

Briefing: Hauraki Gulf / Tīkapa Moana Marine Protection Bill – Cabinet paper for submitting regulations

To	Minister of Conservation and Minister for Oceans and Fisheries	Date submitted	29 April 2025
Action sought	Approval of Cabinet paper on regulations for the Hauraki Gulf / Tīkapa Moana Marine Protection Bill	Priority	High
Reference	25-B-0174 B25-0250	DocCM	DOC-10268023
Security Level	In Confidence		

Risk Assessment	Low The regulations give effect to Cabinet decisions. Failure to agree these within timeframes will delay operationalisation of aspects the Hauraki Gulf / Tīkapa Moana Marine Protection Bill.	Timeframe	07 May 2025 Decisions later than this date may delay implementation of regulations.
Attachments	Attachment A – Cabinet paper: Hauraki Gulf / Tīkapa Moana – Authorisation to submit regulations Attachment B – Draft Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations Attachment C – Draft Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025		

Contacts	
Name and position	Phone
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Ministry for Primary Industries: Emma Taylor, Director Fisheries
Management, Fisheries New Zealand

9(2)(a)

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. On 10 April 2025, the Cabinet Legislation Committee (the Committee) invited the Minister of Conservation to return to the Committee for authorisation to submit the following regulations under the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) to the Executive Council following commencement of the Bill:
 - *Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations* (ring net fishing regulations) (Attachment B)
 - *Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025* (infringement offences regulations) (Attachment C)
2. The Committee also agreed that the recommendation for ring net fishing regulations must be joint between the Minister of Conservation and Minister for Oceans and Fisheries.
3. The Cabinet paper seeking authorisation to submit the regulations is included in Attachment A for your approval. It is desirable that the regulations are in place as soon as practicable following commencement of the Bill.
4. We recommend that a waiver of the '28-day rule' is sought for the ring net fishing regulations. The intention of the regulations is to provide for some ring net fishing to be uninterrupted by the commencement of the Bill. A waiver would enable the regulations to be in force once gazetted, rather than following a 28-day stand down period.
5. We recommend that the Cabinet paper is lodged as soon as possible following the Third Reading of the Bill to minimise the time between when the Bill is enacted and when the regulations are in force.

We recommend that you ... (Ngā tohutohu)

		Decision
a)	Approve the Cabinet paper in Attachment A	<input checked="" type="radio"/> Yes / No
b)	Agree to seek a waiver to the 28-day rule to enable the ring net fishing regulations to come into force upon gazettal	<input checked="" type="radio"/> Yes / No
c)	Agree that Ministerial consultation is not required for this Cabinet paper as the contents have previously been considered by Ministers	<input checked="" type="radio"/> Yes / No
d)	Agree to lodge the Cabinet paper as soon as possible following the Third Reading of the Hauraki Gulf / Tīkapa Moana Marine Protection Bill	<input checked="" type="radio"/> Yes / No

9(2)(a)

Date: 28/4/25

Ewan Delany
Acting DDG Policy and Regulatory
Services, Department of Conservation

9(2)(a)

Date: 20/05/2025

Hon Tama Potaka
Minister of Conservation

Emma Taylor
Director Fisheries Management, Fisheries
New Zealand

Hon Shane Jones
Minister for Oceans and Fisheries

Purpose – Te aronga

1. To:
 - provide you with the draft Cabinet paper seeking authorisation for regulations to be submitted to the Executive Council (Attachment A) and the *Hauraki Gulf / Tikapa Moana Marine Protection (Ring Net Fishing) Regulations* (ring net fishing regulations) (Attachment B); and
 - seek your agreement to request a waiver to the '28-day rule' for the ring net fishing regulations.

Minister of Conservation only

2. To provide you with the *Hauraki Gulf / Tikapa Moana Marine Protection (Infringement Offences) Regulations 2025* (infringement offences regulations) (Attachment C).

Background and context – Te horopaki

3. On 10 April 2025, the Cabinet Legislation Committee (the Committee) authorised Amendment papers for the Hauraki Gulf / Tikapa Moana Marine Protection Bill (the Bill) to be submitted to the Clerk of the House for consideration at the Committee of the Whole House [LEG-25-MIN-0059 refers].
4. The Committee invited the Minister of Conservation to return to seek authorisation to submit the final regulations to the Executive Council once commencement of the Bill was confirmed [LEG-25-MIN-0059 refers].
5. The Committee of the Whole House stage and the Third Reading of the Bill are expected to be completed between 6-8 May 2025, with commencement of the Bill approximately 7-10 working days later. Regulations are intended to be in place shortly following commencement of the Bill.
6. A Cabinet paper seeking authorisation for regulations to be submitted to the Executive Council is included in Attachment A.
7. On 10 April 2025 the Cabinet Legislation Committee agreed that the recommendation for ring net fishing regulations be joint between the Minister of Conservation and Minister for Oceans and Fisheries. The recommendation for the infringement offences regulations is made by the Minister of Conservation only. The Cabinet paper has been drafted accordingly (Attachment A).

Ring net fishing regulations

8. The Amendment Paper to be considered at the Committee of the Whole House stage includes a provision for limited ring net fishing in two high protection areas that are being established under the Bill [LEG-25-MIN-0059 refers].
9. Regulations have been developed to outline conditions on ring net fishing in these high protection areas such as:
 - when fishing can occur, i.e. between 1 March and 31 August,
 - what species can be targeted, i.e. trevally, grey mullet and kahawai,

- that each fisher can only operate one vessel at a time, and it must be six metres or less in length, and
 - that fishers must remain in the vicinity of the ring net when it is operating.
10. Ring net fishing cannot occur in these high protection areas until these regulations are in place.
 11. Two minor changes have been made to the regulations since they were considered by the Cabinet Legislation Committee:
 - to include the Minister for Oceans and Fisheries as recommending the regulations alongside the Minister of Conservation, and
 - fixing of an error that incorrectly limited catch to the target species, thereby providing for no by-catch, which is not practicable and did not reflect policy decisions.

Waiver of the '28-day rule'

12. Generally, regulations must not come into force until at least 28 days after they have been notified in the Gazette. This provides for the law to be available and understood before it comes into force.
13. The Cabinet Legislation Committee can agree to a waiver of the '28-day rule' on grounds that a waiver will have little or no effect on the public or will confer only benefits on the public.
14. We recommend seeking a waiver to the rule from Cabinet as the ring net fishing regulations will only affect five members of the public and the effect on those people is beneficial. Further, waiver of the rule would provide for ring net fishers to operate within the two identified high protection areas shortly following commencement of the Bill, rather than having an approximate 4-5 week stand down period until regulations are enacted. This supports the intention of the ring net fishing provision and regulations that certain ring net fishing is not interrupted by the commencement of the Bill.
15. The draft Cabinet paper (Attachment A) has been written as if you have agreed to seek this waiver.
16. Note that due to the process for establishing regulations and the uncertainty for how long Royal Assent will take, there may be a few days where the Bill will be enacted and ring net fishers cannot continue to fish (see timeline provided below for more information). This impact is expected to be minimal and officials will work closely with the ring net fishers to ensure they understand the provisions.

Minister of Conservation only: infringement offences regulations

17. It is preferable that the infringement offences regulations are in place shortly following commencement of the Bill as they are an important part of the regulatory system and deter low-level offending. No substantive changes have been made to the regulations since they were considered by Cabinet, only editing improvements.
18. We do not consider that an exemption to the '28-day rule' is necessary as the compliance focus for the first weeks following commencement of the Bill will be an 'education first' approach.

Risk assessment – Aronga tūraru

19. Delays to the implementation of the ring net fishing regulations would increase the time that the identified ring net fishers are unable to carry out ring net fishing in the two identified high protection areas.

20. Delays to the implementation of the infringement regulations would delay the time until enforcement staff can use infringement offences as a tool to deter low-level offending.

Consultation – Kōrero whakawhiti

21. These regulations have been considered by agencies and Ministers through consultation on a previous Cabinet paper for the Bill's Amendment Paper (25-B-0051 refers).
22. We consider that further consultation for this Cabinet paper is not necessary. No additional agency consultation was carried out and we recommend that you do not carry out additional Ministerial consultation.

Financial implications – Te hiraunga pūtea

23. There are no financial implications arising from this Cabinet paper.

Legal implications – Te hiraunga a ture

24. If authorised by Cabinet, regulations will be submitted to the Executive Council to be gazetted.

Next steps – Ngā tāwhaitanga

25. The draft Cabinet paper will be updated according to any feedback received from you.
26. We recommend that the Cabinet paper is lodged for consideration by the Cabinet Legislation Committee as soon as possible following the Third Reading of the Bill.
27. The earliest the Cabinet paper could be lodged is 8 May. Scenario 1 in the timeline below outlines the steps if the Parliamentary processes for the Bill are completed by 7 May.
28. Scenario 2 in the timeline below outlines the steps if the Parliamentary processes for the Bill are completed after 7 May and before 14 May. Any delays beyond 14 May for completion of the third reading will push these timeframes out further.

Step	Step	Scenario 1	Scenario 2
Bill	Committee of the Whole House and third reading completed	7 May	14 May
Bill	Bill enacted	16-21 May	23-28 May
Regulations	Cabinet paper lodged	8 May	15 May
Regulations	LEG consider paper	15 May	22 May
Regulations	Cabinet consider paper	19 May	26 May
Regulations	Regulations submitted to Executive Council	21 May	28 May
Regulations	Ring net fishing regulations in place	22 May	29 May
Regulations	Infringement offences regulations in place	18 June	25 June

ENDS

Attachment A – Cabinet Paper

In Confidence

Office of the Minister of Conservation

Office of the Minister for Oceans and Fisheries

Chair, Cabinet Legislation Committee

**The Hauraki Gulf / Tīkapa Moana Marine Protection Bill:
Authorisation to submit regulations**

Proposal

- 1 We propose that the *Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations* under the Hauraki Gulf / Tīkapa Moana Marine Protection Bill be approved for submission to the Executive Council.
- 2 The Minister of Conservation proposes that the *Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025* under the Hauraki Gulf / Tīkapa Moana Marine Protection Bill be approved for submission to the Executive Council.

Executive Summary

- 3 The Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) has passed its Third Reading and will be in force the day after Royal Assent.
- 4 On 10 April 2025, the Cabinet Legislation Committee invited the Minister of Conservation to return to the Cabinet Legislation Committee for authorisation to submit regulations to the Executive Council once commencement of the Bill was confirmed [LEG-25-MIN-0059 refers].
- 5 The regulations that are required to be in place following the commencement of the Bill are:
 - 5.1 *Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations* (ring net fishing regulations); and
 - 5.2 *Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025* (infringement offences regulations).
- 6 The ring net fishing regulations set out the conditions for ring net fishing in high protection areas established under the Bill. The infringement offences regulations are an important part of the enforcement approach for the Bill, deterring low-level offending in protection areas.
- 7 We recommend a waiver of the '28-day rule' for the ring net fishing regulations as the effect of the regulations is limited to five fishers and the effect on them is beneficial. Further, the purpose of the ring net fishing provision and regulations is for certain ring net fishing activities to be uninterrupted by the commencement of the Bill. Application of the '28-day rule' will conflict with this policy intent.

IN CONFIDENCE

Policy

- 8 The Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill) has passed its Third Reading and will be in force the day after Royal Assent.
- 9 The Bill will create new marine protection areas that can help to reverse the decline in the health and mauri of the Hauraki Gulf / Tīkapa Moana [CAB-22-MIN-0599.02 refers]. The Bill will increase marine protection in the Gulf from 6.7%¹ to around 18%.
- 10 On 10 April 2025, the Cabinet Legislation Committee received near-final versions of ring net fishing and infringement offences regulations. The Cabinet Legislation Committee invited the Minister of Conservation to return to the Cabinet Legislation Committee for authorisation for regulations to be submitted to the Executive Council once commencement of the Bill was confirmed [LEG-25-MIN-0059 refers].
- 11 The Cabinet Legislation Committee agreed that the recommendation for ring net fishing regulations would be made by both the Minister of Conservation and the Minister for Oceans and Fisheries.
- 12 No further policy decisions are sought for these regulations.

Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations (ring net fishing regulations)

- 13 The Bill includes an empowering provision for ring net fishing and sets parameters under which it may occur. Further conditions for ring net fishing are included in these regulations:
- 13.1 each fisher can only operate one fishing vessel at any one time;
 - 13.2 the fishing vessel must be six metres or less in length; and
 - 13.3 the fisher must stay in the vicinity of the ring net while it is in operation.
- 14 The Bill provides that the recommendation for ring net fishing regulations must be made by the Minister of Conservation and the Minister for Oceans and Fisheries.

Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025 (infringement offences regulations)

- 15 In 2023, Cabinet authorised the development of infringement regulations [LEG-23-MIN-0151 refers]. The regulations are necessary for the operationalisation of the Bill as infringement offences are an important component of the regulatory system and deter low-level offending in protection areas.
- 16 The Bill provides that the recommendation of infringement offences regulations be made by the Minister of Conservation only.

¹ Existing marine protection in the Gulf consists of 0.3% in marine reserves and 6.4% in cable protection zones.

Timing and the '28-day rule'

Ring net fishing regulations

- 17 We recommend the '28-day rule' is waived for the ring net fishing regulations on the grounds that the regulations will only affect five people and the effect on them is beneficial as it provides for these fishers to continue ring net fishing in two high protection areas. Officials are working closely with these fishers to ensure they understand the conditions of ring net fishing under the Bill.
- 18 If the '28-day rule' is not waived, the identified ring net fishers will be 'locked out' of fishing in the designated areas for approximately five weeks following commencement of the Bill. This undermines the intent of the provision for ring net fishing which is to eliminate disruption to certain fishing activities by the commencement of the Bill.

Infringement offences regulations

- 19 A waiver of the '28-day rule' is not sought for the infringement offences regulations. The compliance focus for the first weeks following commencement of the Bill will be an 'education first' approach so the ability to issue infringement offence penalties is not required within the first 28 days.

Compliance

- 20 The regulations comply with the following:
- 20.1 the principles of the Treaty of Waitangi;
 - 20.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 20.3 the principles and guidelines set out in the Privacy Act 2020;
 - 20.4 relevant international standards and obligations;
 - 20.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

- 21 There are no grounds for the Regulations Review Committee to draw the disallowable instrument or regulations to the attention of the House of Representatives as a Standing Order requirement.

Certification by Parliamentary Counsel

- 22 The draft regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

Ring net fishing regulations

- 23 No Regulatory Impact Statement was prepared for the ring net fishing regulations as the regulations directly give effect to policy decisions made by Cabinet [CAB-24-MIN-0386 refers].

Infringement regulations

- 24 A Regulatory Impact Statement was prepared in accordance with Cabinet requirements for the development of infringement regulations. This was submitted to Cabinet in August 2023 [LEG-23-MIN-0151 refers].

Publicity

Ring net fishing regulations

- 25 As these regulations only apply to five identified fishers, no steps will be taken to publicise these regulations. Officials will work closely with the five affected fishers to ensure they understand the regulations.

Infringement regulations

- 26 Compliance activities in the first months following commencement of the Bill are focussed on an 'education first' approach. This will include informing the public of the infringement offence regulations.

Proactive release

- 27 I intend to proactively release this Cabinet paper within 30 business days of decisions being confirmed by Cabinet, subject to redaction as appropriate under the Official Information Act 1982.

Consultation

- 28 Consultation was not carried out on this Cabinet paper as consultation was carried out on the near-final versions of the regulations [LEG-25-MIN-0059 refers]:

Recommendations

We recommend that the Cabinet Legislation Committee:

- 1 note that in September 2024 Cabinet authorised the Minister of Conservation and Minister for Oceans and Fisheries to make policy decisions necessary for the Bill in line with decisions in the paper [CAB-24-MIN-0386 refers] and that this resulted in decisions that certain conditions for ring net fishing would be provided for in regulations;
- 2 note that the Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations will give effect to the decision referred to in paragraph 1 above;

IN CONFIDENCE

- 3 note that a waiver of the '28-day rule' is sought:
- 3.1 so that the regulations can come into force as soon as possible;
 - 3.2 on the grounds that the regulations benefit five members of the public and this aligns with the policy intent to not disrupt certain ring net fishing practices;
- 4 agree to waive the '28-day rule' so that the ring net fishing regulations can come into force on 22 May 2025 [placeholder date]; and
- 5 authorise the submission to the Executive Council of the Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations;

The Minister of Conservation recommends the Cabinet Legislation Committee:

- 6 note that in 2023 the Cabinet Legislation Committee agreed to the development of infringement regulations [LEG-23-MIN-0151 refers];
- 7 note that the Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025 will give effect to the decision referred to in paragraph 6 above;
- 8 authorise the submission to the Executive Council of the Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025; and
- 9 note that the Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025 come into force on 18 June 2025 [placeholder date].

Authorised for lodgement

Hon Tama Potaka

Minister of Conservation

Hon Shane Jones

Minister for Oceans and Fisheries

IN CONFIDENCE

Attachment B – Draft Hauraki Gulf / Tikapa Moana Marine Protection (Ring Net Fishing) Regulations

Hauraki Gulf / Tīkapa Moana Marine Protection (Ring Net Fishing) Regulations

Governor-General

Order in Council

At Wellington this day of 2025

Present:
in Council

These regulations are made under section 67 of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2023—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Conservation and the Minister for Oceans and Fisheries.

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Regulations

1 Title

These regulations are the Hauraki Gulf / Tikapa Moana Marine Protection (Ring Net Fishing) Regulations 2025.

2 Commencement

These regulations come into force on [date].

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Hauraki Gulf / Tikapa Moana Marine Protection Act **2023**.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Restrictions and conditions apply to authorised persons

The restrictions and conditions set out in regulations 6 to 8 apply to persons authorised to undertake ring net fishing in accordance with section 19A of the Act.

6 Period when ring net fishing may be undertaken

An authorised person undertaking ring net fishing may do so only in the period starting on 1 March and ending on 31 August of each year.

7 Species of fish that may be targeted

An authorised person undertaking ring net fishing may target the following species of fish only:

- (a) kahawai:
- (b) grey mullet:
- (c) trevally.

8 Other restrictions and conditions that apply

An authorised person undertaking ring net fishing—

- (a) may use only 1 fishing vessel at any one time; and
- (b) must not use a fishing vessel that exceeds 6 metres in total length; and
- (c) must remain within the vicinity of the ring net while it is in operation; and
- (d) must ensure that the Director-General's written authorisation given under section 19A of the Act is—
 - (i) kept on board the fishing vessel; and

- (ii) maintained in a legible condition; and
- (iii) produced for inspection immediately on the request of a ranger.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations prescribe the restrictions and conditions that apply to persons authorised to undertake ring net fishing under section 19A of the Hauraki Gulf / Tikapa Moana Marine Protection Act **2023**.

Regulation 6 provides that an authorised person undertaking ring net fishing may do so only in the period starting on 1 March and ending on 31 August of each year.

Regulation 7 provides that an authorised person undertaking ring net fishing may target only kahawai, grey mullet, and trevally species of fish.

Regulation 8 provides for other restrictions and conditions that apply.

These regulations come into force on *[date]*.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the Department of Conservation.

Attachment C – Draft Hauraki Gulf / Tikapa Moana Marine Protection (Infringement Offences) Regulations 2025

PCO 27030/3.0

Drafted by Madeline McDonald

IN CONFIDENCE

Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025

Governor-General

Order in Council

At Wellington this day of 2025

Present:
in Council

These regulations are made under section 65 of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Conservation.

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6

Regulations

1 Title

These regulations are the Hauraki Gulf / Tīkapa Moana Marine Protection (Infringement Offences) Regulations 2025.

2 Commencement

These regulations come into force on [date].

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Descriptions in Schedule 2 are indications only

The descriptions in the second column of Schedule 2 are an indication of the content of the provisions they describe and are not intended to be used in the interpretation of those provisions.

6 Penalties for infringement offences

The penalties for an infringement offence under the Act are the penalties specified for that infringement offence in the third and fourth columns of Schedule 2.

7 Infringement notice and reminder notice

- (1) An infringement notice issued under section 51 of the Act must be in form 1 of **Schedule 3**.
- (2) A reminder notice issued under section 56 of the Act must be in form 2 of **Schedule 3**.

**Hauraki Gulf / Tikapa Moana Marine Protection
(Infringement Offences) Regulations 2025**

Schedule 1

**Schedule 1
Transitional, savings, and related provisions**

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**Part 1
Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2
**Hauraki Gulf / Tikapa Moana Marine Protection
(Infringement Offences) Regulations 2025**

Schedule 2
**Penalties for infringement offences under the Hauraki Gulf / Tikapa
Moana Marine Protection Act 2025**

Section of Act	Description of offence	Infringement fee (\$)	Maximum fine (\$)
	<i>Infringement offences relating to activities prohibited in seafloor protection areas</i>		
14(2)(a), 47(1)(a)	Aquaculture activities	800	1,600
14(2)(b), 47(1)(a)	Dumping, depositing, or discharging, directly or indirectly, in or into a seafloor protection area waste or other matter that is likely to have a more than minor adverse effect on aquatic life	600	1,200
14(2)(c), 47(1)(a)	Dredging	800	1,600
14(2)(d), 47(1)(a)	Trawling that makes contact with the seabed	1,000	2,000
14(2)(e), 47(1)(a)	Danish seining	1,000	2,000
14(2)(f), 47(1)(a)	Sand extraction	600	1,200
14(2)(g), 47(1)(a)	Mining activity	1,000	2,000
	<i>Infringement offences relating to additional activities prohibited in Mokohinau Islands Seafloor Protection Area</i>		
15(1A)(a), 47(1)(a)	Set netting	600	1,200
15(1A)(b), 47(1)(a)	Potting that occurs within the area comprising Area A on Survey Plan 604785, shown as the area with diagonal lines on the indicative map of the Mokohinau Islands Seafloor Protection Area in Schedule 3 of the Act	600	1,200
15(1A)(c), 47(1)(a)	Bottom longlining that occurs within the area comprising Area A on Survey Plan 604785, shown as the area with diagonal lines on the indicative map of the Mokohinau Islands Seafloor Protection Area in Schedule 3 of the Act	600	1,200
	<i>Infringement offences relating to activities prohibited in high protection areas</i>		
18(2)(a), 47(1)(b)	Fishing	600	1,200
18(2)(b), 47(1)(b)	Aquaculture activities	800	1,600
18(2)(c), 47(1)(b)	Removing sand, shingle, non-living shell, or other non-living natural material (within the meaning of section 20(3) of the Act)	600	1,200
18(2)(d), 47(1)(b)	Dumping, depositing, or discharging, directly or indirectly, in or into a high protection area waste or	600	1,200

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**Hauraki Gulf / Tikapa Moana Marine Protection
(Infringement Offences) Regulations 2025**

Schedule 2

Section of Act	Description of offence	Infringement fee (\$)	Maximum fine (\$)
	<i>Infringement offences relating to activities prohibited in seafloor protection areas</i>		
	other matter that is likely to have a more than minor adverse effect on aquatic life		
18(2)(e), 47(1)(b)	Introducing any living organism	600	1,200
18(2)(f), 47(1)(b)	Constructing, altering, extending, removing, or demolishing a structure (including a ship)	600	1,200
18(2)(g), 47(1)(b)	Causing vibrations (other than vibrations caused by the propulsion of a ship) in or into a high protection area, in a manner that is likely to have a more than minor adverse effect on aquatic life	1,000	2,000
18(2)(h), 47(1)(b)	Disturbing aquatic life, habitats, or the water column (including by excavating, drilling, tunnelling, or dredging) in a manner that is likely to have a more than minor adverse effect on aquatic life	1,000	2,000
18(2)(i), 47(1)(b)	Destroying or damaging the seabed and subsoil in a manner that is likely to have an adverse effect on the seabed and subsoil	1,000	2,000
18(2)(j), 47(1)(b)	Landing an aircraft	400	800
18(2)(k), 47(1)(b)	Causing an explosion	1,000	2,000
18(2)(l), 47(1)(b)	Mining activity	1,000	2,000
	<i>Other infringement offences</i>		
14, 15, 18, 47(1)(c)	Use, dispose of, or be in possession of any fish, aquatic life, seaweed, or natural material that has been removed from a protected area in contravention of section 14, 15, or 18 of the Act	600	1,200

Schedule 3
Infringement notice and reminder notice

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Form 1
Infringement notice

Section 51, Hauraki Gulf / Tikapa Moana Marine Protection Act 2025

Infringement notice No:

Date of notice:

Enforcement authority

This infringement notice is issued by [*enforcement officer, enforcement authority, or other person authorised to issue an infringement notice*].

Address for correspondence:

Details of person infringement notice issued to

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Not required if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Service details

This infringement notice was served by [*method of service*] on [*date*].

Payment of infringement fee

The infringement fee is payable within 28 days after [*date infringement notice served*].

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 4 to 6):
- what to do if you want to query this notice (*see* paragraphs 8 to 14).

Statement of rights

If there is anything in these notes you do not understand, you should consult a lawyer.

- 1 This notice sets out an alleged infringement offence.

Payments

- 2 If you pay the infringement fee in full as shown above in **Payment of infringement fee**, no further enforcement action will be taken for the offence. Please note that, unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.
- 3 If [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
 - (a) the time to pay will be agreed with the enforcement authority:
 - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment:
 - (c) you can't request a court hearing about the infringement offence (*see* paragraph 13).

What happens if you do not pay on time

- 4 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 8 for your ability to do this), you will be served with a reminder notice (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
 - (a) [*name of enforcement authority*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.

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- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 7 You have a complete defence against proceedings for the alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 8 You may—
- (a) ask [*name of enforcement authority*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.
- 9 To take an action listed in paragraph 8, you must write to [*name of enforcement authority*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.
- 10 If, in your written communication to the enforcement authority referred to in paragraph 9, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 11 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.

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- 12 If you take the action in paragraph 11, [*name of enforcement authority*] will file your written communication with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 13 If [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 10 to 12 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 14 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

- 15 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Form 2
Reminder notice

Section 56, Hauraki Gulf / Tikapa Moana Marine Protection Act 2025

Reminder notice No:

Date of notice:

This notice is to remind you that you have been issued with an infringement notice.
The details of the infringement notice are as follows:

Enforcement authority

The infringement notice was issued by [*enforcement officer, enforcement authority, or other person authorised to issue an infringement notice*].

Address for correspondence:

Details of person infringement notice issued to

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Not required if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

Service details

(To be provided for filing in court)

The infringement notice was served by [*method of service*] on [*date*].

This reminder notice was served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee was payable to [*name of enforcement authority*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 3 and 4):
- what to do if you want to query this notice (*see* paragraphs 6 to 12).

Statement of rights

If there is anything in these notes you do not understand, you should consult a lawyer.

- 1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Payments

- 2 If you pay the infringement fee in full within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] as shown above in **Payment of infringement fee**.

What happens if you do not pay on time

- 3 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 6 for your ability to do this), you will become liable to pay court costs as well as a fine (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- 4 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 5 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, this reminder notice is served on you. Late payment or payment made in any other manner is not a defence.

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Further action you may take

- 6 You may—
- (a) ask [*name of enforcement authority*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.
- 7 To take an action listed in paragraph 6, you must write to [*name of enforcement authority*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.
- 8 If, in your written communication to the enforcement authority referred to in paragraph 7, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 9 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 10 If you take the action in paragraph 9, [*name of enforcement authority*] will file your written communication with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.
- Note:** The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

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Explanatory note

- 11 If [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 6(b) and (c) and 8 to 10 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 12 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the number of this reminder notice; and
 - (c) your full name and address for replies.
- Note:** All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

- 13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations, which come into force on [*date*],—

- prescribe penalties for infringement offences under the Hauraki Gulf / Tikapa Moana Marine Protection Act 2025 (the Act); and
- prescribe the forms to be used for infringement notices and reminder notices issued under the Act.

Provisions addressing procedural matters related to infringement offences can be found in—

- sections 47 to 56 of the Act; and
- section 21 of the Summary Proceedings Act 1957.

Regulatory impact statement

The Department of Conservation produced a regulatory impact statement on 6 July 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

[A copy of this regulatory impact statement/Copies of these regulatory impact statements] can be found at—

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Explanatory note

- [Insert URL link(s) to the RIS on the agency's/agencies' Internet site(s)]
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the Department of Conservation.