

Supplementary Analysis Report: Amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

Coversheet

| Purpose of Document | |
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| Decision sought/taken: | <i>Analysis produced for the purpose of informing final Cabinet decisions to be included in an Amendment Paper to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill</i> |
| Advising agencies: | <i>Department of Conservation Ministry for Primary Industries</i> |
| Proposing Ministers: | <i>Minister for Conservation</i> |
| Date finalised: | <i>28 February 2025</i> |
| Problem Definition | |
| <p>Cabinet has agreed to pass the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill). The Bill, as drafted, will establish 19 new marine protection areas which will regulate a range of activities, including commercial and customary non-commercial fishing (customary fishing).</p> <p>This Bill may negatively impact on Māori being able to carry out some customary fishing in these protection areas and will negatively impact some commercial fishing businesses.</p> | |
| Executive Summary | |
| <p>This document considers how to address the impact of the Bill on customary fishing and on selected commercial ring-net fishers.</p> <p><i>Customary fishing</i></p> <p>This paper outlines the following policy options:</p> <ul style="list-style-type: none">• Status quo: the Bill as currently drafted i.e.; the Bill can regulate customary fishing to be aligned with biodiversity objectives through regulations;• Option 1: the Bill cannot regulate customary fishing to be aligned with biodiversity objectives through regulations; and• Option 2: the Bill can regulate customary fishing to be aligned with biodiversity objectives through regulations, but only as a 'back-stop' i.e. if there is evidence that additional management activities are necessary to achieve biodiversity outcomes. <p>Cabinet has agreed to progress option 1, i.e. that the Bill cannot regulate customary fishing to be aligned with biodiversity objectives. This achieves the direction from Cabinet to ensure that customary fishing cannot be impacted by the Bill.</p> | |

The Department of Conservation's (DOC's) preferred approach is to progress with the status quo, as we consider this represents an appropriate balance between protecting customary rights and ensuring biodiversity outcomes.

Ring-net fishing

This paper outlines the following policy options:

- Status quo: the bill as currently drafted i.e. ring-net fishing is prohibited in all high protection areas (HPAs)
- Option 1: ring-net fishing is provided for in two HPAs, with a review required at three years
- Option 2: ring-net fishing is provided for in two HPAs, with no review required.

Cabinet has agreed to progress option 1, i.e. limited ring-net fishing is provided for in two HPAs with a review at three years. This achieves the direction from Cabinet to provide for limited ring-net fishing for existing commercial operators.

DOC's preferred approach is to progress with the status quo as this approach best achieves biodiversity outcomes. This option also avoids creating equity issues between the ring-net fishers who would benefit from this change and other recreational and commercial fishers who would no longer be able to fish in any HPAs.

Both the agreed options by Cabinet are implementable within the existing resources allocated within DOC and Fisheries New Zealand to implement this Bill. Compliance activities for customary fishing will be simpler than the status quo given that staff will not need to be aware of additional regulations regulating customary fishing activities. The provision for ring-net fishing may require some additional compliance activities in the areas that the provisions apply. These activities will be managed within existing resources.

Limitations and Constraints on Analysis

The proposals presented in this SAR are constrained by decisions that have already been made by Cabinet.

We have identified the following limitations and constraints:

- **Limited scope** – the scope of options and assessment was constrained given the existing architecture of the Bill. Scope was also limited by direction from Cabinet. Ideally, DOC would have undertaken an analysis looking at the wider scope of options, impacts, benefits and risks.
- **Limited time** – for consideration of the ring-net fishing provision there was insufficient time to carry out a regulatory impact assessment before the decision was put to Cabinet.
- **Lack of baseline data** – the status quo is the Bill as currently drafted. As the Bill has not been implemented, there is a lack of data as to the actual impact these changes will have.
- **Consultation/engagement** – the proposals in this document have not been consulted on with relevant parties. These proposals were considered by the Select Committee, who decided not to progress them.

Responsible Manager(s) (completed by relevant manager)

Angela Bell

Manager, Marine Policy

Department of Conservation

9(2)(a)

18/03/2025

Quality Assurance (completed by QA panel)

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| Reviewing Agency: | Department of Conservation and Ministry for Primary Industries |
| Panel Assessment & Comment: | <p>A quality assurance panel, with members from the Department of Conservation and Ministry for Primary Industries has reviewed the Supplementary Analysis Report (SAR) regarding <i>Amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill</i>. The Panel has determined that the SAR partially meets the quality assurance criteria.</p> <p>The SAR clearly acknowledges that the two proposals are constrained by decisions already made by Cabinet. Given no consultation has occurred on the two proposals and the lack of baseline data, the impacts of the two proposals are uncertain. This deficit places greater onus on the opportunities enabled in the Bill to review these provisions, and on compliance staff to monitor and evaluate potential negative effects on marine biodiversity in these protected areas.</p> |

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. The Hauraki Gulf / Tīkapa Moana / Te Moananui-ā-Toi ('the Gulf') is recognised as a taonga of natural, economic, recreational, and cultural importance. However, State of the Gulf reports over the last twenty years have found the Gulf is in an ongoing state of environmental decline due to pressures from economic, urban, and recreational activities on land and at sea.¹ In the absence of action, the ecological condition of the Gulf will continue to worsen, with adverse impacts on the wellbeing of those who work, live, and recreate there.
2. In response to the declining health and mauri of the Gulf, an independent stakeholder working group developed the *Sea Change – Tai Timu Tai Pari – Hauraki Gulf Marine Spatial Plan (the Sea Change Plan)*. This is a non-statutory plan with over 180

¹ Every three years, the Hauraki Gulf Forum produces a report on the state of the Hauraki Gulf environment. The reports can be found at <https://gulfjournal.org.nz/state-of-the-gulf/>.

recommendations for a wide range of actions. The Government responded to this call for action with *Revitalising the Gulf: Government Action on the Sea Change Plan (Revitalising the Gulf)* in 2021.

3. The Bill is an outcome from *Revitalising the Gulf*. It will create new marine protected areas that will regulate a range of activities including fishing, discharges and dumping, impact of structures, and damage to the seabed.
4. The Bill will implement 19 new marine protected areas in the Gulf, including:
 - twelve HPAs in which a range of activities including commercial and recreational fishing will be prohibited; to protect and enhance marine habitats and ecosystems while providing for the customary practices of mana whenua
 - five seafloor protection areas (SPAs) in which higher-impact fishing activities (eg bottom trawling and Danish seining) and other activities such as dredging, sand extraction, and mining will be prohibited; to protect sensitive habitats while continuing to allow for activities in the water column
 - two marine reserves adjacent to existing marine reserves: Te Whanganui-o-Hei / Cathedral Cove and Cape Rodney – Okakari Point (Leigh/Goat Island).
5. In August 2023, the Bill was introduced. A Regulatory Impact Assessment was carried out for the policy decisions at this time ([regulatory-impact-statement-redacted.pdf](#)). In June 2024, the Select Committee reported back on the Bill with only minor changes.
6. In the introduced version of the Bill, customary fishing is provided for in HPAs, provided it aligns with regulations developed under the Bill to give effect to biodiversity objectives.²
7. Following Select Committee report back, further amendments to the Bill have been agreed by Cabinet to be progressed through an Amendment Paper to be considered at the Committee of the Whole House stage. This Supplementary Analysis Report discusses these amendments.

What is the policy problem or opportunity?

Customary fishing

8. Customary fishing refers to the framework under the Fisheries Act 1996 that provides for the traditional fishing rights of Māori. Customary fishing gives effect to te Tiriti o Waitangi obligations, in particular the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
9. The Bill will provide for customary fishing in HPAs where commercial and recreational fishing will be prohibited. This gives effect to the purpose of the Bill which includes the acknowledgement of customary rights in HPAs.
10. As currently drafted, customary fishing in HPAs can occur in HPAs only if it complies with:

² The Bill includes a provision to set biodiversity objectives for each HPA through regulations and to regulate activities occurring within HPAs (including customary fishing) as necessary to give effect to the biodiversity objectives.

- regulations that have been co-developed with mana moana³ to give effect to biodiversity objectives established under the Bill; and
 - further regulations on customary fishing made on the recommendation of the Minister of Conservation to give effect to biodiversity objectives established under the Bill.
11. These regulations support biodiversity outcomes by ensuring that any unanticipated impact from customary fishing on the environment can be managed. The Bill requires co-development of regulations with mana moana and for the impact on customary fishing to be to the minimal extent reasonably necessary to give effect to biodiversity objectives.
 12. Some mana moana, including Te Ohu Kaimoana and the Hauraki Māori Trust Board, submitted to the Select Committee stating their opposition to the Bill's ability to regulate customary fishing in HPAs to ensure alignment with biodiversity objectives. Their expressed view was that the Crown should not be able to make regulations that would impact on customary fishing as they consider it breaches their rights guaranteed under te Tiriti o Waitangi, and that this should remain regulated under the Fisheries Act only.
 13. Many submitters on the Bill did not support customary fishing being allowed in HPAs, but those who did support it generally supported this regulation making power being included as they considered it provided a suitable 'back-stop' if customary fishing has unanticipated impacts on biodiversity.
 14. The policy opportunity is to address the opposition raised by some submitters to the Crown being able to regulate customary fishing.
 15. In September 2024, Cabinet agreed to remove the provision in the Bill that allows for customary fishing to be regulated in alignment with biodiversity objectives – in effect meaning customary fishing is only regulated by Fisheries legislation.
 16. DOC's view is that customary fishing in HPAs that is unregulated by the Bill is unlikely to have a significant impact on biodiversity outcomes. However, DOC also considers that the regulation making power for customary fishing (i.e. status quo) represents an appropriate balance between providing for customary rights and guaranteeing biodiversity outcomes in case of unanticipated impacts from customary fishing on biodiversity outcomes.

Ring-net fishing

17. Ring-net fishing is a type of commercial fishing that uses nets with rings at the bottom that can be closed around fish and generally does not touch the seabed.
18. As currently drafted, the Bill prohibits all commercial and recreational fishing in HPAs. The prohibition of commercial and recreational fishing (alongside other selected activities) targets those activities that have the highest impact on marine biodiversity. This best allows for these areas to meet their purpose of protecting and enhancing biodiversity.
19. A ring-net fisher submitted to the Select Committee on the Bill stating that five of the HPAs will negatively impact on their operations. The submitter stated that these HPAs

³ Mana moana are Māori who have historic and territorial rights over the ocean.

would cause ring-net fishers to lose access to their winter fishing grounds and most likely cause their businesses to be unviable. In their submission, they also discuss the minimal environmental impacts of the fishing method and that the fish they catch is sold in markets which supply local Māori and Polynesian communities. The Select Committee did not make any changes to the Bill as a result of this submission.

20. 9(2)(b)(ii) Seafood New Zealand also wrote to the Minister for Oceans and Fisheries requesting a range of changes to the Bill, including to provide for limited ring-net fishing in five HPAs.
21. Submitters to the Select Committee who were supportive of the Bill were supportive of the prohibition of all commercial fishing in HPAs. Some submitters – commercial and recreational fishers and some community groups – sought exemptions to the fishing ban through the Select Committee process, including ring-net fishers.
22. The policy opportunity is to address the impact of commercial fishing prohibitions on existing ring-net fishers.
23. In September 2024, Cabinet agreed that the Bill will include a provision that allows limited ring-net fishing in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area. These two areas were chosen as they have the highest history of ring-net fishing of the HPAs and therefore would have the greatest positive impact on ring-net fishers. Cabinet approved some of the conditions for ring-net fishing and approved the Minister of Conservation to make further policy decisions in consultation with the Minister for Oceans and Fisheries.
24. DOC does not support the provision for ring-net fishing in HPAs as we consider that this will undermine biodiversity objectives and create equity issues. DOC also considers that the ring-net fishers could carry out their activities outside of the two HPAs with very little impact on their overall operations.

What objectives are sought in relation to the policy problem?

25. The objectives sought by the Government are:
 - to allow for customary fishing in HPAs
 - to provide for existing ring-net fishing activities in two HPAs to continue to supply local communities with low-cost fish, in a manner that minimises the impact on biodiversity outcomes of the Bill.

Section 2A: Deciding upon an option to address the policy problem – customary fishing

What scope will options be considered within?

26. The scope of the options presented are determined by decisions from Cabinet that the Bill should not be able to regulate customary fishing [CAB-24-MIN-0386 refers].
27. Given the time frames, limited data were able to be obtained and analysed, and no stakeholder engagement took place on the specific proposals. However, some views could be anticipated from previous submissions to the Select Committee.

What options were considered by Cabinet?

28. Cabinet considered the following options for the provision of customary fishing in the Bill:
 - Status quo (the Bill as currently drafted): the Bill can regulate customary fishing to be aligned with biodiversity objectives through regulations
 - Option 1: the Bill cannot regulate customary fishing to be aligned with biodiversity objectives through regulations (in this case customary fishing can continue as it would in the absence of the Bill)
 - Option 2: the Bill can regulate customary fishing to be aligned with biodiversity objectives through regulations but only as a ‘back-stop’ i.e. if there is evidence that additional management activities are necessary to achieve biodiversity outcomes.

What is the Government’s preferred option, and what impacts will it have?

29. The Government’s preferred option is option 1, i.e. the Bill cannot regulate customary fishing to be aligned with biodiversity objectives through regulations.
30. This will have a positive impact on mana moana as there will be no opportunity for additional regulation of customary fishing in HPAs and customary fishing can continue as it currently does (regulated only by the Fisheries Act).
31. HPAs are a new tool and as such there is no data on the extent to which customary fishing would occur in these areas or the extent to which the potential regulation of customary fishing would impact on mana moana.
32. Existing information on customary fishing is unlikely to be a useful proxy for how much customary fishing will occur in these areas. Mana moana behaviour may change to undertake customary fishing in these areas where previously they fished under recreational fishing regulations which are more permissive.
33. If there is an impact from customary fishing on biodiversity outcomes it is unlikely to be significant due to the constraints on customary fishing under the existing Fisheries Act framework. For example, customary fishing can only be used for customary food gathering (e.g., hui or tangi) and must be authorised by a tangata kaitiaki.⁴

⁴ A tangata kaitiaki is an authorised representative appointed by tangata whenua for a specified area.

34. While there has been no specific engagement on the change to how customary fishing is to be provided for, there has been feedback received on this policy matter previously. There are no further opportunities for public submission on this matter.
35. Broadly the feedback received from the public opposed customary fishing in HPAs entirely as it was perceived by some to be providing an unfair advantage to Māori. Many who were supportive of providing for customary fishing were also supportive of the clause that could regulate customary fishing to align with biodiversity objectives. This was seen by some as an appropriate balance between providing for customary rights while ensuring biodiversity outcomes.
36. There has been little public commentary about this proposed change since it was announced.

What are the marginal costs and benefits of the option?

| Affected groups | Comment | Impact | Evidence Certainty |
|---|---|------------|--|
| Additional costs of the preferred option compared to taking no action | | | |
| Public | <ul style="list-style-type: none"> The biodiversity outcomes for the protection areas may be negatively impacted by customary fishing. Some people may feel this provision is unfair as it allows Māori to carry out customary fishing while others cannot fish in these areas. This may be perceived internationally as weakening marine protections. | Low | <p>Low/Medium</p> <ul style="list-style-type: none"> There isn't sufficient evidence to understand the potential impacts of customary fishing. However, the regulation of customary fishing under fisheries legislation may limit the impact. Previous feedback suggests some of the public will oppose this due to perceived unfairness. International perceptions are unknown and untested. |
| Mana moana | <ul style="list-style-type: none"> Mana moana are better enabled to act as kaitiakitanga of these marine areas. | Medium | <p>Medium</p> <ul style="list-style-type: none"> This aligns with previous feedback received from mana moana. |
| Non-monetised costs | | Low/medium | Medium |
| Additional benefits of the preferred option compared to taking no action | | | |
| Mana moana | <ul style="list-style-type: none"> Customary fishing activities would be | Medium | Low |

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| | subject to fewer regulations. | | <ul style="list-style-type: none"> Customary fishing would be subject to fewer regulations but without knowing the extent of what the regulations would have been, the size of the impact is uncertain. |
| Central government departments (as regulators) | <ul style="list-style-type: none"> Carrying out compliance and enforcement activities may be simpler. | Medium | <p>Medium</p> <ul style="list-style-type: none"> Compliance will be simpler as compliance staff will not need to be aware of additional regulations when enforcing customary fishing, but without knowing what the extent of regulations would have been, the size of the impact is uncertain. |
| Non-monetised benefits | | Medium | Medium |

Section 2B: Deciding upon an option to address the policy problem – ring-net fishing

What scope will options be considered within?

37. The scope of the options presented are determined by decisions from Cabinet that existing ring-net fishing activities should be provided for in two specified HPAs [CAB-24-MIN-0386 refers].
38. Given the time frames, limited data were able to be obtained and analysed, and no stakeholder engagement took place on the specific proposals. However, some views could be anticipated from previous submissions to the Select Committee.

What options were considered by Cabinet?

39. Cabinet considered the following options for the provision of ring-net fishing in the Bill:
 - Status quo (the Bill as currently drafted): ring-net fishing is prohibited in all HPAs
 - Option 1: limited ring-net fishing is provided for, with a review required at three years
 - Option 2: limited ring-net fishing is provided for, with no review period set.
40. Cabinet agreed that any provision for ring-net fishing would have the following conditions to minimise the impact on biodiversity outcomes of the HPAs without creating onerous obligations on the fishers, subject to further assessment of their viability:

- ring-net fishing can only occur in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area as these are the HPAs with the highest history of ring-net fishing
 - ring-net fishing can only be carried out by 5 fishers who have fished in these areas in one or more of the past three fishing years
 - ring-net fishing can only occur between 1 March and 31 August
 - 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.
41. Cabinet agreed that a review will be undertaken at three years on the ring-net fishing provision.

What was the Government's preferred option, and what impacts will it have?

42. The Government's preferred option is option 1, i.e. ring-net fishing is provided for in two HPAs with a review required at three years. Under this option, the five ring-net fishers will be able to fish in the two HPAs, subject to conditions set in the legislation. This provision remains in place unless it is amended or removed at the three-year review.
43. The Government has agreed that there will be conditions on the ring-net fishing to limit the potential impact on biodiversity outcomes while maintaining a practical approach to ring-net fishing i.e. by imposing conditions that are not so unduly onerous that continued ring-net fishing in these areas is not viable for the operators.
44. This will likely have a positive benefit on the 5 fishers who will be able to continue to fish in these two HPAs. 9(2)(b)(ii) [REDACTED]
[REDACTED]
[REDACTED] This is the average over the three fishing years starting October 2021, 2022, and 2023.
45. DOC will engage with the fishers to fully understand the implications of the provision, including any negative attention they may receive due to the high level of public opposition to the provision.
46. The impact of this on other users (e.g., those who purchase fish from these fishers), is not known but is not expected to be significant. This is because these fishers would likely be able to catch the same amount of fish outside of the HPAs.
47. There is likely to be an impact on the biodiversity outcomes of these two HPAs. This potential impact is difficult to quantify given a lack of data. Both domestic and international examples have shown that commercial fishing in marine protection areas has reduced the biodiversity outcomes. Monitoring will be carried out in these HPAs to assess any impact but as discussed in Section 3 of this paper, it will be difficult to make conclusions on impact due to the nature of the targeted fish.
48. There has been no specific engagement on providing for ring-net fishing and there are no further opportunities for public submissions on the Bill. Select Committee considered the provision for ring-net fishing, alongside other submissions seeking exemptions, and agreed that no commercial fishing would be provided for in HPAs.

49. There were several submitters on the Bill who sought exemptions for fishing activities. It is likely that these submitters will oppose ring-net fishing being provided for and not their requested exemption. Some of these submitters include local communities and recreational fishers.
50. Submitters who supported the Bill supported the complete prohibition of commercial and recreational fishing in HPAs.
51. There has been significant public rhetoric opposing the provision for ring-net fishing since the proposal was announced. This is likely to continue following commencement of the Bill.

What are the marginal costs and benefits of the option?

| Affected groups | Comment | Impact | Evidence Certainty |
|--|---|--------|---|
| Additional costs of the preferred option compared to taking no action | | | |
| Central government departments (as regulators) | <ul style="list-style-type: none"> Additional complexities to carrying out compliance and enforcement of the activities. Regulators will need to be aware of who the provisions apply to and who they don't, as well as understanding the conditions on fishing. | Medium | Medium <ul style="list-style-type: none"> Impact can be predicted with confidence. |
| Select ring-net fishers | <ul style="list-style-type: none"> As well as the benefits outlined below, the fishers may receive negative attention resulting from public opposition to the provision. | Medium | Low <ul style="list-style-type: none"> DOC will be engaging with the fishers to determine the potential impact on these fishers. |
| Public | <ul style="list-style-type: none"> The biodiversity outcomes for the protection areas may be negatively impacted by these activities. This provision is likely to be viewed negatively internationally due to weakening marine protections. More complex rules could make it harder for the public to understand who is fishing illegally and who isn't. Some may consider this provision as unfair as only a select group of fishers have been provided for. | Medium | Medium <ul style="list-style-type: none"> We can be confident of the conclusion, but not the size of the impact on biodiversity outcomes. International standards / guidance for marine protection areas is that no commercial fishing is allowed. The size of the impact on the public understanding the rules is uncertain. Previous feedback and public response to the provision suggests opposition due to perceived unfairness. |
| Non-selected ring-net fishers / | <ul style="list-style-type: none"> Non-selected ring-net fishers would not be able to fish in | Low | Low |

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| other commercial fishers | these areas under status quo. | | <ul style="list-style-type: none"> There has been no public engagement on this matter. |
| Non-monetised costs | | Medium | Medium |
| Additional benefits of the preferred option compared to taking no action | | | |
| Selected ring-net fishers | <ul style="list-style-type: none"> Select ring-net fishers will be able to continue to fish in these areas. | Low | 9(2)(b)(ii) |
| Consumers | <ul style="list-style-type: none"> Low-income Auckland communities can continue to be supplied with locally caught, affordable fish. | Low | Medium <ul style="list-style-type: none"> Unlikely to be a significant impact on consumers as the selected fishers can catch fish elsewhere in the Hauraki Gulf to supply consumers. |
| Public – internationally reputation | | Medium | Medium |
| Non-monetised benefits | | Low | Medium |

Section 3: Delivering an option

How will the new arrangements be implemented?

52. The implementation of the Bill is discussed in detail in the original regulatory impact assessment which can be found on the DOC website: [regulatory-impact-statement-redacted.pdf](#)
53. DOC have established a new marine team in Auckland with additional staff to address the additional resource required to implement the marine protection in this Bill.
54. There will not be additional resources (above what is already being provided for implementation of the Bill) for these new arrangements specifically. In this section, considerations for how these new arrangements will be implemented are discussed.

Customary fishing

55. Customary fishing will be explicitly exempted from prohibitions under the Bill.

56. At commencement, the Bill will be administered by DOC who will have primary responsibility for compliance. Fisheries New Zealand will play a supporting compliance role.
57. The new arrangements represent a lower threshold of regulation than the status quo so will be simpler to implement than how the Bill is currently drafted. Mana moana will be able to continue to practice customary fishing in HPAs in the manner that they currently do.
58. DOC and Fisheries New Zealand will still need to determine if a person fishing in an HPA is carrying out customary fishing by assessing their customary authorisation, but they would not need to determine if any customary fishing is aligned with regulations under the Bill.

Ring-net fishing

59. The new arrangements for ring-net fishing will be provided for in the enabling provision with conditions; some in the primary legislation and some provided for in regulations. DOC is working with Fisheries New Zealand and the Parliamentary Counsel Office to determine what aspects of the provision should be in primary legislation versus the regulations. The legislative drafting is still under active consideration. Cabinet is expected to make further decisions on this matter in March 2025.
60. DOC and Fisheries New Zealand will be responsible for ensuring that any ring-net fishing is being carried out in alignment with conditions in the Bill and related regulations. This adds complexity to compliance activities as enforcement staff will need to be aware of who can fish and who cannot, and familiar with the suite of conditions on the ring-net fishing activities. The additional compliance activities will be managed within existing resources for both DOC and Fisheries New Zealand.

How will the new arrangements be monitored, evaluated, and reviewed?

61. The monitoring and reporting arrangements for the Bill are discussed in the original regulatory impact statement which can be found on the DOC website: [regulatory-impact-statement-redacted.pdf](#).
62. This Regulatory Impact Statement outlines that there will be a monitoring and reporting programme to evaluate the impacts of marine protection in the Hauraki Gulf, and that this will be informed by DOC's Marine Monitoring and Reporting Framework.⁵ The monitoring and reporting programme is still being developed. In this section, specific considerations for how these new arrangements will be monitored and reviewed are discussed.

Customary fishing

63. DOC is currently working with Fisheries New Zealand to determine what information on customary fishing will be available for monitoring and reporting purposes.
64. Depending on what information on customary fishing is available, this will be assessed alongside biodiversity outcomes of the protection areas.

⁵ Department of Conservation, Marine Monitoring and Reporting Framework, 2022. Can be accessed at: [Marine Monitoring and Reporting Framework](#)

65. The Bill requires DOC to produce a report at least once every five years on any research or monitoring undertaken in relation to high protection areas. There is also a ministerial review required within 25 years of the Bill being enacted.

Ring-net fishing

66. DOC is working with Fisheries New Zealand to explore options for data sharing of effort and catch of target fish species within the two HPAs where ring-net fishing will be allowed. However, due to the highly variable and transient nature of the targeted species, and the changing environmental conditions which drive their distribution and abundance, it may be difficult to determine the impact of commercial ring-net fishing.
67. Any information on the fishing activities can be assessed against the biodiversity outcomes at these sites compared to other HPAs. However, as discussed above, due to the nature of the target fish, correlation or causation between fishing activities and biodiversity outcomes can be difficult to assess.
68. Assessments of ring-net fishing may also consider any impacts on non-target species (bycatch).
69. The provision for ring-net fishing will be reviewed at 3 years following enactment of the Bill. The review will require an assessment of the costs and benefits of the ring-net fishing, and a recommendation must be made as to whether the provision is retained, amended or repealed.