Select Committee process – the Select Committee reported back on the Bill on 20 June 2024 recommending that it be passed.
- No date has been set for the Second reading.

I hope that is all you need.

Ngā mihi,

Emma

---

**From:** Tui Arona **s 9(2)(a)**  
**Sent:** Wednesday, 11 September 2024 11:54 am  
**To:** Emma Hill <ehill@doc.govt.nz>; Peter Galvin **s 9(2)(a)**  
**Cc:** Siân Roguski <sroguski@doc.govt.nz>; Angela Bell <abell@doc.govt.nz>  
**Subject:** RE: Draft Hauraki Gulf Cabinet paper: MOC comments

Great news. Minister was happy with all the recommended changes. And we got a decision on the outstanding question – we put this to him with the draft last night.

Yes – please replace collaborative with consultation. Please make changes and send up new clean copy and we will get the paper to the advisor to initiate Min Consultation.

It's been a while since I have been in this mahi, and Harry is the person in the office who deals with it usually.

To help us out can you draft a short couple of paras for me about the Bill, key things it is proposing to do, where it's as in the legislative process etc. So that I can put together the cover email for the Political Advisor to send out? I'm just aware I'm not across the work at the moment and don't want to muck it up

Ngā mihi

Tui

---

**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>

**Sent:** Tuesday, September 10, 2024 4:04 PM

**To:** Peter Galvin s 9(2)(a) Tui Arona s 9(2)(a)

**Cc:** Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>; Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>

**Subject:** RE: Draft Hauraki Gulf Cabinet paper: MOC comments

Thanks heaps Peter,

Good to know what the intention is for second reading.

Please see below and attached updated timelines for progressing the Hauraki Gulf / Tikapa Moana Marine Protection Bill including upcoming leg decisions.

Note there are two options below that will allow the Bill to pass by the end of the year. Option 1 relies on the Cabinet Business Committee (CBC) considering the Cabinet paper in a non-sitting week – this will only happen if the CBC is sitting due to priority items and is dependent on the Cabinet paper being included in this. Option 2 is more likely and reflects the paper being considered by Cabinet in the first sitting week of October. Please also note that both of these options reflect condensed timeframes e.g., one week each for Departmental and Ministerial consultation on Cabinet papers, and three weeks for PCO to draft an Amendment Paper when they usually ask for 5 weeks minimum. There is no opportunity for the Bill to be passed in 2024 while maintaining standard timeframes.

Step	Option 1	Option 2
Decisions by Minister	12 August	12 August
Departmental consultation on Cabinet paper	12-19 August	12-19 August

Cabinet paper send to Ministers office	10 September	10 September
Ministerial consultation on Cabinet paper	10-18 September (8 days, condensed process)	10-18 September (8 days, condensed process)
Cabinet paper lodged	19 September	19 September
Cabinet paper considered by LEG	26 September	26 September
Cabinet paper considered by Cabinet	30 September (considered by CBC)	14 October
DOC sends drafting instructions for an Amendment Paper (AP) to PCO	1 October	15 October
PCO draft the amendment paper	Three weeks (PCO have previously indicated needing a minimum of 5 weeks)	Three weeks (PCO have previously indicated needing a minimum of 5 weeks)
Departmental consultation on AP Cabinet paper	22 – 29 October 2024 (one week)	6 – 13 November (one week)
AP Cabinet paper send to Ministers office	29 October 2024	13 November
Ministerial consultation on AP Cabinet paper	29 October – 6 November 2024 (8 days)	13 – 20 November (7 days)
AP Cabinet paper lodged	7 November 2024	21 November
AP Cabinet paper considered by LEG	14 November 2024	12 December
AP Cabinet paper considered by Cabinet	18 November 2024	16 December
Final AP submitted to Clerk	20 November 2024	18 December
Committee of the Whole House	10 December 2024	19 December
Third reading	11 December 2024	19 December
Royal assent	As early as 17	Likely 2025

	December 2024	
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Ngā mihi,

Emma

---

**From:** Peter Galvin s 9(2)(a)  
**Sent:** Tuesday, 10 September 2024 1:56 pm  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Tui Arona (parliament) s 9(2)(a)  
**Cc:** Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>; Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** RE: Draft Hauraki Gulf Cabinet paper: MOC comments

Thanks Emma.

I've attached an email I just sent Angela (got that right) and Sam (doh!) on an update on possible second reading timing for the Bill, and a request for an updated timeline to get there.

Cheers

Peter

---

**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Tuesday, September 10, 2024 1:48 PM  
**To:** Peter Galvin s 9(2)(a) Tui Arona s 9(2)(a)  
**Cc:** Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>; Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** FW: Draft Hauraki Gulf Cabinet paper: MOC comments

Kia ora Peter and Tui,

Thank you for the call and please see attached an updated version of the Cabinet paper.

As discussed, the approach proposed by the Minister does create one outstanding issue around how biodiversity objectives and associated regulations will be developed under the Bill.

The biodiversity objectives developed under the Bill have a range of functions including:

- Informing the monitoring and research undertaken in an area, and ultimately any review of these areas
- They must be considered by the Director-General of DOC when considering

- applications for permits under the Bill
- Informing any additional regulation of activities in a high protection area (e.g., customary non-commercial fishing (as the Bill is currently drafted), anchoring activities, boat launch sites etc)

Currently it is required under the Bill that biodiversity objectives and the associated regulations are developed collaboratively between the Crown and mana moana. The decision to have this approach be 'develop collaboratively' as opposed to 'consultation' was made due to the potential impact of the regulations on customary non-commercial fishing [22-B-0120 refers].

With the proposed removal of customary non-commercial fishing from regulations, we consider it appropriate to amend the requirement for 'collaborative development' to 'consultation'. Mana moana will still have an interest in the biodiversity objectives and associated regulations, but the interest is likely less if there is no opportunity for these to impact on customary non-commercial fishing.

The requirement for 'collaborative development' is resource intensive for both Crown and mana moana and likely out of proportion to the impact of the biodiversity objectives and associated regulations. DOC have relationships with mana moana in the Hauraki Gulf / Tikapa Moana and will continue to work closely with them.

We recommend that if the proposal to remove customary non-commercial fishing from regulations is agreed to by Cabinet, that the requirement for 'collaborative development' of biodiversity objectives and associated regulations is removed, and the requirement to consult is included.

Happy to discuss,

Ngā mihi,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere

Whare Kaupapa Atawhai – Conservation house

18 – 32 Manners Street | Wellington | 6011

Phone: s 9(2)(a)

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Out of scope



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**From:** Tui Arona

**Sent:** Monday, September 9, 2024 12:02 PM

**To:** Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>; Sam Thomas <[samthomas@doc.govt.nz](mailto:samthomas@doc.govt.nz)>

**Cc:** Peter Galvin <[s 9\(2\)\(a\)](#)> Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>;  
Government Services <[GovernmentServices@doc.govt.nz](mailto:GovernmentServices@doc.govt.nz)>

**Subject:** Draft Hauraki Gulf Cabinet paper: MOC comments

Kia ora team

The Minister was broadly happy with the current version of the Cabinet paper. He wants a couple of tweaks – see attached.



Amendments:

- Para's 37, 38 in particular.
- Para 39 – please can you propose some wording that seeks to address the Minister's concerns about the need to balance the "checks and balances" issue re: and the assumption around the misalignment of biodiversity objectives and mana moana objectives
- A question for you on 55.
- Use the term mana moana used instead on mana whenua in this context

Can you please review these and the other comments tweaks throughout the document and make changes in track changes and send back up. He has indicated that if we can get it back through him today that would be preferable. Please consider when making indicated changes if you need to tweak elements elsewhere in the paper for cross-reference/consistency.

He did think that for customary fishing that we were reverting to the Fisheries Act approach, so clarification on that would be great with the updated paper please.

Give myself or Peter a call if you need to discuss.

Ngā mihi,

Tui Arona

**s 9(2)(a)**

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you.



**From:** [Emma Hill](#)  
**To:** [Harry Evans](#); [Peter Galvin](#)  
**Cc:** [Ruth Isaac](#); [Siân Roguski](#); [Angela Bell](#)  
**Subject:** FW: Hauraki Bill - MOC and MfOF meeting today  
**Date:** Monday, 16 September 2024 1:34:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)

Information is to be released by the Ministry for Primary Industries

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Kia ora Harry and Peter,

See below some bullet points to support MOC in his meeting with MfOF today at 2.30. The AM and supplementary info used by FNZ in their meeting with MfOF on proposed amendments to the Bill is also attached:

- Seafood NZ recently wrote to Minister Jones seeking a range of amendments to the Hauraki Gulf / Tikapa Moana Marine Protection Bill (the Bill). These included allowing for certain commercial fishing (ring-net fishing) in some HPAs, providing carve-outs for rock lobster fishing in three HPAs and amending the boundary for the Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve.
- All these matters (except for the change to the marine reserve boundary) were considered during the Select Committee process and no changes were recommended.
- The proposals in the Bill were carefully considered over many years, including extension engagement. The marine protection proposals represent a balance of optimising biodiversity outcomes with minimising impacts to fishers.

*Proposal to allow ring-net fishing*

- Equity considerations: The Select Committee received several submissions proposing boundary amendments and 'carve-outs' in the protection areas. To provide for this 'carve-out', and not others, would be considered unfair by many submitters and users of the Gulf.
- Impact to marine protection: The provision of this commercial fishing method in an HPA would undermine the protection provided. It would not be appropriate to refer to these areas as 'high protection areas' with this proposed change and these areas would be unlikely to meet any international standards for being a 'protected area'. There is evidence from marine protection in New Zealand that the provision of fishing reduces the biodiversity outcomes at a site (e.g., the Poor Knights Marine Reserve which use to provide for recreational fishing). Customary non-commercial fishing is not expected to impact on biodiversity outcomes as it is at a much smaller-scale.

*Proposal to allow for rock lobster potting in select HPAs*

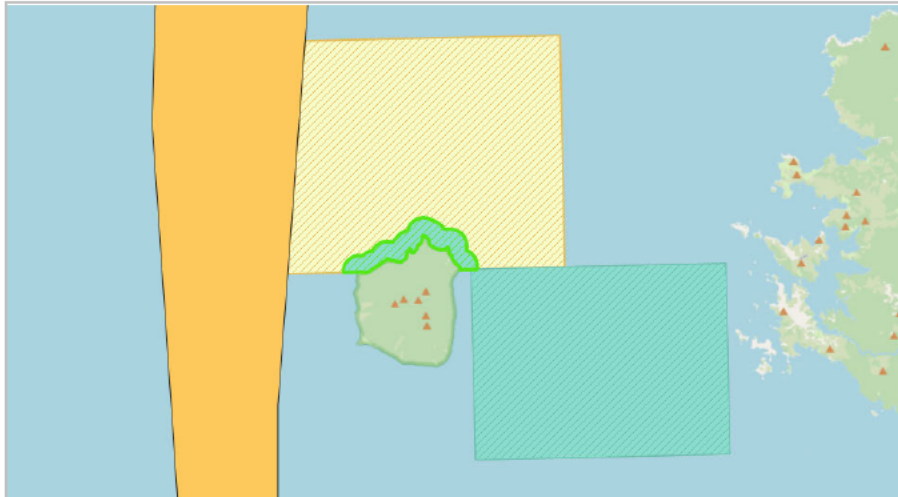
- Similar equity considerations as detailed above.
- Impact to marine protection: The proposed boundary amendments for rock lobster potting would 'carve-out' almost the entire area of reef under protection for each of the proposals (see example of proposed boundary of Te Hauturu-o-Toi / Little Barrier Island below). Some of these areas proposed for carve-outs represent some of the most productive and biologically diverse areas within the Hauraki Gulf Marine Park (e.g., Cape Colville HPA), or are areas where kina barrens are prominent suggesting a depletion of kina predators such as rock lobster (e.g., Te Hauturu-o-Toi / Little Barrier Island HPA).

The proposed boundary amendment to the Te Whanganui-o-Toi / Cathedral Cove Extension Marine Reserve would require further consideration but would likely undermine the protection proposed for rock lobster in the area.

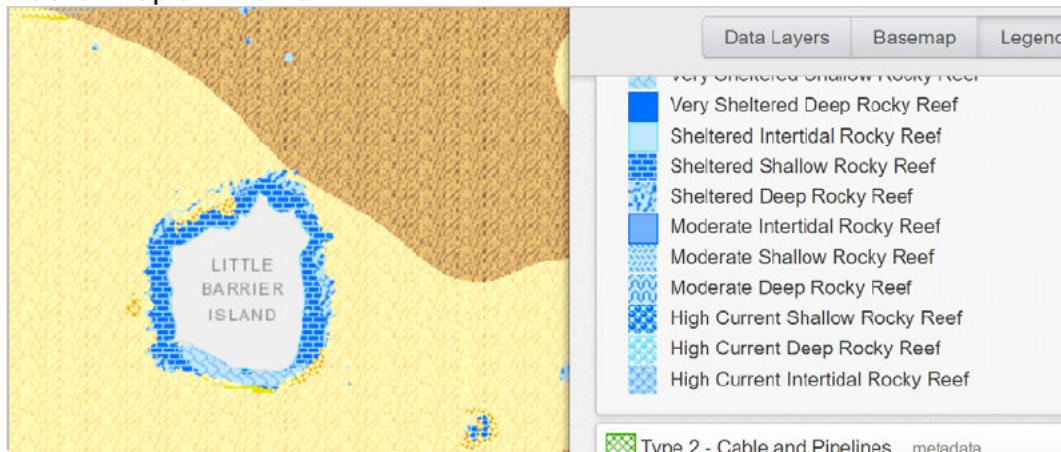
*Proposal for rock lobster potting carve-out at Te Hauturu-o-Toi / Little Barrier Island:*

**\*\*\*optional visual\*\*\***

Proposed carve-out by Seafood New Zealand:



Habitat map of the area:



Give me a bell if you need anything else.

Ngā mihi,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere

Whare Kaupapa Atawhai – Conservation house

18 – 32 Manners Street | Wellington | 6011

Phone: **s 9(2)(a)**

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**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Sent:** Monday, 16 September 2024 1:30 pm  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>  
**Cc:** Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** RE: Hauraki Bill - MOC and MfOF meeting today

Can you send to Peter/Harry?

Ngā mihi  
Ruth

Ruth Isaac  
DDG Policy and Regulatory Services  
Department of Conservation  
Mobile s 9(2)(a)

---

**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Monday, 16 September 2024 1:10 pm  
**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>  
**Cc:** Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** RE: Hauraki Bill - MOC and MfOF meeting today

Yes – this will be following up to the meeting we were going to attend.

Some key points below – please let me know if you require anything further. The AM and supplementary info used by FNZ in their meeting with MfOF is also attached:

- Seafood NZ recently wrote to Minister Jones seeking a range of amendments to the Hauraki Gulf / Tikapa Moana Marine Protection Bill (the Bill). These included allowing for certain commercial fishing (ring-net fishing) in some HPAs, providing carve-outs for rock lobster fishing in three HPAs and amending the boundary for the Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve.
- All these matters (except for the change to the marine reserve boundary) were considered during the Select Committee process and no changes were recommended.
- The proposals in the Bill were carefully considered over many years, including extension engagement. The marine protection proposals represent a balance of optimising biodiversity outcomes with minimising impacts to fishers.

*Proposal to allow ring-net fishing*

- Equity considerations: The Select Committee received several submissions proposing boundary amendments and ‘carve-outs’ in the protection areas. To provide for this ‘carve-out’, and not others, would be considered unfair by many submitters and users of

the Gulf.

- Impact to marine protection: The provision of this commercial fishing method in an HPA would undermine the protection provided. It would not be appropriate to refer to these areas as ‘high protection areas’ with this proposed change and these areas would be unlikely to meet any international standards for being a ‘protected area’. There is evidence from marine protection in New Zealand that the provision of fishing reduces the biodiversity outcomes at a site (e.g., the Poor Knights Marine Reserve which use to provide for recreational fishing). Customary non-commercial fishing is not expected to impact on biodiversity outcomes as it is at a much smaller-scale.

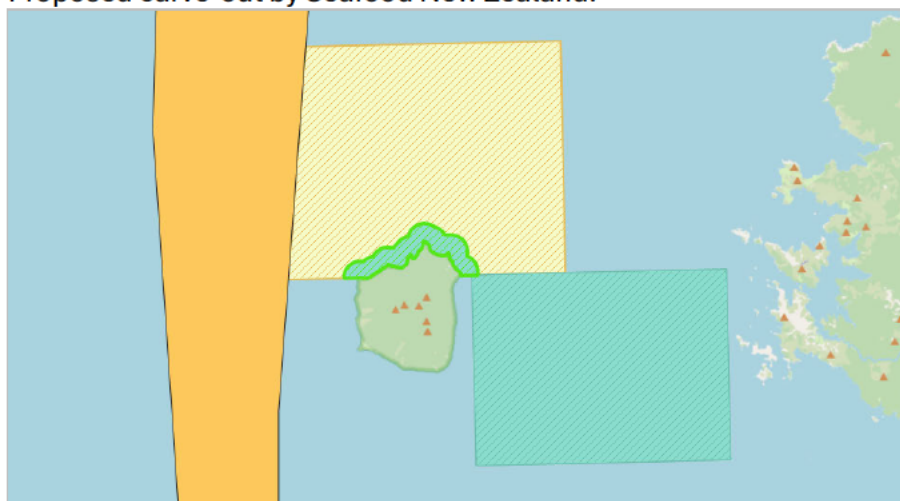
*Proposal to allow for rock lobster potting in select HPAs*

- Similar equity considerations as detailed above.
- Impact to marine protection: The proposed boundary amendments for rock lobster potting would ‘carve-out’ almost the entire area of reef under protection for each of the proposals (see example of proposed boundary of Te Hauturu-o-Toi / Little Barrier Island below). Some of these areas proposed for carve-outs represent some of the most productive and biologically diverse areas within the Hauraki Gulf Marine Park (e.g., Cape Colville HPA), or are areas where kina barrens are prominent suggesting a depletion of kina predators such as rock lobster (e.g., Te Hauturu-o-Toi / Little Barrier Island HPA).
- The proposed boundary amendment to the Te Whanganui-o-Toi / Cathedral Cove Extension Marine Reserve would require further consideration but would likely undermine the protection proposed for rock lobster in the area.

*Proposal for rock lobster potting carve-out at Te Hauturu-o-Toi / Little Barrier Island:*

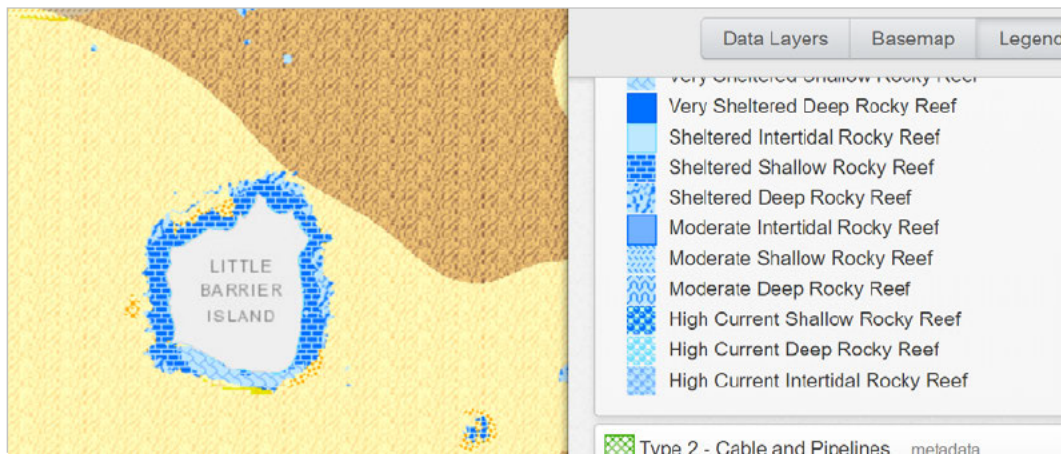
\*\*\*optional visual\*\*\*

Proposed carve-out by Seafood New Zealand:



Habitat map of the area:





---

**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Sent:** Monday, 16 September 2024 12:06 pm  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>  
**Cc:** Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** RE: Hauraki Bill - MOC and MfOF meeting today  
**Importance:** High

This is the follow up meeting to the one we were going to attend Emma, eh.

It has been tacked on to another meeting they are having. Peter checking if any officials. Can we quickly put together a few bullets by email about the issues as we know about them, and whether agreeing to any of these would be deeply problematic for the Bill/schema of the Bill or outcomes or not.

Ngā mihi  
Ruth

Ruth Isaac  
DDG Policy and Regulatory Services  
Department of Conservation  
s 9(2)(a)

---

**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Monday, 16 September 2024 11:58 am  
**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Siân Roguski <[sroguski@doc.govt.nz](mailto:sroguski@doc.govt.nz)>  
**Cc:** Angela Bell <[abell@doc.govt.nz](mailto:abell@doc.govt.nz)>  
**Subject:** Hauraki Bill - MOC and MfOF meeting today

Kia ora kōrua,

FYI I have been informed by FNZ that MOC and MfOF are meeting this afternoon at 2.30 and one of the matters MfOF will be raising is around amendments to the Hauraki Bill to allow for some fishing activities (ring-netting in two HPAs and some yet determined concession

for rock lobster fishers). This is all off the back of a letter from Seafood NZ requesting changes to the Bill.

Minister Jones will be seeking to influence Minister Potaka's Cabinet paper, not pursue his own amendment paper. It is likely that Minister Jones will be suggesting both agencies officials (DOC and FNZ) work together to come up with options forward.

This is as far as my intel has got me, perhaps you are already across this.

Minister Potaka has received no advice on this matter.

Ngā mihi,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere

Whare Kaupapa Atawhai – Conservation house

18 – 32 Manners Street | Wellington | 6011

s 9(2)(a)

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**From:** [Emma Hill](#)  
**To:** [Harry Evans](#); [Ruth Isaac](#)  
**Cc:** [Rebecca Worthington](#); [Peter Galvin](#)  
**Subject:** RE: Cab paper - Hauraki  
**Date:** Friday, 27 September 2024 11:55:00 am  
**Attachments:** [image001.png](#)

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Kia ora Harry,

Thanks for your email. Please see below a summary of the changes made to the Cabinet paper:

Ring-net fishing

- It is recommended that ring-net fishing is provided for in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area with a review at three years.
- It is recommended that there are conditions put on the ring-net fishing that can occur.
- It is recommended that details of the three year review and conditions on ring-net fishing are worked through in consultation with the Minister for Oceans and Fisheries
- **Importantly, the Cabinet paper seeks authorisation from Cabinet for the Minister of Conservation, in consultation with the Minister for Oceans and Fisheries, to make further policy decisions on the review and conditions on ring-net fishing.**

Reference to 'iwi'

- It is recommended that all references of 'whānau, hapū, and iwi' and amended to 'iwi'.

Treaty clause 'signposting' provisions

- The 'signposted' operational clauses have been updated to reflect changes proposed in the Cabinet paper.

Let me know if you need anything else,

Emma

Out of scope



Out of scope

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**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Sent:** Friday, September 27, 2024 9:07 AM  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Harry Evans s 9(2)(a)  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Keep it simple please Emma. We have examples of review clauses in other legislation, and we should just lift and shift. But delegate in this paper to finalise details needed.

Ngā mihi  
Ruth

Ruth Isaac  
DDG Policy and Regulatory Services  
Department of Conservation  
Mobile s 9(2)(a)

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**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Friday, 27 September 2024 8:59 am  
**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Harry.Evans s 9(2)(a)  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Kia ora koutou,

Please see updated paper reflecting content below. New stuff highlighted.

I have updated rec 17 to be clear that the MOC authority to make further policy decisions includes decisions on the review.

There will be some work to do on this e.g., who does the review, who is consulted, what is the mechanism for changing conditions or ending ring-net fishing if the review finds that should happen, the time in which the review should be completed in, decision maker etc. This detail will need to go in the Bill. Alternatively, there could be a regulation-making power in the Bill. Bit to think about.

Ngā mihi,

Emma

---

**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>

**Sent:** Friday, 27 September 2024 8:17 am

**To:** Harry.Evans s 9(2)(a) Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>

**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin

s 9(2)(a)

**Subject:** RE: Cab paper - Hauraki

Hi there

We want to put the three year review in the law – this is relatively standard practice.

Also just discussed with the Minister. He is keen for us to swap in the updated Bill provisions (ie the consultation not collaboration, iwi not whanau hapu iwi etc). He agrees to a rec on changing ALL references in the Bill to iwi only. We need that clear from these decisions too please.

Ngā mihi

Ruth

Ruth Isaac

DDG Policy and Regulatory Services

Department of Conservation

Mobile s 9(2)(a)

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**From:** Harry Evans s 9(2)(a)

**Sent:** Friday, 27 September 2024 8:11 am

**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
**s 9(2)(a)**  
**Subject:** Re: Cab paper - Hauraki

Thanks Emma, I'll discuss those with the advisor. I've just seen an update from the advisor that they've agreed a review in three years for ring net rather than putting a time frame in law

Harry Evans  
Private Secretary — Conservation  
**Office of Hon Tama Potaka MP**

**s 9(2)(a)**

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**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Friday, September 27, 2024 8:04:23 AM  
**To:** Harry Evans **s 9(2)(a)**; Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
**s 9(2)(a)**  
**Subject:** RE: Cab paper - Hauraki

Thank you all,

I have a couple tracked changes in the attached.  
Couple very small points:

- Para 22 – I assume ‘following consultation...’ just means the Minister will chat to his colleagues about the change of language to ‘iwi’ only?
- Not all references to ‘whānau, hapū, iwi’ are in relation to consultation. For example clause 29 says that the DG must consider anticipated effects of an activity on whānau, hapū, and iwi when making a decision on a permit application. Changing to ‘iwi’ will probably not change how the leg is implemented in practice – but I wanted to flag this anyway just so the information is there.
- Do you want to add reference to the change to ‘iwi’ in paras 6 and 15? I haven’t in the attached but you may wish to.

Otherwise looks great to me.

Ngā mihi,

Emma

---

**From:** Harry Evans s 9(2)(a)  
**Sent:** Thursday, 26 September 2024 7:56 pm  
**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Updated for your review in the morning Emma – let me know if you’re happy and I will provide it to the advisor. Not sure I nailed the language in the paper itself around the change from whanau hapu iwi

HE

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**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Sent:** Thursday, September 26, 2024 7:40 PM  
**To:** Harry Evans s 9(2)(a) Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin  
s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Thanks Harry.

I think the recs in the 5.41pm version meet the need on signposting (they mirror what went to LEG today). So you may want to swap in the revised signposting text into the body, and may need to add a rec that says that all parts of the Bill that say “whanau, hapu and iwi” will be changed to say “iwi”. That rec means that the signposting will mirror the revised Bill, including any changes being made to the Bill now.

On the ring-net fishers, I think you want something like:

**Agree** that ring-net fishing is provided for in the Kawau Bay and Rangitoto and Motutapu HPAs with a ‘grandfather clause’ limiting duration of the provision to [3 years], and

**Agree** to the following conditions on ring-net fishing, subject to confirmation that the conditions are workable:

- 1.1 ring-net fishing can only occur between the months of March and August;
- 1.2 ring-net fishing can only be carried out by operators who currently use the area;
- 1.3 ring-net fishing is limited to the take of kahawai, grey mullet and trevally;  
and
- 1.4 quantities of take do not exceed what is currently taken by ring-net fishers in these areas.

**Authorise** the Minister of Conservation to make any further detailed policy decisions necessary for the Bill in line with the decisions in this paper, in consultation with the

Minister for Oceans and Fisheries as appropriate

[The reason I added subject to workability is that Fisheries NZ is saying that it might not be possible to limit the take to kahawai, grey mullet and trevally in practice, and to enforce current quantities. The alternative, though it does not get firm decisions on Monday, would be:

**agree in principle** to the following conditions subject to confirmation of workability [list the conditions above]...

**authorise** the MOC, in consultation with the MFOF, to finalise the conditions].

Ngā mihi

Ruth

Ruth Isaac

DDG Policy and Regulatory Services

Department of Conservation

s 9(2)(a)

---

**From:** Harry Evans s 9(2)(a)

**Sent:** Thursday, 26 September 2024 7:05 pm

**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>

**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin

s 9(2)(a)

**Subject:** RE: Cab paper - Hauraki

Thanks very much for this Emma. There have been some updates following discussions here tonight. Ruth has advised that the approach we discussed with the Minister was not sufficient for issuing drafting instructions to PCO, and we need clearer agreement from Cabinet on Monday.

Can we please have another update tomorrow morning that makes the following changes:

- **Signposting** - Seeks agreement to make the actual changes the Minister wants – rather than giving him a delegation
- **Ring-net fishers** – We want to put the rec back into the paper that is more specific around the ring net fishing so that we get a clear steer from Cabinet on Monday that isn't drawn out. Please put the rec in as you had it before with a period of three years in brackets and remove the delegation for further decisions to be sorted between the two ministers. I'll then finalise the agreement that's reached with Dale tomorrow.

Ruth please chime in if there is anything here that I've not reflected correctly.

Thanks

Harry

---



**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>

**Sent:** Thursday, September 26, 2024 5:41 PM

**To:** Harry Evans <s 9(2)(a)> Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>

**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin

<s 9(2)(a)>

**Subject:** RE: Cab paper - Hauraki

Kia ora Harry,

Please see attached the updated cabinet paper. Note rec 15 which seeks authorisation for the MOC to make minor policy changes in line with the general policy intent set out in this paper and matters discussed at Cabinet. You may want to play around with the wording.

Please also see attached what the sign-posting provisions would look like given changes proposed in the Cabinet paper and the MOC request to change 'whānau, hapū, and iwi' to 'iwi'. I have tracked it just in case useful to you but you can just accept the changes if you want it clean.

Ngā mihi,

Emma

Out of scope



Out of scope

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**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Sent:** Thursday, 26 September 2024 4:20 pm  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Harry.Evans s 9(2)(a)  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin s 9(2)(a)  
**Subject:** Re: Cab paper - Hauraki

I think we should test this with moc tonight

Ngā mihi

Ruth

Ruth Isaac

s 9(2)(a)

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**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>  
**Sent:** Thursday, September 26, 2024 4:13:37 pm  
**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Harry.Evans s 9(2)(a)  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Thanks Ruth,

Sorry slow of the mark replying to this one. Agree with the language change to iwi being possible through this cabinet paper and not necessarily changing in practice what consultation would occur.

Re para (f) in the signposting. This can be kept – it is useful for best available information to include mātauranga Māori.

Ruth – I managed to have a quick chat to FNZ and got Emma.T's feedback that they do not want to lock down those conditions in the Cabinet paper as there is further work to do to determine what is possible or not (e.g., we would rely on fisheries data to set quantity limits and limiting take exclusively to kahawai, grey mullet and trevally may not be possible due to the indiscriminate nature of the fishing method). Further work with FNZ would be required.

So rather than locking these things in in the cabinet paper I have left them as examples noting that Ministers will work through these.

Does that sound ok to you or would you like me to change para 50 to the following:

50. I recommend that ring-net fishers can continue to fish in the Kawau Bay HPA and Rangitoto and Motutapu HPA with a two-year 'grandfather clause' in place (option 2). I recommend that the following conditions are placed on ring-net fishing:

*ring-net fishing can only occur between the months of March and August;*  
*ring-net fishing can only be carried out by operators who currently use the area;*  
*ring-net fishing is limited to the take of kahawai, grey mullet and trevally;*  
*quantities of take do not exceed what is currently taken by ring-net fishers in these areas; and*  
*any other condition considered necessary in consultation with the Minister for Oceans and Fisheries.*

I also suggest recommendation 15 is changed to "authorise the Minister of Conservation to make policy decisions related to the regulation of ring-net fishing in consultation with the Minister for Oceans and Fisheries.

Ngā mihi,

Emma

---

**From:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>

**Sent:** Thursday, 26 September 2024 3:57 pm

**To:** Harry.Evans <[s 9\(2\)\(a\)](#)> Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>

**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin

<[s 9\(2\)\(a\)](#)>

**Subject:** RE: Cab paper - Hauraki

Hi

I'll let Emma respond re para f in the signposting.

I think you could change the language to iwi across the Bill if Ministers wished to and made a clear decision to do so. We'd need to add a rec to the paper to do so.

Emma – I think the Minister wants the decisions in para 50 to be determined in this paper, with 50.5 as a delegation for any further detailed decisions or additional conditions if considered necessary (in consultation)...rather than making them all subject to further negotiation with MFOF.

Otherwise I think looks good.

Harry – this adds new material since LEG this morning, clearly, so Cab office needs to approve this changed paper going straight to Cabinet. I'll leave that with you two.

Ngā mihi

Ruth

Ruth Isaac  
DDG Policy and Regulatory Services  
Department of Conservation  
Mobile s 9(2)(a)

---

**From:** Harry Evans s 9(2)(a)  
**Sent:** Thursday, 26 September 2024 3:31 pm  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Also Emma – would new section f on mātauranga also be removed from the bill if the regulations around customary fishing were to be removed as is proposed in the paper?

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**From:** Harry Evans  
**Sent:** Thursday, September 26, 2024 3:27 PM  
**To:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>; Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>  
**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>; Peter Galvin s 9(2)(a)  
**Subject:** RE: Cab paper - Hauraki

Thank you Emma – I think we might need to also check in with the Minister around this tonight Ruth.

I've explained to the advisor that changes to the language in the Cab paper would need to also be agreed to be changed in the Bill.

I also am not certain from the brief summary the Minister gave me if it was only an issue in the engagement clause or if they wanted to adjust every use of whānau, hapū and iwi to just "iwi".

I'll talk through Emma's advice below with the advisor – do we think that there would be much impact by making the change to iwi in practice? Do we have a sense of what stakeholder views might be?

I also note that I've been told this paper is going to Cabinet on Monday – not CBC as we were originally advised. We could also suggest a delay if we think that further analysis of the impact of these changes is required?

Harry

---

**From:** Emma Hill <[ehill@doc.govt.nz](mailto:ehill@doc.govt.nz)>

**Sent:** Thursday, September 26, 2024 1:58 PM

**To:** Ruth Isaac <[risaac@doc.govt.nz](mailto:risaac@doc.govt.nz)>; Harry Evans s 9(2)(a)

**Cc:** Rebecca Worthington <[rworthington@doc.govt.nz](mailto:rworthington@doc.govt.nz)>

**Subject:** Cab paper - Hauraki

Kia ora Harry and Ruth,

Please see attached the Cabinet paper with tracked changes that include information on the Ring-net fishing.

Further – I received a call from Harry about a couple of matters related to the Treaty clause:

- One was the reference to collaborative development of biodiversity objectives in the signposting provisions (para 22(f)). I have removed this to avoid confusion as this paper seeks decisions that will change that clause.
- The other matter raised was the reference to “whānau, hapū, and iwi” in the signposted provisions (in para 22). The Minister suggested wanting to remove the reference to ‘whānau’ and potentially ‘hapū’ as this creates a high bar for consultation. However, this text reflects what is in the Bill so it is not appropriate to only change in the Cabinet paper – if he wants to change this language it should be an amendment to the language in the Bill.

Background on use of ‘whānau, hapū, iwi’ in the Bill.

- The Fisheries Act refers to tangata whenua with the definition being hapū, or iwi that holds mana whenua
- The Marine and Coastal Area (Takutai Moana) Act refers to iwi, hapū, or whānau that exercise kaitiakitanga in an area
- Te Arawhiti advice to DOC was that because the Bill discusses the protection of customary practices, that the definition should align with the Takutai Moana Act. This is why the Bill includes consideration down to the whānau level.
- In practice – engaging to the whānau or hapū level can be challenging. There will be a reliance on engaging with representative bodies (e.g., iwi, PSGEs, and MIOs) to achieve this.

Happy to discuss,

Emma

**Emma Hill** (she/her)

Senior Policy Advisor – Marine | Kaitohutohu Kaupapa Mahere

Whare Kaupapa Atawhai – Conservation house

18 – 32 Manners Street | Wellington | 6011

Phone: s 9(2)(a)

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