



21 February 2025

[REDACTED]

[REDACTED]

Tēnā koe [REDACTED]

Thank you for your request, dated 10 January 2025, to the Department of Conservation.

Original request

You asked:

“..any cases where persons have been caught fishing/collecting seafood in prohibited locations; I request statistical information. Of the number of people caught collecting seafood/fish in prohibited areas, what percentage were taken to court or fined? Of those that were not, I request the reason for each and every event. This extends to freshwater too.

In the event that you feel that this OIA is served by a different department, I request DOC forward it to the most appropriate with me in copy”

Clarified and refined request

On 25 January 2025, in response to an emailed request from us, you clarified and refined your request to:

“..any cases where persons have been caught fishing/collecting seafood in specific protected areas and reserves; I request statistical information since July 2020. Of the number of people caught collecting seafood/fish in such areas, what percentage were taken to court or fined? Of those that were not taken to court or fined, I request the reason for each and every event. This extends to freshwater too.”

We have considered your request under the Official Information Act 1982 (OIA).

Fishing and collecting seafood

As advised in our earlier email, the Government is intending to reform marine protected area policy and legislation (see [Marine protected areas](#)).

For the moment, specific protected areas include marine reserves (Marine Reserves Act 1971), marine protected areas (Marine Protected Areas Policy and Implementation Plan), Fisheries Act closure and restricted areas (Fisheries Act 1996 and regulations), customary management areas (such as mātaihai reserves), and cable protection zones.

Most waters in New Zealand are in the public domain. Many are easily accessed via public right of way and marginal strips. Others can usually be visited through landowner permission.

With respect to freshwater, each region has its own set of regulations which are enforced alongside the broader national regulations – including seasons, catch limits, licensing laws and fishing methods.

You do not need a licence to fish in the sea or collect seafood/shellfish around New Zealand. However, you do need a licence for freshwater fishing (in lakes and rivers).

The responsibility for monitoring and enforcing the protection of water areas falls on a number of organisations/agencies. For fisheries (including seafood/shellfish), this involves the Department, Fish & Game NZ (Councils), and Ministry for Primary Industries (MPI) (Fisheries NZ).

Department's monitoring

The Department is responsible for New Zealand's marine reserves and marine protected and threatened species (see [Marine: Habitats and Species](#)).

An established network of rangers cover marine reserves adjacent to the New Zealand mainland. These roles are a mixture of scientific monitoring, compliance patrols, and working with local communities to engage them with their marine reserves.

Mātauranga (Māori knowledge) is woven throughout the monitoring plans. This is unique for every whānau, hapū and iwi who connect to a marine reserve and involvement ranges from managing and implementing the monitoring plans themselves to staying informed about the monitoring and results.

Partners of the marine monitoring framework include the New Zealand Ocean Acidification Observing Network, Litter Intelligence by Sustainable Coastlines, iNaturalist, Wildlife.ai and Zooniverse.

The public's observations and reporting also assist the Department and other organisations/agencies to identify those individuals or groups who are failing to comply with measures put in place to protect the environment, species, and the waters of New Zealand.

Department's approach to compliance and enforcement

The Department has responsibilities under many laws to protect and preserve New Zealand's unique species, environment, and heritage. It encourages and promotes compliance; while also raising an awareness that illegal take, use, or damage relating to New Zealand's forests, waters and species is not acceptable.

The Department will take enforcement action to hold people who break the law to account and to deter others from offending. Options available include issuing warning letters, infringement fines, and taking prosecutions in the Courts (that may also lead to forfeiture of property on conviction).

The circumstances of each offence and offender are considered in order to ensure a reasonable decision. Decision-making responsibilities are allocated to specific positions in the Department with the necessary expertise and seniority. This ensures decisions are robust, impartial, and transparent. It also recognises seriousness of the offending and the consequences of enforcement on alleged offenders (for example, a criminal record).

Warranted officers (warranted rangers and compliance officers) make decisions to issue warning letters and infringement fines. They can also recommend prosecutions. These staff are specially trained and warranted to undertake enforcement work under the Conservation Act 1987. Members of senior staff, with legal advice, make decisions to prosecute. The Department's legal team lead the prosecution process.

I note any Department staff member, who is out in the field (so to speak), may enquire as to whether an individual or group they come across on public conservation land holds the necessary permits and the like for whatever activity may be intended in the area in which the individual or group is found.

The Department does on occasion join with other government-appointed organisations and agencies to undertake monitoring, investigatory work, or enforcement action. It is desirable for all involved to ensure the right level of presence is maintained to encourage compliance.

Requested statistical information

Turning now to the statistical information in which you have a specific interest. The data below includes a date range, for the breaches/offending, of between 21 May 2020 to 14 January 2025.

Marine Reserves

Under the Marine Reserves Act 1971, there have been 765 compliance events/incidents logged into the Department's Compliance and Law Enforcement database since mid-2020.

Of the 765 logged events/incidents, 591 breaches/offences could be determined. Out of those determined:

- 11 had advocacy/education provided,
- 137 were issued formal warnings,
- 396 were issued with infringement notices,
- 14 were recommended for prosecution (of which 12 were successfully prosecuted), and
- 31 events/incidents were closed without further investigation.

These breaches/offences involved 557 individual people.

By "determined", we mean events/incidents in which the individuals involved were "caught in the act" or acknowledged having committed a breach or an offence within a protected marine area and there was evidence to support a breach or an offence having been committed on one or more occasions.

Please note that breaches or offences include more than just fishing or taking seafood/shellfish from marine reserves. Offences include damaging the foreshore, seabed, and/or a natural feature of the marine reserve, or throwing rubbish into a marine reserve.

National Parks

The Department's Compliance and Law Enforcement system also identified two incidents, during the period applicable to your request, where persons were reported fishing in a National Park. Both related to footage taken from social media.

We note it is extremely difficult to prove breaches or offending in these types of circumstances without an admission - as we do not always know when the footage was actually taken (as opposed to the time of uploading) and proving the location is within a protected area can prove problematic.

This means the Department's approach to the noted incidents below may seem more circumspect than if a stronger case could have been made out:

- On 28 October 2022, there was a report of travellers apparently filming themselves within the Fiordland National Park. During that journey, some footage showed them fishing. When approached by the Department's staff, it became clear they were unaware of the restrictions in place for some of the areas they had travelled through. Consequently, they received an education/advocacy letter.
- On 13 October 2024, a social media post showed a group of men on a camping trip in the southern South Island. This post included some footage of them taking eels. When the Department's staff spoke to them, they stated the eels were not taken from within the National Park. Again, this incident was closed by way of education.

Limits to accessibility of information

Your request also seeks the reason or reasons for not fining or prosecuting each and every logged event/incident. As noted above, the action the Department takes depends on the circumstances of the case, and the attitude and responsiveness of the individuals involved.

Determining the reason or reasons for the approach taken for each and every logged event/incident over the years is not a form of data specifically identified and collated in an easily accessible format by the Department.

To illustrate, for each of the logged events/incidents, there is a record generated and held. In determining a course of action, often more than one staff member will be involved in the decision process. To establish the reason or reasons for the approach taken would require the review of a number of pieces of relevant documentation associated with each record.

Collating the data for this part of your request, for the noted time frame, would therefore require a substantial commitment of staff time and resource, in order to complete the necessary review and assessment of relevant documents. It would also take at least one member of the enforcement team away from their normal duties that include assigning

logged events/incidents for review and investigation, ensuring infringements are issued, arranging payment plans and so forth.

Consequently, I refuse to provide the information sought by this part of your request, per section 18(f) of the OIA, on the grounds of the substantial research and collation that would be involved. I have borne in mind section 18B of the OIA but concluded that use of this provision would not assist in this case.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) may be published on the Department's website.

If you would like to discuss this response with us around the reporting numbers, please contact Graeme Scott, Team Lead Investigation by email to grscott@doc.govt.nz.

Nāku noa, nā



Anita Murrell
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Department of Conservation | *Te Papa Atawhai*