



# **Kaikōura Marine Guardians**

## Annual Report 2016/2017

According to Ngāi Tahu traditions, Tū-Te-Raki-Whānoa was an atua (demi-god) who was the mokopuna of Aoraki who with his magic Kō (digging stick) carved and created our majestic mountains and magnificent river valleys that is Te Waipounamu (South Island) today.

He had two assistant atua, Marokura and Kahukura.

Marokura was the atua of the oceans, seas, lakes, rivers, estuaries and all that they contained: fish, whales, shellfish, seaweed, etc.

Kahukura was the atua of forests, land and all that they sheltered: birds, insects, etc.

Marokura and Kahukura are celebrated within the grounds of Takahanga Marae in Kaikōura and are depicted as two magnificent pou.



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Photo credit: Front cover image by Ailsa Howard.

# 1. Message from the Chair – Larnce Wichman

This is my first report as Chair of the Kaikōura Marine Guardians.

On the 13/6/2016, the Terms of Reference for the establishment of the Advisory Group was received, Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area. The Kaikōura Marine Management Advisory Committee (“the Committee” or the “Kaikōura Marine Guardians”) were formed. The Guardians are made up of eight members from Te Korowai Te Tai o Marokura, one member nominated by Te Rūnanga o Ngāi Tahu (TRONT), and two Ministerial members. The members have been selected for their expertise and experience in: customary aspects (TRONT), the Kaikōura community, biosecurity, conservation, education, environment, fishing, marine science, and tourism.

We held our inaugural meeting on the 19th August 2016. This was the first opportunity to realise our role as the Ministerial Advisory Committee. We started the process of clarifying the connection and working relationship with Te Korowai and confirmed our priorities based on the terms of reference and the commitments under the Act. This meeting was basically a grounding experience, focusing ourselves on what our duties and responsibilities would be going forward.

Our next meeting was scheduled for 15 November, with the agenda set to establish our committee in a formal manner, letterheads, setting a list of priorities, and implementing a work plan. On 14 November at 12:02 am the whole of the Kaikōura coast woke to a catastrophic event: a M7.8 earthquake that has changed our history. For all the obvious reasons, our meeting was not held.

The amount of damage to the coast was hard to comprehend with uplifts of up to 6.5 metres along the coast, the effect on marine life was most evident.

The Guardians were appointed to the Earthquake Restoration Liaison Group responsible for informing the design, management and monitoring for the reconstruction of infrastructure along the coast. Ted Howard represented the Guardians on the group which entailed a significant commitment on his part, working between the group and the Guardians to provide well informed advice and expertise into the rebuild process.

We also held a close connection with the research that was being conducted along the coast. Dr Sharyn Goldstien represented the Guardians providing her expert advice and communicating with the rest of the members. It became apparent that the Kaikōura Marine Guardians were in the centre of all the research and could provide a bird’s eye view rather than being on the ground concentrating on any one research item. Whilst in this position anomalies were identified and addressed.

The Kaikōura Marine Guardians are still in the process of working through the work plan, with the review date of 2023. Given the upheaval of the earthquake a few items have had to be re-prioritised and will be revisited again when the opportunity arises. Work will also be required to amend the boundaries of the seal sanctuary as a consequence of the re-alignment of the coastal highway.

The members of the advisory group have been very engaged and dedicated to achieving the best results for the coastal marine environment.



Larnce Wichman  
Chairperson

## Guardian Members (11 members plus representatives from the Department of Conservation and Ministry for Primary Industries)

Larnce Wichman (Chair), Sir Mark Solomon, Richard Craig, Barry Dunnett, Dr Sharyn Goldstien, Dr John Hellstrom, Doug Hitchon, Ted Howard, Kauahi Ngapora, Carol Scott, Gina Solomon, John Willmer and Mark Geytenbeek of the Ministry for Primary Industries, Phil Bradfield of the Department of Conservation.

Four meetings per year will be held.

Terms of Reference are attached in Appendix 1.

## 2. Introduction

The Kaikōura Marine Guardians were established by the Kaikōura (Te Tai o Marokura) Marine Management Act 2014 (the Act). They are appointed by the Ministers for Conservation and Primary Industries to advise the Ministers on any matter that affects Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area – and may also advise any other person or organisation that makes decisions that may affect this area. The scope of the Guardians is set by the Act, and it requires that their work, and the protection provided by the Act, is reviewed no later than September 2024. This review does not include matters not covered by the Act, such as general fisheries management measures.

The Kaikōura Marine Guardians have a direct responsibility to advise the Ministers over issues affecting the purposes of the Act, and are an advisory committee to Ministers and persons exercising statutory powers, on biosecurity, conservation, and fisheries matters in the Kaikōura Marine Area.

Ministers and persons exercising statutory powers must take the Kaikōura Marine Guardians' advice into account, where it relates exclusively to the Kaikōura Marine Area.

The Kaikōura Marine Guardians will represent Te Rūnanga o Ngāi Tahu, the Kaikōura community, biosecurity, conservation, education, environment, fishing, marine science and tourism interests.

The statutory Guardians and Te Korowai are closely linked and currently 10 out of 11 Guardians are members of Te Korowai.

The Act established a number of marine protection and sustainable fisheries measures in the Kaikōura marine environment. These include:

- **The Ōhau New Zealand Fur Seal Sanctuary** to limit human disturbance to fur seals, while allowing the public to view the colony from a safe distance.
- **The Hikurangi Marine Reserve** that will encompass the Kaikōura canyon area and connects to the coast south of the Kaikōura township.
- **Te Rohe o Te Whānau Puha Whale Sanctuary** to protect whales and their habitat from the potential risks from seismic survey activities, which benefits the tourism industry.
- **Te Taumanu o Te Waka a Māui and the Oaro-Haumuri Taiāpure reserves** to provide traditional food gathering areas around the Kaikōura Peninsula that will allow commercial fishing to continue.
- **The Mangamaunu, Oaro and Te Waha o te Marangai Mātaitai reserves** where commercial fishing will be prohibited to protect the traditional food gathering areas and allow for recreational fishing.



### 3. Te Tai o Marokura Kaikōura Marine Guardians Region

The Kaikōura marine and coastal environment has unique biological features and is of historical, cultural, spiritual and economic significance with a thriving tourism industry centred on the viewing of marine mammals worth \$134 million per annum in local revenue.

The Kaikōura Canyon descends to a depth of 2000 metres and is a food basket for many of the whale, dolphin and seabird species found in New Zealand's waters. Visiting the reserve is an unparalleled opportunity to see them up close, and often in large numbers.

The canyon is geologically active and the main source of sediment from the South Island into the Hikurangi Trench which is the southern continuation of the deeper Kermadec Trench extending 1000 kilometres northwards of East Cape.

Several small rivers and streams meet the ocean at or near Hikurangi Marine Reserve, bringing nutrients from the mountains to the sea. At the same time, the "Southland Current" brings cold water from the Southern Ocean and the "East Cape Current" brings warm water from the subtropics. These water masses converge off Kaikōura, creating a nutrient rich, highly productive environment which can support many marine mammals and seabirds.

#### Wildlife

A variety of marine mammals may be seen year-round at Kaikōura, though the region is best known for its sperm whales, dusky dolphins and New Zealand fur seals. The Kaikōura Canyon is the only place around

New Zealand's mainland where the majestic sperm whale can be regularly found so close to shore.

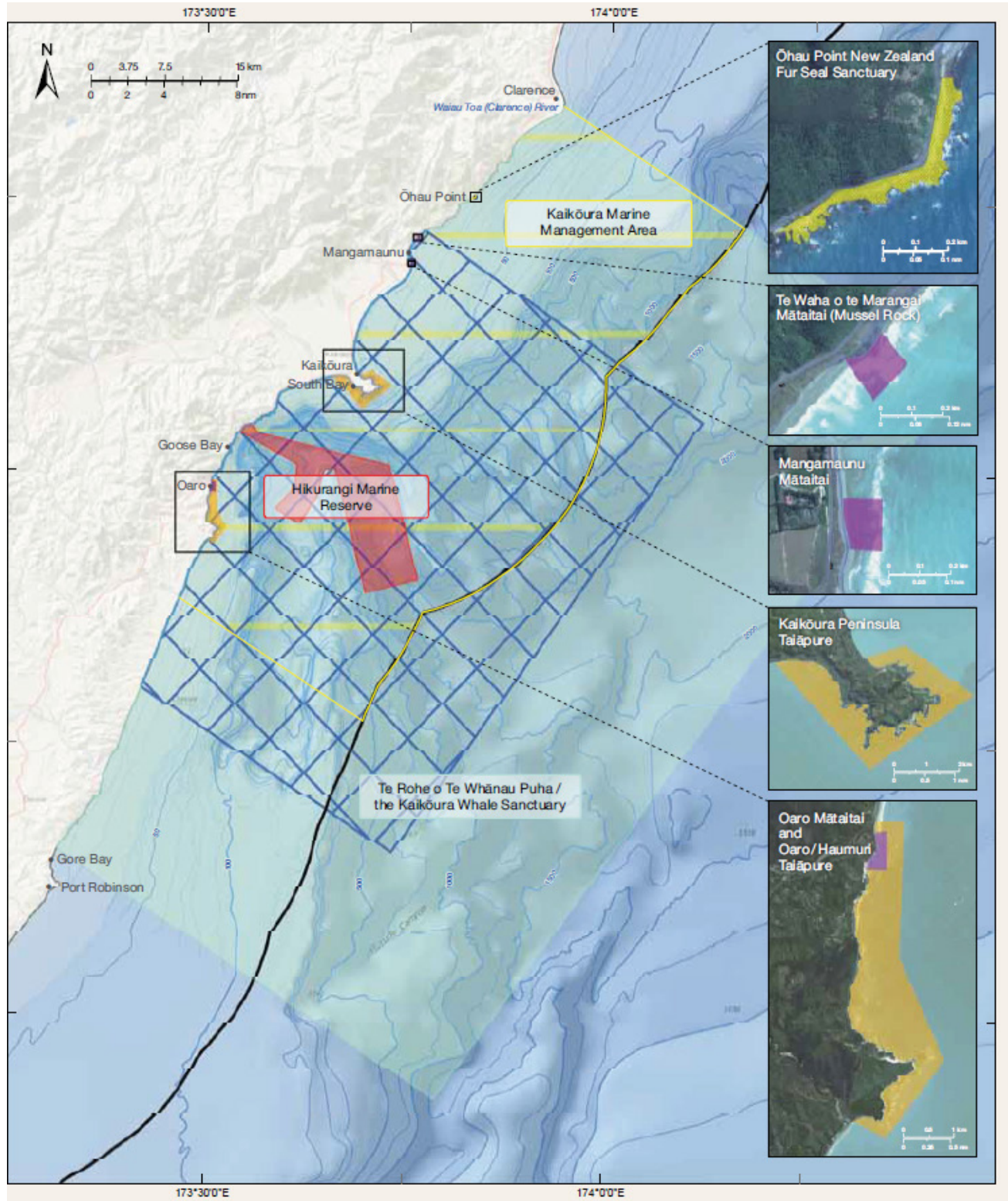
Orca are regular visitors and humpback, blue and southern right whales pass through and sometimes linger on their annual migrations. Many other whale species also visit the area from time to time. Large pods of dusky dolphins live in the vicinity of the Kaikōura Canyon and small groups of Hector's dolphins are also found closer to shore.

New Zealand fur seals are widespread, with significant colonies at Ōhau Point north of Kaikōura and on the peninsula. As a result of the November 2016 earthquake the coastal strip over which the fur seal sanctuary was imposed at Ōhau Point has markedly changed. In addition, road reconstruction at Ōhau Point will result in less seal habitat and access. Seal use of the current NZ fur seal sanctuary will be monitored over the next three to five years and may result in discussions on whether the sanctuary needs to be moved or not according to where the majority of the population resides.

Many species of albatross, petrel, shearwater and prion gather at Kaikōura. Kaikōura is the only place in the world where Titi/Hutton's shearwaters breed.

As per the Marine Management Act 2014, the Kaikōura Marine Guardians provide advice on Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine area, as reacted in the Act. This area includes the Hikurangi Marine Reserve, Te Rohe o Te Whānau Puha Whale Sanctuary, the Ōhau New Zealand Fur Seal Sanctuary, Mangamaunu Mātaitai, Oaro Mātaitai, Te Waha o te Marangai Mātaitai, Te Taumanu o Te Waka a Māui Taiāpure, and Oaro-Haumuri Taiāpure.





**LEGEND**

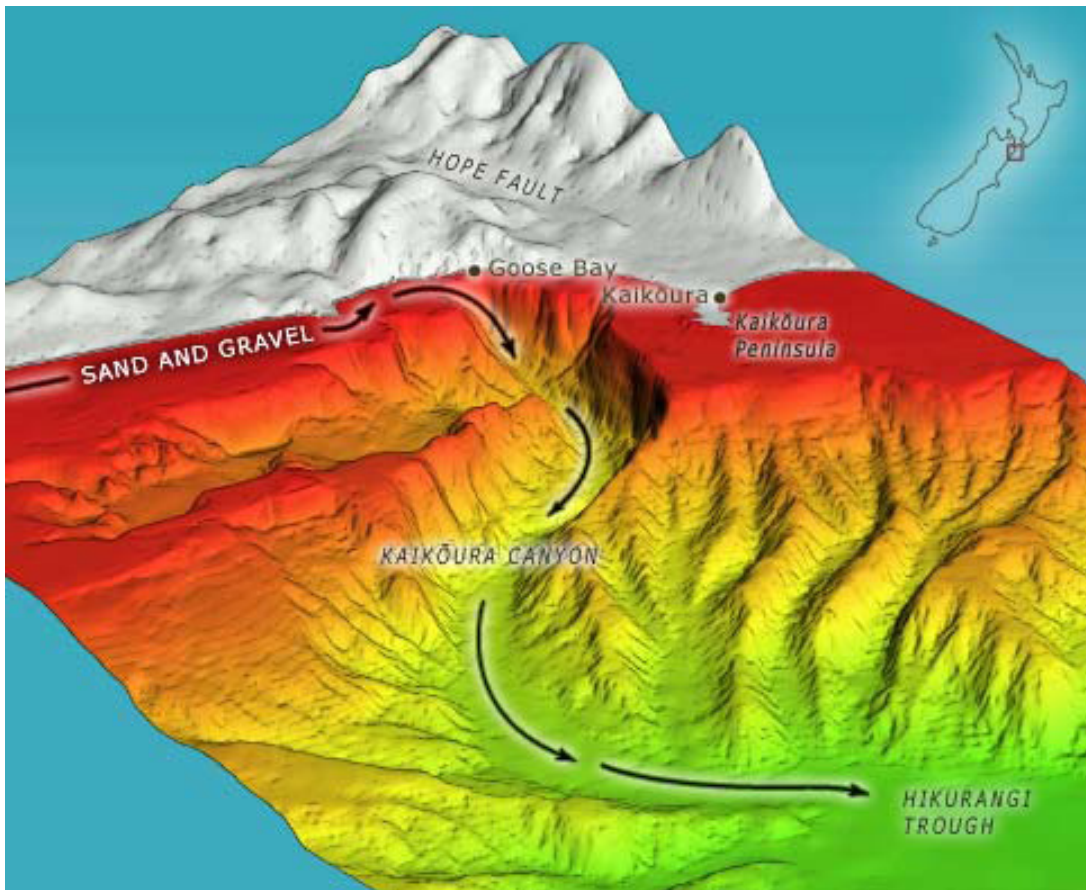
- |   |   |   |
|---|---|---|
|  Kaikōura Whale Sanctuary            |  Marine Reserve                            |  12 Nautical mile boundary |
|  Kaikōura Whale Sanctuary inner zone |  Taiāpure                                  |  Bathymetry (metres)       |
|  Kaikōura Marine Management Area     |  Mātaitai                                  |   |
|   |  Ōhau Point New Zealand Fur Seal Sanctuary |   |

This product is for informational purposes and may not have been prepared for, or suitable for legal, engineering, or surveying purposes.

Hikurangi Marine Reserve encompasses the Kaikōura Canyon area and connects to the coast south of the Kaikōura township.



Kaikōura Canyon – Photo: NIWA





## 4. Strategies and plans

The Kaikōura Marine Guardians have been working through an Action Plan document to clarify and strategise their roles, and to focus and align the work of the Kaikōura Marine Guardians and to enable effective engagement with other parties, particularly Te Rūnanga o Ngāi Tahu, Te Korowai, Department of Conservation and Ministry for Primary Industries.

### Management plans

An Action Plan has been drafted to achieve the requirements of the Act and commitments up until 2024. The Action Plan will focus on earthquake recovery, research, conservation, fisheries management, marine biosecurity, and local leadership.

### Advice and advocacy

Submission on proposed extension of the shellfish and seaweed emergency fishing closure along the Kaikōura Coastline.

### Earthquake response

Ted Howard was appointed the Kaikōura Marine Guardians' representative on the Restoration Liaison Group (RLG) to help inform the design, management, and monitoring of all construction works. In the period to July, Ted attended 11 RLG meetings (2 in Kaikōura, the rest in Christchurch), and 6 RLG workshops (all in Christchurch). Sharyn Goldstien attended 1 RLG meeting as Ted's alternate.

Ted has undertaken substantial work on four sets of papers: the Key Sites and Values, the Ōhau Point realignment, the Construction Environmental Management Plan (CEMP), and the resource consents for work north. Ted also attended 4 NCTIR Kaikōura community meetings during that period: a total of some 150 hours. A lot of discussion centred around the huge value present in the near shore ecosystems from many perspectives, particularly the values around pāua and crayfish. The complexity of the many considerations around time and risk to human life have meant that some of the outcomes haven't been quite as optimal as might have been wished, and a certain amount of that was unavoidable in the circumstances. When systems are so siloed and isolated communication becomes difficult.

In the wider earthquake recovery context, the Guardians have strongly supported work to identify and mitigate risks to the productivity of this coast. Most particularly in respect of pāua, with support for both translocation

and reseedling programs. The Guardians strongly support the very responsible stance taken by the commercial pāua industry in calling for a complete ban on pāua harvest until satisfied that the stock is in a position that it can sustain further harvest.

### Advice to the agencies

The Kaikōura Marine Guardians wrote to the Ministers of Conservation and Primary Industries requesting support in registering Kaikōura Canyon and mountains including Te Tai o Marokura as a World Heritage area.

### Concession applications

- Drone use for filming Dusky Dolphins: concession supported for use of DJI Phantom for research above dusky dolphins at Kaikōura and Admiralty Bay.
- Photography tours to photograph seals, concession supported.
- Drone use for filming whales, concession supported.

### Community advocacy

Representation from various Kaikōura Marine Guardians took place at the three-day Marine Sciences Society Conference in Christchurch with our group presenting an overview on the formation and vision of Te Korowai, Kaikōura Marine Guardians and Ki uta ki tai/from the mountains to the sea and the effects and scale of the quake; physically, ecologically, socially and the impact on marine science and the marine ecosystems.

### Community engagement

Kaikōura Marine Guardians have sent a letter to Environment Canterbury regarding the biosecurity risk under the Biosecurity Act 1993 and exposing Te Whata Kai o Rakihouia i Te Tai o Marokura to undue and unnecessary risk. The Kaikōura Marine Guardians have requested Environment Canterbury establish an active marine biosecurity programme in the Kaikōura region.

### Community awareness

The Chairman met with the CEO of the Kaikōura District Council to discuss the role of Kaikōura Marine Guardians.

Regular updates regarding the Kaikōura Marine Guardians are included in the Te Korowai o Te Tai o Marokura community newsletter.

Kaikōura Marine Guardians also have a link on the Department of Conservation website to inform the public of their role.

Ted Howard was invited to present to a Christchurch Grey Power Group, visiting Kaikōura on effects of the quake on the marine environment.

Information is available on the Te Korowai website at <http://www.teamkorowai.org.nz>.

### Community involvement

The Tītī/Hutton’s shearwater, a nationally vulnerable bird, is the only seabird globally to breed in sub-alpine environment, and was hard hit by the earthquake. It is a small seabird that only now breeds naturally in two remaining colonies in the seaward Kaikōura mountains. Both colonies are above 1200 metres in altitude.

Prior to human arrival, it seems likely that these birds occupied the seaward and inland Kaikōura mountains in their millions, and to much lower altitudes. The phosphate they brought from the ocean and left in their droppings was likely a major source of productivity for entire ecosystems.

These birds dig burrows under the high tussock and hoheria scrub. The earthquake struck just past the end of the peak egg laying time so most eggs would have

been laid and would have had an adult in residence incubating. Most bird’s change over incubating duties about midnight, so many burrows would have had 2 birds present when the quake hit. About 15 percent of their colonies (many containing at least one adult and egg) were lost to earthquake-induced landslides. Initial inspection showed some of the remaining burrows collapsed (about 40% of the initial small area checked) possibly also taking an adult and egg in occupied burrows in the process.

The Guardians have supported research to determine the extent of earthquake impact on these vulnerable populations, and have supported additional efforts in pest control until that research is complete.

The artificial colony (Te Rae o Atiu) on land made available by the Tukete Trust on the Kaikōura Peninsula did not suffer any impacts from the earthquake.

### Community visibility

Consultation in partnership with the Ministry for Primary Industries through advisory brochures and committee drop-in sessions.



The main landslide at the Kowhai Tītī/Hutton’s shearwater colony.



Pāua habitat high and dry after the coastal uplift.

## 5. Guardian membership

The committee consists of 11 members, eight of these were nominated by Te Korowai, one nominated by Te Rūnanga o Ngāi Tahu and two Ministerial appointments.

### Members' profiles

Larncé Wichman (Chairperson) has been engaged in the rock lobster industry for 35 years and been a part-time Executive Officer for CRAMAC 5 for 20 years. Similarly, he was a Director of the NZ Rock Lobster Industry Council for 20 years and owned a private company, CRA Services Ltd, for 5 years. He is currently the Chairman of Te Korowai o Te Tai o Marokura, and the Kaikōura Marine Guardians. He has been a volunteer fireman for 24 years and has a personal passion for achieving a healthy marine environment whilst enabling utilisation.



Sir Mark Solomon NZOM is of Ngāi Tahu and Ngāti Kurī descent. Sir Mark's contribution to his community has been diverse and significant, ranging from roles as a school board trustee, to a past board member of the Museum of New Zealand (Te Papa Tongarewa). He is a patron of He Toki Ki Te Rika and awarded the Knight Companion of the New Zealand Order of Merit for services to Māori and Business. He received an Honorary Doctorate from Lincoln University as Doctor of Natural Resources. Sir Mark was recently appointed to the National Science Challenge Governance Boards for Sustainable Seas and Deep South.



Gina Solomon is of Ngāi Tahu, Kurahaupō, Ngāti Koata, Te Atiawa and Ngāti Toa descent. Gina participates in numerous groups and projects in paid and volunteer capacities. Some of these committees are often conflicting groups of stakeholders who need to work collaboratively to develop pragmatic strategies and solutions that integrate cultural, environmental and economic interests. She brings Te Tiriti o Waitangi and Tikanga Māori to these forums and moves with ease and comfort with whānau, iwi, government and other authorities and the wider community. She is a Director on the QEII National Trust, a member of the Nelson/Marlborough Conservation Board and the Nature



Heritage Fund Committee, a Trustee for the Titi Trust, Kaikōura Zone Committee Member (CWMS) and a certified RMA Making Good Decisions Commissioner.



Richard Craig has been a long-standing member of Coastguard Kaikōura and a member of the Kaikōura Boating Club. He is a representative for the recreational fishing sector on the MPI South Island Recreational Fishing Forum.

He believes in a sustainable and healthy fishery and maintains a fair and equitable access to the fishery with the other user groups. He has run his own floor-laying business for 20 years and enjoys the outdoors of this region.



Barry Dunnett is a former Phys Ed/Science/Outdoor Ed High School teacher. He is a long-term outdoor enthusiast, conservationist and advocate for protection of our environment. He is a Forest and Bird member and officeholder since 1983 and a former Nelson/Marlborough Conservation Board member. Barry has been a resident of Kaikōura for 46 years, authored "Kaikōura Walks and Climbs", and is happily married with 4 children.

Carol Scott is Chief Executive Southern Inshore Fisheries Management Co Ltd, Executive Member of the NZ Federation of Commercial Fishermen, Secretary of Port Nelson Fishermen's Association, member of Nelson City Council Biodiversity Forum, MPI Marlborough Sounds Blue cod management group, Kaikōura Guardian and a member of several other technical and working groups. She has 30 years' experience in the commercial fishing industry in New Zealand and Australia with a background in fisheries management, science, policy and environmental management and fishing gear technology.





Dr Sharyn Goldstien is a lecturer in marine science at the University of Canterbury in the fields of ecology and molecular ecology and is now co-ordinating academic activities with engagement of communities at university field stations. Sharyn is a member of Te Korowai o Te Tai o Marokura. She works in the Kingdom of Tonga, in collaboration with the Ministry of Fisheries Tonga to build capacity and awareness of inshore reef ecosystem function to support in-country initiatives of spatial management. She is also involved with the Tītī/Hutton’s shearwater Trust and Kaikōura High School, Te Hā o Mātauranga – learning in Kaikōura.



Dr John Hellstrom OMNZ was Chief Veterinary Officer from 1986 to 1991 for the then Ministry of Agriculture and Fisheries. He was instrumental in developing New Zealand’s Biosecurity Strategy and has worked on reviews

of marine and freshwater surveillance systems, and research requirements for the fishing industry. He has co-authored a paper on national livestock tracing systems and led a review into managing risks associated with imported foods. He was the Chair of the Biosecurity Council from 1997 to 2004, and is a Director of Biosecurity Limited and Chair of the National Animal Welfare Advisory Committee.



Keith Hitchon (Doug) is retired after a career in general management mostly in food, property and steel industries. He has a Dip Meat Tech and a Business Studies degree (Massey University) in Economics and Organisation

Psychology. He is currently contracting as a Licensed Building Practitioner to help with Christchurch earthquake recovery. He is involved with the Canterbury Mountaineering Club and singing with the Christchurch City choir. He has initiated and co-produced a major choral work called ‘Ahua’ about ‘Moki’ from Kaikōura. He is a member of Te Korowai, a skier and scuba diver and has a keen interest in achieving a ‘perfect balance’ between the marine environment and humans.

Ted Howard grew up on farms, interested in life, hunting, fishing, and understanding. He studied zoology at university, and is active in many groups (local, regional, national and international). Ted is committed to individual life and liberty through responsible action in social and ecological contexts. He is a software and systems geek, with strong interests in evolution, biochemistry, history, ecosystems, politics and philosophy: Thinking globally and acting locally.



Kauahi Ngapora – NZ Māori with Ngāi Tahu and Waikato-Tainui links residing in the small coastal town of Kaikōura on the East Coast of New Zealand’s South Island. Kauahi has senior management and executive experience in the tourism and maritime industry overseeing a wide range of functions within private enterprise and governance roles on community boards and Australian subsidiary. Currently General Manager of Whale Watch Kaikōura Ltd, having worn many hats over his 25 years with the company.



## 6. Meetings

### Guardian meetings

Meetings were held during 2016/2017. These were:

August 2016	Kaikōura
November 2016 cancelled due to earthquake	Kaikōura
February 2017	Kaikōura
May 2017	Kaikōura

### Attendance

The table below shows the number of meetings attended by members out of the total number of meetings held during the year.

Member	Home	Attended
Larnce Wichman	Blenheim	3/3
Sir Mark Solomon	Christchurch	1/3
Richard Craig	Kaikōura	3/3
Barry Dunnett	Kaikōura	3/3
Dr Sharyn Goldstien	Christchurch	3/3
Dr John Hellstrom	Picton	2/3
Doug Hitchon	Moutere	3/3
Ted Howard	Kaikōura	3/3
Gina Solomon	Kaikōura	3/3
Carol Scott	Nelson	2/3
Kauahi Ngapora	Kaikōura	3/3



# 7. Guardians committees and representation

## Taiāpure Committee representation

Several members of the Kaikōura Marine Guardians, representing Te Korowai (Sir Mark Solomon, Gina Solomon, Larnce Wichman, Barry Dunnett and Richard Craig) are also members of the Oaro-Haumuri and Te Taumanu o Te Waka a Māui Taiāpure Management Committees. The Taiāpure Management Committees are responsible for the development, approval and implementation of a taiāpure management plan including recommending regulations to the Minister for Primary Industries.

An ecological survey, funded by Te Rūnanga o Ngāi Tahu with support from the University of Otago, and was conducted in Te Taumanu o Te Waka a Māui Taiāpure in June 2017. The Taiāpure Management Committee will utilise the results of this work to develop regulations to be recommended to the Minister.

## Representation

Ted Howard and Dr Sharyn Goldstien are representing the Kaikōura Marine Guardians as advisors at the Coastal Route Transport Infrastructure Restoration Liaison Group meetings in Christchurch.

## Liaison

All members have responsibility for liaising with other groups when opportunities arise and some members have specific roles in liaison.

The Kaikōura Marine Guardians continue to seek the advice of Te Korowai.

The ongoing relationship and liaison with the Department of Conservation and Ministry for Primary Industries is critical for this group.

With recent changes in Te Rūnanga o Kaikōura management and administration, approval from the current appointees has been received allowing the Kaikōura Marine Guardians to act on their behalf.



# Appendix 1: Terms of Reference

## Kaikōura Marine Guardians Ministerial Advisory Committee

### Preamble

1. The Kaikōura marine and coastal environment holds great significance historically, culturally, spiritually, environmentally and economically. Kaikōura has dynamic geography and geology and is abundant with marine life with resultant flourishing marine tourism. The need to safeguard this environment was recognised, and in 2005 a group of local community members came together and created Te Korowai. Te Korowai created a vision of leading the community to achieve a flourishing, rich and healthy environment where opportunities abound to sustain the needs of present and future generations. Te Korowai recognised that both natural ecosystems and human social systems are complex systems that will actively respond to any changes in unpredictable ways. Te Korowai sees the responsibility of Kaitiakitanga as an ongoing role involving both sets of ecosystem and social systems. Te Korowai successfully worked alongside Government to put in place legal mechanisms as a first step on the path to protection and enhancement of Kaikōura's marine environment by making responsible choices that deliver the best outcome possible for both the present and future.
2. With the passing of the Kaikōura [Te Tai o Marokura] Marine Management Act 2014, the Kaikōura Marine Guardians, a Ministerial Advisory Committee, was formally established to provide advice on Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area, as created by the Act. The Kaikōura Marine Area includes the Hikurangi Marine Reserve, the Te Rohe o Te Whānau Puha Whale Sanctuary, the Ōhau New Zealand Fur Seal Sanctuary, Mangamaunu Mātaitai, Oaro Mātaitai, Te Waha o te Marangai Mātaitai, Te Taumanu o Te Waka a Māui Taiāpure, and Oaro-Haumuri Taiāpure.
3. The Kaikōura Marine Management Advisory Committee ("the Committee" or the "Kaikōura Marine Guardians"), established under section 6 of the Act, is appointed by the Minister of Conservation and the Minister responsible for the administration of the Fisheries Act 1996 ("the Ministers"). The Committee has an advisory role to these Ministers. It holds no authority to make laws Purpose of the Committee
4. This Terms of Reference is an agreement between the Ministers and the Committee about how they will work together to help to implement the Act. The Committee will represent local community interests and provide advice on Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area.

### Objectives and functions of the Committee

5. The Kaikōura Marine Guardians may provide advice on any biosecurity, conservation, or fisheries matter related to the marine and coastal environment within Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area to: the Minister responsible for the administration of the Biosecurity Act 1993; the Minister of Conservation; the Minister responsible for the administration of the Fisheries Act 1996; and any person exercising a power or performing a function under the biosecurity, conservation, and fisheries legislation.
6. The Kaikōura Marine Guardians may provide advice on request or on their own initiative. If the matter relates exclusively to Te Whata Kai o Rakihouia i Te Tai o Marokura – the Kaikōura Marine Area, the person receiving the advice must take the advice into account. If the matter also relates to any area outside of Te Whata Kai o Rakihouia i Te Tai o Marokura – Kaikōura Marine Area, the person receiving the advice may, but is not required to, take the advice into account.

### Membership of the Committee

7. The Committee will consist of 11 members. Eight of these are to be nominated by Te Korowai, one nominated by Te Rūnanga o Ngāi Tahu, and two Ministerial appointments.

### Chairperson

8. The Ministers reserve the right to appoint the Chairperson of the Committee. If the Ministers choose not to exercise that right, then the Chairperson shall be elected by simple majority of those members present at the next meeting when an election is required.
9. The Chairperson shall preside over all meetings of the Committee at which he/she is present. If the Chairperson is absent from any meeting, the Committee members present shall appoint one of their number to assume the role of Chairperson for that meeting.

### Appointment of Committee members

10. The Ministers will call for nominations from Te Korowai and Te Rūnanga o Ngāi Tahu (TRONT). Nominations will be open for a minimum of twenty (20) working days and must be lodged with the specified offices of the Department of Conservation before 4.30pm on the closing date.

11. Before appointing any members to the Committee, the Ministers must be satisfied that at all times, all of the following interests and areas of expertise will be represented on the Committee: TRONT; the Kaikōura Community; biosecurity; conservation; education; environment; fishing; marine science; and tourism.
12. The Ministers will make appointments to the Committee after considering the nominations of Te Korowai, TRONT and having chosen their own two appointments.

### **Expectations of Committee Members**

13. Members of the Committee are appointed at the discretion of the Ministers. Members are expected to:
  - a. attend each meeting, unless extenuating circumstances provide otherwise;
  - b. prepare adequately prior to each meeting by reading all papers provided to them;
  - c. ensure that matters of significance are brought to the attention of the Ministers;
  - d. bring to the Committee perspectives based on their experiences and interests;
  - e. take a whole marine and coastal environment view and not regard themselves as representatives or advocates for particular sectors or interests;
  - f. base their advice on their understanding of broader marine and coastal protection and use issues;
  - g. draft reports and comment on reports drafted by other members and the relevant Government agencies; and
  - h. declare any conflict of interest, or potential conflicts of interest, that may arise.
  - i. I will not make unauthorised statements on behalf of the committee.
14. The Chair is also expected to:
  - a. chair meetings;
  - b. organise the agenda, with the assistance of the secretariat;
  - c. determine what action is appropriate if a member has a potential conflict of interest;
  - d. meet with relevant Ministers or representatives of the Government agencies to report on the activities of the Committee, as required;
  - e. maintain an effective working relationship with the Ministers; and
  - f. oversee the development of an annual 12-month work programme for the Committee, in conjunction with the Department of Conservation and Ministry for Primary Industries, to be approved by the Ministers.
  - g. All public announcements are to be made through the Chair.

### **Working together**

15. Parties to this Terms of Reference all have a shared commitment to achieving the purposes of the Act and its implementation and, as such, undertake to:
  - Work in the spirit of cooperation with each other;
  - Operate a “no surprises” approach;
  - Share and be receptive to information; and
  - Recognise and acknowledge that parties benefit from working together by sharing their vision, knowledge and expertise.

### **Term of appointment**

16. Appointments to the Committee will be for a term of up to five (5) years. The specific term of each appointment shall be specified in the notice of appointment for each member. A member takes office from the date stated in their notice of appointment.
17. Any member of the Committee may at any time be removed from the Committee by the Ministers for bankruptcy, disability, neglect of duty, or misconduct.
18. Any member of the Committee may at any time resign his or her membership in writing, addressed to the Ministers.
19. Should any member of the Committee die, resign or be removed from the Committee, the vacancy shall be filled in the manner in which the appointment was originally made, for the residue of the term of the vacating member.
20. The Ministers will review these terms of reference every three years in consultation with the Committee.

### **Meetings of the Committee**

#### **Time and place of meetings**

21. The inaugural meeting of the Committee shall be within two (2) months of the appointment of the Committee, with the date and venue decided by Committee members. Subsequent meetings shall be held at such times and venues as the Chairperson or Committee decide.



**Number of meetings**

22. No more than four (4) meetings of the Committee may be held in any calendar year, unless consent is first obtained from the Ministers for any additional meetings.

**Quorum**

23. A quorum of the Committee shall comprise at least six (6) members of the whole Committee. No business shall be transacted unless a quorum is present.

**Decisions**

24. Every question before the Committee shall be determined by a majority of members present and voting on the question.
25. Only those members present at a meeting may vote at that meeting.
26. At any meeting of the Committee the Chairperson shall, in the case of an equality of vote, also have a casting vote being a second vote.
27. Subject to these rules the Committee may regulate its own practices.

**Conflicts of interest**

28. At the start of each meeting, Committee members shall declare if they have any conflicts of interest in relation to any item on the meeting agenda, and take appropriate steps at the direction of the Chairperson.

**Conflict resolution**

29. At times, the statutory functions that agencies are required to fulfil may conflict with the views of other parties to this agreement. If a conflict arises, all parties will work co-operatively within the scope of their roles to try and resolve any dispute. Each party retains their right to appeal or object to decisions made as part of a statutory planning or decision-making process. If the Guardians consider that an official of a management agency (Department of Conservation and/or the Ministry for Primary Industries) has acted in a manner that is inconsistent with the terms of this Terms of Reference, the matter should be raised with the relevant manager in the agency concerned. If the matter is not addressed to the satisfaction of the Guardians, the Guardians may advise the Ministers.

**Attendance by representatives of the Ministers**

30. The Ministers shall be represented at meetings of the Committee by Officials from the Department of Conservation and the Ministry for Primary Industries. Officials are not voting members of the Committee.

**Administrative support**

31. Officials from the Department of Conservation and the Ministry for Primary Industries will provide administrative support to the Committee, including the preparation of agendas and the recording of minutes.

**Annual report**

32. An annual report of the Committee shall be prepared and sent to the Ministers by the end of July each year.

**Fees and allowances**

33. Fees and allowances payable to Committee members will be in accordance with the State Services Commission (SSC) guidelines for members of statutory bodies appointed by the Crown. The Committee is a Group 4 Level 5 body in the SSC Guidelines, and fees will be set at the same rate as Conservation Boards.
34. Fees and allowances will only be paid for work, other than preparation and attendance at Committee meetings, that has been approved and minuted by the Committee and for which it is undertaken.
35. Fees and allowances payable to the Committee members, in line with Group 4 Level 5 body in the SSC Guidelines, will be met equally by the Department of Conservation and the Ministry for Primary Industries.

**Amendments to Terms of Reference and procedures**

We may change the Terms of Reference and procedures by consultation between the Ministers and subject to any direction.

