Lessons Learned Report

South-East Marine Protection Forum

Department of Conservation

July / October 2018

LESSONS LEARNED REPORT

Project Name:	South-East Marine Protection Forum
Organisation:	Department of Conservation
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Review Approach	See Appendix 1
Review Participants	See Appendix 2
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Notes

Lessons Learned Review:

A lessons learned review considers the positive and negative aspects involved in governing, planning, controlling and delivering a project. The aim is for lessons to be learned for similar future initiatives – keeping the good elements and improving the things that didn't go so well. We use interviews, workshops and document appraisal. It is not a forensic audit involving detailed examination of all activities or process compliance. Our views, as expressed in this report, are based on the documents provided and the facts and views communicated to us. We offer these views to the Department of Conservation to interpret and use as they find appropriate.

In order to discriminate between lessons that relate specifically to marine protection forums and those that should be taken into consideration for future policy development, we have included "(Policy development)" after recommendations that relate to policy issues.

Southern dialect:

In this report we use the southern dialect of te reo where appropriate. For example, we use Kāi Tahu except for the official name Te Rūnanga o Ngāi Tahu.

Independence of the Forum:

While independence is not specifically mentioned in the Forum Terms of Reference, almost everyone treated it as an independent Forum reporting to the Ministers of Conservation and Primary Industries (now Fisheries New Zealand).

The Terms of Reference state that the Forum would be "serviced and supported by the Department and the Ministry". Service and support meant "Agency officials will support the Forum by providing advice and guidance to the Forum members….(and)….establish a project structure with a Governance Board to monitor progress and support the Chair in managing risks and issues. Along with the agency officials, a member of the Governance Board will attend Forum meetings, to observe progress and provide guidance as necessary. The Chair of the Forum will regularly report to, and work with, the Governance Board around the Forum's progress in meeting its milestones."

This means that the Department and Ministry were accountable to their Ministers for the Forum delivering its outputs, but the Forum was independent in the content of the outputs ie the rationale, conclusions and recommendations in the final report.

The Terms of Reference for this lessons learned review included the requirement to ask questions including:
"Was the impartiality of Chair important to your process?" and "Was the independence of the Forum important? Did it work?"

As such, throughout the report we have treated the Forum as independent and have drawn lessons in that context. We note that independence does not remove accountability from the sponsoring agencies for regional MPA processes, but was a mechanism by which they chose to apply the processes.

Acknowledgements:

Caravel would like to acknowledge everyone from the SEMP Governance Group, Forum and project team who participated in this review, and in particular Rebecca Bird and Karla Beauchamp for assistance in making introductions and coordinating interviews and meetings. Thank you.

1 Overview Summary

1.1 Purpose and Scope of this Lessons Learned Review

The Department of Conservation considers project review and evaluation an essential component of continual improvement. This review of the South-East Marine Protection Forum Project was intended to define lessons learned and to develop key recommendations to inform future projects focused on delivering on Marine Protected Area (MPA) outcomes, and to inform the potential development of a revised MPA policy framework and guidance for New Zealand. It included the SEMP Forum and the associated governance, project management and technical support from initial set-up to the publication of the Recommendation Report for Ministers.

1.2 Process for this Review

The review was conducted by the use of a survey, interviews and workshops with the governance group, project team and Forum members. More details of the process and the participants are shown in the appendices.

1.3 Overview of Findings:

This report needs to be read in its entirety so that the lessons learned can be understood in the context of the findings from the review. However, in this section we summarise the overall impressions that we gained from the review, as follows:

There was a good intent of all of the participants to meet the objectives of their stakeholders – but those objectives were not all aligned. The Forum Chair did a great job to hold the Forum together with the aim for consensus. Working towards consensus took time but, although it was not achievable, it helped to keep everyone around the table. It helped to maintain a respect for one another, even though agreement was not reached.

The approach of starting with a "blank page" (ie no proposals to start with) took a lot of time to get something to deliberate on. This approach, along with inadequate set-up time, meant that some Forum members did not accept for a long time that the exercise was about creating Marine Protection Areas, even though the Forum's terms of reference included a target of "establishing a network of MPAs". Starting with a proposal (or proposals) would have made it easier to get started, and may have helped to prepare information in advance.

The Kāi Tahu representatives did a remarkable job in representing their rūnaka with the diverse threads of obligation, interest and influence. Although these elements were sometimes at odds with the direction of the Forum, the representatives managed to find an acceptable path.

The Forum and project team members put in a lot of hard work over an extended period of time. There was a lot of social cost – both in personal time and in relationships with people outside the Forum who disagreed with their views. While the output report did not deliver an agreed network (but put up two options instead) it represents the considerable efforts put in by the members and should be treated with respect.

The review made it clear that the governance for an initiative of this nature cannot follow the normal mould. While DOC and MPI may have been considered to be accountable for the results of the Forum, they did not have control because it was an

independent entity reporting to the Minister. This means that governance should provide a forward-looking direction and risk management, but needs to be more supportive in process and project management. This was not resolved in the governance Terms of Reference.

Forum members found the policy and associated guidance difficult to follow and difficult to apply, particularly in the face of differing interpretations by agencies. Comments were that it was unclear, contradictory in places, and insufficiently specific in places.

Acquiring information was not always easy or timely for the Forum. This was especially the case for fishing information from MPI. Commercial confidentiality and protracted release processes sometimes resulted in the Forum having to wait for months for some information. The Forum often had to ask for information rather than having a visible collation of available information or data presented to them.

The Forum suffered as a result of the lack of time taken to set it up. This was reflected in many aspects including team formation and understanding of their role, information availability, agency alignment on policy, project management and general planning. Arguably, if more time had been spent in the set-up, it would have been repaid in quicker progress and reduced tension during the Forum process. It would be preferable if future MPA projects were set in a prioritised portfolio and managed as a programme such that budgets, baseline information and plans can be put in place well in advance.

The Forum suffered from a succession of project managers and patchy application of project management disciplines. There was a tendency to place an available person into the position, rather than engaging an experienced project manager and trying to achieve continuity in that position.

Although the model used in the SEMP Forum held together, there will be times when other models will be more appropriate. Determination of the model that is most likely to reach a useful conclusion should be debated and confirmed as an early step during the initiation of any future MPA project.

2   Summary of Recommendations

The recommendation made in this report are listed below. This does not cover all of the recommendations made in the "Statements for the Foundation Document" as some of those recommendations were at a finer level of detail than was appropriate for this Report.

MPA Policy

1) MPA policy needs to be made much clearer if it is to be used in forums such as this. It needs to be very clear about what is in scope and what is not (eg marine protection tools); identify what minimum standards or bottom lines are; and clearly articulate expectations and expected benefits. (Policy development)

Region Size/Scope

2) The extent of the region to be covered by a forum should continue to be defined on a case by case basis taking all influences into account.

3) When setting the Terms of Reference for a forum, the inclusion of any significant land based influences should be considered, along with clear constraints on the nature of deliberations or recommendations relating to those influences.

4) When the MPA policy framework is revised, consideration should be given to providing flexibility to exceed the 12 nm limitation in circumstances where special value may be derived. (Policy development)

Agency Roles

5) Where agencies work together on an MPA project, their roles and perspectives should be defined such that they seamlessly support the project and align with the principles of the project.

6) The nature of available fishing information, and any associated conditions, should be revealed to the Forum from the outset.

Treaty Partner

7) Adequate time should be set aside to engage with the Treaty partner to ensure that any proposed Forum is approached and structured appropriately to recognise the role, interests and status of iwi.

8) The flexibility of arrangements to ensure that iwi interests are appropriately represented should be continued.

Governance

9) The Governance Group Terms of Reference should reflect the specifics of the project, including key drivers, involvement of the Treaty partner, the nature of the relationship with the independent Forum Chair, and the participation of other agencies.

10) The balance of Governance Group membership should be assessed for each Forum project. It should be reaffirmed annually with a refresh of the Terms of Reference. The members should reconfirm their acceptance of the Terms of Reference at the same time.

11) Governance Group members should be inducted with training in the principles and practice of governance. This should be refreshed annually along with a review of the Terms of Reference and the business case.

12) In setting up a Forum process, the Governance Group should consider the nature of any proposed attendance at Forum meetings and define their roles if meetings are to be attended. This definition should be included in the Terms of Reference of both the Governance Group and the Forum.

The Forum

13) Ensure that a broad range of interests in the community is represented on any Forum, and by people with the skills and experience, and if necessary, the right mandate, to a role of this nature.

14) Continue the use of an impartial Chair.

15) Involve the Chair in the member selection process.

16) Clarify the Terms of Reference for the Forum, and ensure it is consistent with MPA policy and includes roles, freedoms, constraints, standards of behaviour, and consequences.

17) Consider supporting Forums through an independent (non-Government) entity to avoid perceptions of lack of independence.

Consensus

18) If achieving consensus is a critical success factor, then sufficient time needs to be allowed to enable groups to establish working practices and build the trust needed. The time required will depend on the complexity of the challenge, the diversity of interests, and the breadth of scope of the exercise.

Starting the Forum

19) Allow at least 6 months for setting up prior to starting the Forum. Ensure that iwi have the information required to start Rūnaka discussions.

Inputs

20) Consider use of forums, clinics or advisory groups to provide input into Forum processes, and enable Forum members to focus on applying community judgement to the information supplied.

21) Prepare an inventory of science and fishing information and gaps prior to commencement of the Forum.

22) The geospatial tool used (eg Sea Sketch) should continue to be populated with information about the South-East area as it becomes available, as support for benefits measurement and for future reviews of the reserve areas.

Outputs, tools and outcomes

23) Future forums should be enabled or encouraged to provide recommendations on the full range of tools that might be employed to deliver on marine biodiversity outcomes.

Project Management

24) Strive for continuity in the project manager role, contracting an experienced project manager if necessary.

25) Engage an experienced project manager.

26) Ensure that the project manager is based in the location of the Forum.

Writing Major Documents

27) Consider the use of professional technical writers for guiding information management and organisation in the creation of major documents. Ensure that this is undertaken very early in the process and is repeated as new information is required.

Nation-wide MPA Programme

28) Treat the protection of marine areas as a prioritised nationwide portfolio of proposed developments, managed as a programme of projects.

29) In alignment with the MPA Policy, establish a consistent set of metrics and monitoring systems to demonstrate the effects of existing protections, to help nationwide prioritisation, and justify future ones.

30) Use the programme to prepare information, processes, budgets and resources in advance of the initiation of each Forum (or equivalent).

Forum or Alternative mechanism

31) Consider the use of a process that assesses specific proposals rather than starting deliberations with a "blank page".

3 Purpose and Context of this Lessons Learned Review

3.1 Review Purpose

The Department of Conservation (DOC) considers project review and evaluation an essential component of continual improvement. This review of the South-East Marine Protection Forum Project was intended to define lessons learned and to develop key recommendations to inform future projects focused on delivering on Marine Protected Area (MPA) outcomes. It is also intended to inform the development of a revised MPA policy framework and guidance for New Zealand.

The review assessed:

- The experiences of stakeholders including the Forum, governance group and project team.
- The effectiveness of the joint-agency support and the perceived quality of governance and project management.
- The quality of the process to produce the recommendations to the Ministers of Conservation and Fisheries.

3.2 Context

The South-East Marine Protection Forum (the Forum) was convened in 2014 under the MPA Policy and Implementation Guidelines (MPA policy). The Forum was asked to provide recommendations to the Minister of Conservation and the Minister for Primary Industries (MPI) (now Minister of Fisheries) on options for achieving marine protection in accordance with the MPA policy in Otago (subsequently South-East) covering Timaru to Waipapa Point.

A Terms of Reference set out expectations for the Forum, including its objective.

The Forum had 14 members (including 3 alternate members initially, reducing to 2) representing; Kāi Tahu as manawhenua, commercial and recreational fishers, tourism, science, the environmental sector, and the broader community. The Forum had an independent Chair, Maree Baker-Galloway and a Deputy-Chair, Kāi Tahu representative Edward Ellison.

The Forum was set a timeframe to complete its work within two years of commencing. For various reasons the process took closer to four years. The Forum submitted their final recommendations report to Ministers on 23 February 2018.

The Forum was supported by DOC and MPI. It was managed under a project management structure with a Governance Group consisting of DOC and MPI managers and a Kāi Tahu representative, as well as a joint-agency project team supported by subject matter experts (SMEs).

DOC funded and led the project that provided support to the Forum. Throughout the life of the project there were several project managers, project coordinators, communications advisors and SME advisors. A consultancy firm was engaged to support the public consultation and submissions analysis phase. The Forum's work attracted significant public interest. Both DOC and MPI provided technical support in the form of marine science, legal and policy advice, as well as local operational advice.

3.3 Caravel Group

Caravel Group is a project management consultancy company. Established in 1990, it has substantial experience in managing and reviewing a wide variety of projects and programmes. Caravel's independent reviews have including project justification and setup, implementation, post implementation and lessons learned. This review has applied this experience partnered with environmental and central/local government experience from Tregaskis Brown.

3.4 Review Outputs

The outputs of the lessons learned review include this report and a document with statements aligned to DOC's Foundation Document format. These statements covered a range of subjects pertinent to the SEMP Forum and described the context, offered recommendations with benefits and disbenefits, and provided lessons learned statements. The Foundation Document statements provided an input into this report, but only the items that the authors considered of most significance were carried through to this report. A presentation was also prepared for direct delivery to DOC and MPI.

The following sections of this report describe key SEMP Forum elements with some background and discussion, followed by recommendations for consideration when planning or implementing future marine protection initiatives.

4 Marine Protected Areas Policy

4.1 Background

In 2005 the Department of Conservation and the then Ministry of Fisheries (now Fisheries NZ within the Ministry for Primary Industries), collectively the "agencies", launched a Marine Protected Areas Policy (MPA), designed to bring an integrated approach to establishing a network of marine protected areas around New Zealand. The stated intent of the policy was to ensure that marine protection would be science-based, involve iwi and stakeholders in the process, and would be transparent. Approaches would be committed to minimising impact on existing users and Treaty Settlement obligations. The policy was further supported by guidance released in 2008. This guidance was developed to assist the Marine Protection Planning Forums in implementing the MPA. It provides a brief summary Coastal Marine Classification, sets out the Marine Protected Areas Standard, and offers implementation guidelines that set out how a Forum should operate.

4.2 Discussion

Forum members found the policy and associated guidance difficult to follow and difficult to apply, particularly in the face of differing interpretations by agencies. Comments were that it was unclear, contradictory in places, and insufficiently specific in places. An example is that the policy refers to a range of marine management tools that can work together to build an MPA network, and yet the guidance specifically excludes the use of such tools.

Agencies appeared to have variously supported and discouraged the consideration of other tools. This caused significant frustration for some members, who were of the view that they had the mandate from Ministers to look beyond existing legislation and policy, and that, if necessary, special legislation could be created to implement recommendations. This was particularly evident in debates about use of RMA tools to improve water quality, with the objective of restoring damaged habitat.

Members also struggled with the concept that the policy directed them to "outputs" that wouldn't necessarily deliver the desired outcomes. This was particularly the case with a focus on habitat protection vs species protection. The view of some members was that both were required to achieve biodiversity objectives. Other members were of a view that adequate protection was provided via other legislation (ie Fisheries Act). The MPA Policy does not describe the tangible benefits (scientific, tourism and biodiversity) that are generally expected from MPAs. This tends to put the onus on MPA proponents within the Forum to sell the benefits of proposed MPAs.

The consequence of the lack of clarity was that differences of opinion were almost impossible to reconcile, which affected the Forum over the entire process. This created a very long initial engagement while relationships were built, understandings clarified, and consensus sought, but ultimately the fractures dominated and the Forum was unable to agree on a single network[1].

The MPA policy and guidance is not sufficiently clear for the purpose for which it has been prepared. It appears to have been created as a "point in time" practice, foreshadowing other policy (Oceans Policy) and legislation (new Marine Protection law) that has not eventuated. The guidance in particular is quite prescriptive for a process that is described in the Terms of Reference as "collaborative". Collaborative processes enable people working together to achieve a constructive outcome, or goals that would not be achievable by working alone. Collaboration is a social process, and requires parties to listen, learn and adapt to find solutions. To enable genuine collaboration there needs to be a strong element of enabling parties to determine their path together, rather than following a prescribed methodology.

4.3   Recommendation

1) MPA policy needs to be made much clearer if it is to be used in forums such as this. It needs to be very clear about what is in scope and what is not (eg marine protection tools); identify what minimum standards or bottom lines are; and clearly articulate expectations and expected benefits. (Policy development)

5   Region Size / Scope

5.1   Background

For the SEMP Forum, a decision was made to limit the scope to an area that, while substantial, was less than the full Southern biogeographic region. The area included the coast from Timaru to Waipapa Point, but excluded the southern coast from Waipapa Point to Sand Hill Point, including Stewart Island/Rakiura.

Most Forum members considered that the region size was appropriate. The involvement of 3 rūnaka and many communities made it challenging and time consuming, but a smaller area may have limited the options for networks of reserves. A few Forum members considered that a larger area could be managed with little extra time and effort, or that areas beyond the biogeographic region needed to be considered for networks relating to highly mobile species. A further comment noted that the habitat north of around Oamaru is more aligned with the area north of Timaru and could have been considered for marine protection as part of that area.

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[1] A network in this context is a group of marine protected areas that is comprehensive and representative of New Zealand's marine habitats and ecosystems.

5.2   Choice of Region

While the biogeographic regions may be used for guidance, they will often be too large for a Forum to address. Each Forum area should be defined after taking all influences into account, including scientific, cultural and community. The aim is to find the correct balance of economies of scale against complexity and consensus. Most participants considered that this balance was achieved for the SEMP Forum.

There may be situations when a much smaller area, such as a harbour or estuary, is appropriate. Community led initiatives are likely to create proposals that relate to a more contained scope.

5.3   Land Impacts

The impact of land based activities was out of scope for the SEMP Forum, but was a continual distraction due to the effect on the marine environment. The scope of the Forum could be extended slightly to allow for broad recommendations to be made about land impacts eg land management to reduce sedimentation. The scope and associated deliberations would need to be managed carefully to avoid the expenditure of too much Forum time on land based causes. In addition, the Regional Council may need to have more involvement in the Forum process than they chose to have for SEMP.

5.4   Sea Area

The MPA policy provides for marine protection areas in the area between the shore and the 12 nautical mile limit. This limit appeared to be suitable for nearly all of the SEMP region. However, there are sea canyons (Papanui and Saunders) that protrude into the 12 nm territorial area near Taiaroa Head. The ends of these canyons were included in the network proposals, but the proposals for reserves in this environment were constrained by the 12nm limit. This is an indicator that, in some circumstances, a geographic border would be preferable to the arbitrary 12nm limitation. A change to the MPA policy would be required to support this flexibility.

5.5   Recommendations

2) The extent of the region to be covered by a forum should continue to be defined on a case by case basis taking all influences into account.
3) When setting the Terms of Reference for a forum, the inclusion of any significant land based influences should be considered, along with clear constraints on the nature of deliberations or recommendations relating to those influences.
4) When the MPA policy framework is revised, consideration should be given to providing flexibility to exceed the 12 nm limitation in circumstances where special value may be derived. (Policy development)

6   Agency Roles

6.1   Background

DOC and MPI jointly worked on SEMP with DOC taking the lead role and providing the budget. Both agencies were represented on the Governance Group and the project team, although DOC played a larger part in each group.

MPI provided information to the Forum relating to fish catch and distribution. Some of this information was commercially confidential, and needed to go through various internal processes before it could be released. This often took a long time, and the information provided was sometimes constrained or subject to conditions.

6.2 Discussion

Although the agencies appeared to be aligned on the objective, there were tensions due to differences in perspective and policy interpretations (eg Type 2 MPAs). There were no documents that defined the agency roles, although some individual roles are briefly stated in the stakeholder section of the Project Initiation Document (PID).

Parties commented that the differences between the agencies created difficulties for the Forum as it was more difficult to reach consensus when the sponsoring agencies were not completely aligned.

To some extent, the agencies were in a difficult position in providing governance and management support for the Forum which was expected to be independent. Some Forum members took the view that the agencies could never be independent while they were driving timing, process and policy alignment requirements. It would have been better if the roles had been fully defined before the Forum was started – or at least clarified once tensions became apparent.

Initial fish data was planned and provided at the start of the forum process. Subsequent requests for more detailed information were substantially delayed – almost beyond useful timing. In some cases, the data was not analysed or granular enough to be useful. While there are confidentiality constraints on some of the information, delays do not seem to align with a project that MPI is jointly governing and where consensus and timeliness are considered to be major success factors.

6.3 Recommendations

5) Where agencies work together on an MPA project, their roles and perspectives should be defined such that they seamlessly support the project and align with the principles of the project.
6) The nature of available fishing information, and any associated conditions, should be revealed to the Forum from the outset.

7 Treaty Partner

7.1 Background

Kāi Tahu has a very important role to play with several dimensions that played out in the Forum processes.

First, as Treaty Partner with the Crown. This has been recognised through engagement with Te Rūnanga o Ngāi Tahu, which resulted in a partnership arrangement at the governance level.

Secondly, as a key party to the Forum. Kāi Tahu retained three places within the Forum, and was the only entity where alternates were permitted. This was to enable interests across all takiwā to be represented.

Recognition is also provided through the various pieces of legislation that were relevant to the Forum, including Treaty Settlement legislation that provides for Statutory Acknowledgements in specific areas. Running in parallel with the Forum process (although over a much longer time span) were engagements regarding establishment of mātaitai reserves under the Fisheries Act.

Kāi Tahu's interests in the process are also many and varied, and spanned from its role as kaitiaki with interests in conservation and protection, through to commercial fishing.

7.2 Membership and representation

Early provision of Forum members by iwi proved problematic as representatives did not have the mandate to represent the full range of interests and expectations. The Forum was paused for some months while this issue was sorted out. In reality the time should have been taken to ensure that appropriate representation and process was in place prior to the Forum commencing. The delay was a direct consequence of inadequate preparation by agencies prior to announcement (see MPA Programme and Starting the Forum). In the MPA guidance it is recommended that at least six months be allocated to the preparatory processes, including appointments. If time cannot be found prior to announcement (which is preferable) then time will need to be allotted prior to commencement. To not do so will almost inevitably create issues that could undermine the Forum from the outset.

7.3 Participation and leadership

Kāi Tahu hosted early sessions of the Forum on marae. This was critical in establishing a way of working and building of understanding of its role, which served the Forum well throughout the processes. In the latter stages of the process in particular, Kāi Tahu felt that it played an important role bridging between the two networks that were proposed as a mechanism to make progress when it became clear that agreement on a single network would not be achieved. Members expressed that they were committed to seeing that the Forum achieved the objectives of preparing recommendations to Ministers.

The importance of iwi to these processes cannot be overstated. As well as having partnership and statutory roles, iwi have an important role in bringing together diverse interests within the iwi, and bringing those interests to the table in any Forum.

7.4 Use of customary management tools

Members commented that customary management tools such as mātaitai reserves could form part of the network of MPAs. While such reserves may well contribute to the protection of biodiversity and habitats in the marine environment, their purpose is about establishing customary fishing rights and management, and as such is different and should not be conflated.

7.5 Recommendations

7) Adequate time should be set aside to engage with the Treaty partner to ensure that any proposed Forum is approached and structured appropriately to recognise the role, interests and status of iwi.

8) The flexibility of arrangements to ensure that iwi interests are appropriately represented should be continued.

8 Governance

8.1 Governance Terms of Reference

The Governance Group Terms of Reference was based on a DOC template. While the template is fit for purpose, unfortunately the ToR remained generic and did not benefit from better alignment with the specifics of the SEMP Forum project. In particular, it lacked clarity of the relative priorities between significant factors such as time, consensus, community engagement, policy alignment, budget etc. For example, while many people said that SEMP was intended to be community led, the Terms of Reference has no specific mention of this – or of what it would mean for governance roles. It did

not address, for the independent forum, the separation of ownership and control which is a well-known cause of performance problems. It also failed to identify the relative governance contributions of DOC, MPI and Kāi Tahu.

8.2 Governance Group Membership

The Governance Group membership was from DOC, MPI and Kāi Tahu. This was appropriate and took into account the requirements of SEMP. For SEMP, Kāi Tahu requested one member and a delegate, but for other Forum areas the iwi membership request may be different.

The balance of representation between DOC and MPI appeared to be suitable.

The Governance Group was chaired by the Senior Responsible Owner (SRO). The Sponsor was not part of the Governance Group. This is not normal practice in most organisations because it blurs accountability, but it is common practice in DOC.

Not all Governance Group members remained engaged throughout the project, such that for some members it appeared to be a process of attending (some) meetings but doing little to progress the objectives for the rest of the time. The Terms of Reference should make it clear that governance is not an intermittent role but should include ongoing, proactive championing of the project and its intended outcomes.

8.3 Governance Training

The Governance Group members received governance training at the start of the project as some had not previously been in a governance position. There was no refreshing of the training, even when group members were replaced. Regular refreshers, say annually, would have been useful and may have helped to highlight and resolve questions of role.

8.4 Governance Attendance at Forum Meetings

The Forum Terms of Reference stated that "a member of the Governance Board will attend Forum meetings, to observe progress and provide guidance as necessary". It appears that the Governance Group viewed this as ex-officio membership whereas the Forum Chair took it to be an observer role.

The intent of this attendance needs to be examined, because it is not clear if it was intended to be governance, management advice, or technical/policy guidance, or a mixture of all three. Some Governance Group members considered that they needed to be at the Forum meetings to provide policy and legislative advice. There is a view that this is an advisory role and could be provided by a workshop, or by project team members if DOC and MPI agreed on the policy in advance. A further view is that this attendance reduces the strength of perception that the Forum is independent and community led. Many Forum members did not understand why the governance group members attended.

8.5 Recommendations

9) The Governance Group Terms of Reference should reflect the specifics of the project, including key drivers, involvement of the Treaty partner, the nature of the relationship with the independent Forum Chair, and the participation of other agencies.
10) The balance of Governance Group membership should be assessed for each Forum project. It should be reaffirmed annually with a refresh of the Terms of Reference. The members should reconfirm their acceptance of the Terms of Reference at the same time.

11) Governance Group members should be inducted with training in the principles and practice of governance. This should be refreshed annually along with a review of the Terms of Reference and the business case.

12) In setting up a Forum process, the Governance Group should consider the nature of any proposed attendance at Forum meetings and define their roles if meetings are to be attended. This definition should be included in the Terms of Reference of both the Governance Group and the Forum.

9   The Forum

9.1   Forum Membership

The Chair and members of the Forum were selected mainly from a group of nominations to agencies, who then provided recommendations to Ministers. The Forum Chair was not involved in the selection process.

The Forum members covered off a wide range of interests in the community. It was clear however that members had different perceptions of their roles (ranging from a channel for communication through representative, expert, and advocate), and what their community of interest expected of them and how this would be discharged. It was not clear to the Chair what the expectations were by members of their role (what they had signed up to) and this caused difficulty for her role of chairing and keeping the process intact. This led to delays and at times constraints to progress and ultimately, fractures that led to creation of the two networks.

9.2   Terms of Reference

The Terms of Reference were not sufficiently clear on role and behaviour. As noted above, different members brought different approaches, and the result of this was some members felt unable to make decisions at the table without reference to membership or employees. The consequence of this was it was difficult to maintain Forum integrity when some members felt obliged to disclose material and positions that had been established in-committee. While the MPA policy does encourage transparency, members do need to be able to put ideas on the table for debate without fear that positions will be disclosed.

Clearly identifying the roles, freedoms and constraints of Forum members in the Terms of Reference would aid the Chair in managing processes and behaviours.

9.3   Independence of the Chair

The Chair was very careful to maintain independence both within the Forum, and between the Forum and agencies. This was important both to keep faith with the role, and to maintain the integrity of Forum processes. Forum members were unanimous in their view that the Chair maintained this independence very well, and that this was very important to delivering an outcome.

9.4   Independence of the Forum processes

Most of the information provided to the Forum was sourced from agencies, with additional information provided through the science forum. Initially much of this information and advice was provided via briefings. Additional advice was available from the subject matter experts attached to the Project Team, from Project Team members, and from agencies. Additional information was sourced from Forum members, such as the science representative. The Forum commissioned further science advice, but was not able to commission independent legal or policy advice.

While the Forum accepted information provided to it, the Forum largely did not permit agency participation, as the Chair saw that this would compromise its independence. Agencies felt that useful advice and experience that could have assisted the Forum was foregone, resulting in sub-optimal processes and planning. Some of the project team felt at times it was relegated to administration.

Some members of the Forum shared the view of agencies, and felt that agencies should have been able to participate, offer advice, or even advocate within the Forum.

While efforts were made to ensure a degree of separation of the Project Team supporting the Forum from agencies, it is difficult to see how the Project Team could have been seen as providing adequate independence. The team was managed from the Wellington DoC office, and lines of communication were through management channels as well as through governance.

It is clear that failure to address separation adequately impeded management and support of the Forum and may well have led to significant pressures both on the Project Team and Forum members that could have been foreseen and planned for.

9.5   Recommendations

13) Ensure that a broad range of interests in the community is represented on any Forum, and by people with the skills and experience, and if necessary, the right mandate, to a role of this nature.
14) Continue the use of an impartial Chair.
15) Involve the Chair in the member selection process.
16) Clarify the Terms of Reference for the Forum, and ensure it is consistent with MPA policy and includes roles, freedoms, constraints, standards of behaviour, and consequences.
17) Consider supporting Forums through an independent (non-Government) entity to avoid perceptions of lack of independence.

10   Consensus

10.1   Background

The Forum was initiated with an aim to reach consensus on a single network of MPAs, if possible. This is set out in both the MPA and the Terms of Reference. The intention of the consensus model was to achieve buy-in of both the representatives in the Forum, and by extension, their constituent communities.

10.2   Discussion

With the diverse range of stakeholders and deep-seated interests, consensus was always going to be a difficult challenge. However, there are advantages in aiming for the greatest feasible level of consensus, in that the options selected by the community are more likely to be ones that are beneficial and sustainable.

In the early stages of the Forum it appears that achieving consensus was given a greater weighting than meeting other expectations outlined in the Terms of Reference, and it appears from discussions that consensus was seen as being essential by the Minister.

There were significant benefits in the approach adopted by the Chair, which was to build relationships, and consensus around the science, information and approach. This meant that the Forum was able to retain strong relationships in the main through the very difficult later processes of drafting recommendations, even though constituent interests

were pulling the members apart.

This consensus-building came with a significant time penalty, and meant that progress on potential reserves and "drawing lines on maps" did not commence for a full year.

The MPA guidelines identify a period of about 6 months for this process.

Consensus processes required significant effort if they are to deliver more than "lowest common denominator" outcomes. This is made even more difficult when expectations are different, and the chair has not had input into the selection processes (see Terms of Reference and Forum member selection)

Given that the stated intent of the process was to enable a consensus approach to marine biodiversity protection, with diverse membership interests but through a very narrow application of policy, it is perhaps not surprising that the timeframes stipulated in the Terms of Reference would not be achieved, and two extensions in time had to be granted in order for the Forum to continue.

10.3 Recommendation

18) If achieving consensus is a critical success factor, then sufficient time needs to be allowed to enable groups to establish working practices and build the trust needed. The time required will depend on the complexity of the challenge, the diversity of interests, and the breadth of scope of the exercise.

11 Starting the Forum

11.1 Background

The Forum was initiated in haste following a ministerial statement that there would be a forum tasked with applying the MPA policy to the Otago (subsequently the south east) coast and it would aim for completion in two years. There was no budget or plan for setting up the Forum. DOC found some budget and DOC and MPI contributed staff to get started.

11.2 Discussion

As a result of the rapid start, there were many things that were not in place and which caused difficulties during the Forum. These included:

- There was no opportunity to hold agency/iwi partnership discussions before the Forum to agree approach, including targets and potential tradeoffs (eg mātaitai progress) to go into the Terms of Reference. This caused a several month delay during the Forum process while Kāi Tahu considered their position.
- Expectations were not set clearly about the policy and expected outputs and outcomes.
- Forum members were recruited without interviews and without a full understanding of their role. The balance of character, representation, advocacy and authority could not be examined and adjusted.
- Resource plans were not put in place to provide the right balance of project management and subject management expertise to support the Forum.
- Relevant fisheries distribution information was not available from the start.

Due to some of these gaps in setting the Forum in place, bedding down the Forum was time consuming – and still left differing understandings. It would be preferable to have a series of briefings and discussions at the start covering relevant topics including expectations, interpretation of MPA policy and relevant legislation, likely processes, rules

and consequences, project management, information and data (including science), consensus, community engagement, roles of all participants including iwi, roles of the different groups (governance, project, forum, advisory) budgets, targets, and tolerances.

While taking time to start the Forum properly may be seen as "not getting on with it", there is a view that better preparation for the Forum would have saved time overall and would have made the deliberations more productive.

11.3 Recommendation

19) Allow at least 6 months for setting up prior to starting the Forum. Ensure that iwi have the information required to start Rūnaka discussions.

12 Inputs - Technical support and provision of advice

12.1 Background

The lack of clarity of role, the need for independence, and gaps in information led to Forum members filling in some of these roles themselves (ie inputting technical information and advice as well as undertaking community engagement, synthesising options and approaches and consulting on those options). This put significant pressure on individuals, both at a community level and a professional level.

12.2 Discussion

While the knowledge and calibre of the individuals involved may have fostered this approach, it is not best practice to put members in the position of being both suppliers of information, and representative decision-makers on the basis of that information.

Lack of clarity of role and the need for independence played out in other unhelpful ways for staff. It meant that science advisors felt they had to wait until information was requested. In some cases, more scientific information was available than Forum members knew – unless they asked.

Other approaches need to be considered to ensure that Forums can access the support and advice they need. One initiative was the science forum, which was considered to be very successful. Similar forums or clinics could also be used in other areas, to assist with matters such as designing community engagement, or covering off policy or legal concerns. Input could also be created through use of advisory groups, who could be convened to assist or test ideas.

As noted in other sections, this Forum suffered from the speed with which it was initiated, meaning that information collation was not complete, and significant information was missing (particularly fishing effort). While staff commented that this exercise had access to much better information than any previous Forum, and had access to tools such as Sea Sketch, it is also clear that the gaps caused significant concerns. Identifying clearly what information was available, and where gaps existed may have assisted.

12.3 Sea Sketch

Sea Sketch is a spatial planning and collaboration tool. It was used as a valuable input into Forum discussions and community engagement activities. It allowed for quick demonstration of the effects of a proposed protection area – within the constraints of the stored information. It also identified areas where further information was required, or existing information required validation.

Some members said there was some reticence to load unpublished information into Sea

Sketch. However, information about the physical environment eg from commercial fishers or community divers, could be loaded with a suitable comment on the data reference page.

12.4 Recommendations

20) Consider use of forums, clinics or advisory groups to provide input into Forum processes, and enable Forum members to focus on applying community judgement to the information supplied.
21) Prepare an inventory of science and fishing information and gaps prior to commencement of the Forum.
22) The geospatial tool used (eg Sea Sketch) should continue to be populated with information about the South-East area as it becomes available, as support for benefits measurement and for future reviews of the reserve areas.

13   Outputs, tools and outcomes

13.1 Background

Members of the Forum struggled with a requirement to describe and define outputs (ie marine protected areas) rather than the habitat and biodiversity outcomes that are sought to be achieved through this process. Some participants were very keen to see other tools employed that would have helped deliver the outcomes, but these were not determined to be within the scope of the Forum.

13.2 Discussion

The interests of Forum members varied between an aim for full biodiversity improvement through to more of an interest in specific species. As noted under Section 5 (MPA policy), the policy seeks to protect marine biodiversity, but approaches this using a very limited range of tools – eg MPAs. Members were interested in tools that would protect habitat from activities beyond the physical location (eg reducing sediment inputs to support recovery of kelp beds), or to protect mobile species that are either important to support other species (juvenile pelagic fish) or important themselves (eg yellow-eyed penguin). This was a considerable distraction in trying to achieve consensus within the Forum.

It is difficult to discern why the MPA policy should acknowledge the contribution that other tools make to achieving outcomes, and yet the guidance specifically excludes recommendations on these tools. In addition, the terms of reference for the SEMP Forum included the statement that "the Forum should focus on recommending a mix of protection tools (including marine reserves)". If this issue is not resolved, it will remain a frustration in future forums and a barrier for genuine community collaboration.

13.3 Ongoing Monitoring and Review

Network Design Principle 6 in the MPA Policy provides for an ongoing monitoring programme to be undertaken to assess the performance of the MPA network. If monitoring indicates that the networks are not meeting the objectives then a review may be initiated.

It is not clear that attributes exist for the proposed SEMP networks such that an objective assessment can be made. We assume that, if SEMP reserves are implemented, attributes will be established and a monitoring programme set in place as per the policy. In our view, it would be preferable if reviews were conducted at regular intervals, regardless of the measured results. Positive results may warrant changes to plans just as

much as negative results, albeit of a different nature. This is in line with recommendations made by the Forum, including readiness for the proposed generational review.

13.4 Recommendation

23) Future forums should be enabled or encouraged to provide recommendations on the full range of tools that might be employed to deliver on marine biodiversity outcomes.

14 Project Management

14.1 Background

There were 5 project managers during the course of the SEMP Forum. Only two of them were experienced as project managers. The remainder were people who could be made available to work on the project. There was no consistent application of a project management methodology. The quality of planning and management of risks and costs, in particular, varied considerably. At times there was no plan for the next phase.

14.2 Project Manager

There was a tendency for people to be applied to the project manager role because they knew something about marine protection and they were available, as opposed to finding people with solid project management experience (who could learn about the Forum context). Project management experience and capability is more important than subject matter expertise. The lack of experienced project managers meant that the Forum was not supported as well as required. The handovers from one project manager to the next were variable in quality and caused disruption. With a project of this nature there was a lot of information to assimilate and it wasn't all documented.

For an independent community-based endeavour, experience with change management and the application of soft skills (communication, language, social engagement, empathy) is at least as important as subject matter knowledge. These skills help not only in working with the Forum, but also with planning and managing community education and engagement. This should be considered when setting the criteria for engaging a project manager on any future forum.

Because the Forum and project team were based in Dunedin, and community engagement was such an important factor, the project manager should have been based there. If there was no suitable project manager in DOC or MPI who was able to live in Dunedin, then an experienced Dunedin-based project manager should have been contracted for the full term of the Forum.

14.3 Project Management Role

Because the Forum is an independent entity, the role of project management was to support the Forum, not control it. This support includes the formation of plans and anticipating the future requirements of the Forum to ensure that people, information, written materials, processes and logistics are in place when they are needed. This support uses the full range of project management skills, but takes some adjustment because of the proactive supporting nature of the role.

In addition, a competent project manager could have not only reported on the progress, risks and issues of the Forum, but also guided the governance group into playing a more appropriate role. This may have helped to highlight and resolve the differences in perspective between the governance group and the Forum.

14.4 Recommendation

24) Strive for continuity in the project manager role, contracting an experienced project manager if necessary.
25) Engage an experienced project manager.
26) Ensure that the project manager is based in the location of the Forum.

15 Writing Major Documents

15.1 Background

During the course of the Forum, two major documents were prepared and published – the consultation document for public submissions, and the recommendations report for the Ministers.

15.2 Discussion

The work of preparing documents was allocated across different people by the Chair. The process of developing the documents was highly pressured due to tight timing deadlines. It put project resources under significant stress.

A view was expressed to the authors that professional writers would not have been suitable as they would not have had the benefit of the context, and hence would not have been able to nuance the document appropriately. However, professional writers are often used to help create complex documents, and can bring significant skills in information management and organisation. They are accustomed to quickly picking up the substance and important factors in new engagements. Their involvement does not need to be to the exclusion of Forum and project team members, who can instead focus on the detail.

It is probable that better planning, well in advance, would have reduced some of the stress by providing more time, applying the right resources, and sequencing the actions.

15.3 Recommendation

27) Consider the use of professional technical writers for guiding information management and organisation in the creation of major documents. Ensure that this is undertaken very early in the process, and is repeated as new information is required.

16 Nationwide MPA Programme

16.1 Background

There is no prioritised programme for developing networks of marine protected areas around New Zealand. Although a gap analysis has been carried out, there is no formal prioritisation of areas to be addressed.

16.2 Discussion

The MPA Policy Network Design Principle 4 requires that national priorities be set up and reviewed annually, and Design Principle 5 provides for a process and compliance evaluation programme to be undertaken. These would be valuable activities although they fall short of a full programme management approach. However, it would appear than neither of these principles have been followed.

The lack of an agreed forward plan means that there is no focussed incentive to gather scientific information, arrange budgets, conduct information or education programmes, prepare cause/effect information etc. This means that either the Forum setup is delayed

or the job of the Forum members is much more difficult and time consuming.

For SEMP, the effects included a scramble to find budget, unrealistic timescales, incomplete information on habitats and species, the need to educate the community at the same time as seeking views and submissions, and lack of clarity on the objectives among some Forum members.

The lack of forward notice meant there was no opportunity to gather baseline information which would allow better measurement of the benefits of any marine protected areas. Lack of this baseline information not only constrains benefit measurement for SEMP, but also does not help future business cases to focus on benefits (eg improved biodiversity or species restoration) rather than outputs (MPAs).

A prioritised programme would allow for recognition of dependencies such as Treaty settlements or mātaitai applications, or even policy or legislative changes.

16.3 Recommendations

28) Treat the protection of marine areas as a prioritised nationwide portfolio of proposed developments, managed as a programme of projects.
29) In alignment with the MPA Policy, establish a consistent set of metrics and monitoring systems to demonstrate the effects of existing protections, to help nationwide prioritisation, and justify future ones.
30) Use the programme to prepare information, processes, budgets and resources in advance of the initiation of each Forum (or equivalent).

17   Forum or Alternative Mechanism

17.1 Background

The Forum was established to try to align as closely as possible with the MPA policy and guidelines. The primary drivers seemed to be to produce an output (the Recommendations report) in as short a time as possible while maintaining independence and striving for consensus. The perception of independence is important as there is a regional community mistrust of central Government. Another success factor was a strong focus on trying to achieve consensus in a group where the members held views so diverse as to be practically irreconcilable.

The SEMP Forum used a community engagement process to try to propose and achieve consensus on a network of marine protected areas which comply with the MPA policy and guidelines. This started from a "blank page" with no prior preparation of information. It took about a year before proposals emerged. The full end to end process was very lengthy and appears to duplicate processes of community submissions (ie during the Forum work and after Ministerial deliberations).
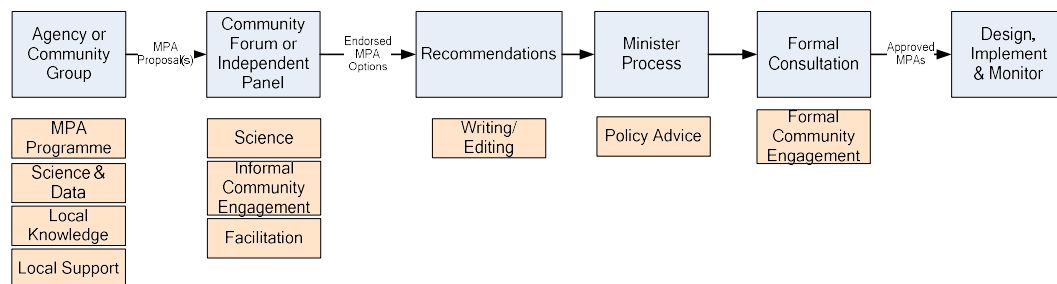
17.2 Discussion

The Forum maintained the perception of independence as much as is possible when operating a process that is directed, funded and supported by Government agencies. However, there was still a widespread view that the Forum was constrained and was not truly independent.

The aim for consensus, through the guidance of the Chair, was a strong factor in holding the Forum team together and encouraging them to understand each other's viewpoints. However, consensus was not achieved, and it is unlikely that it will be achieved in any other MPA forum while meeting the requirements of the policy.

Some of the difficulty for the Forum is the open ended nature of the task that they are given. They have to propose marine protected areas then seek public opinion on them and recommend solutions, while some members not only do not agree with the proposals, but they do not agree with the concept of MPAs. It is apparent that alternative approaches may be preferable in different circumstances.

17.3 Alternatives

Alternative approaches are proposed in the MPA Consultation Document (A New Marine Protected Areas Act: Consultation Document: Ministry for the Environment 2016). One is a community led, self-governing, collaborative approach. The other is a board of inquiry. Both would be preceded by a Government assessment of protection needs and development of a proposal. The community group or board of inquiry would receive, from the relevant Ministers, terms of reference that will include assessment criteria against which the proposal must be evaluated. The process is as follows:

A significant difference between the SEMP Forum approach, and the approach described in the Ministry for the Environment (MfE) consultation document is that the SEMP Forum had to develop and assess proposals, whereas the MfE approach allows for the proposal to be created in advance by the community or by science/Government agencies.

There may not be a direct comparison as the SEMP Forum was aiming for networks of MPAs, whereas the MfE document appears to be addressing individual MPAs. However, the MfE approach has the advantage of making discussions more focussed right from the start (as they are about an existing proposal – "lines on maps"). If there is inadequate science or species information to support the proposal, this should be seen and corrected, if possible, in advance rather than after the forum is established. The forum (or panel) members should need to commit less time than the current format. The proposed approach also removes the perceived duplication of public submissions (during the Forum and after Ministerial deliberations).
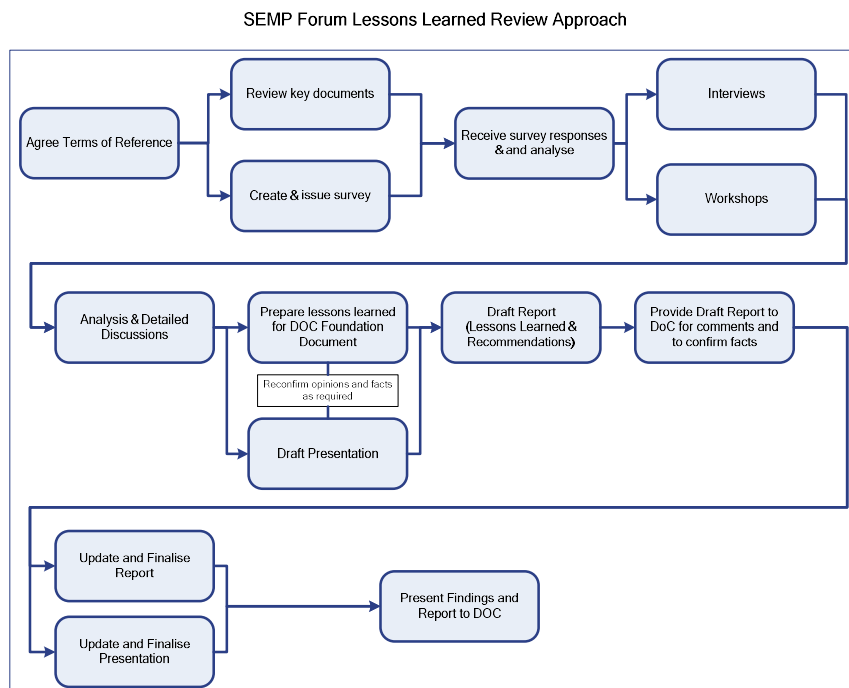
17.4 Recommendation

31) Consider the use of alternative processes, such as one that assesses specific proposals rather than starting deliberations with a "blank page".

Appendix 1: Lessons Learned Review Approach

Review Approach.

1- Scoping/context:
   a. Review background material
   b. Meet with project manager to discuss context
2- Survey:
   a. Prepare and issue a survey for the Forum, project team and governance group to determine key themes and opinions to focus on for the lessons learned work.
   b. Workshops: Conduct separate face to face lessons learned workshops with the Forum, project team and governance group.
   c. Interviews: Conduct one on one interviews with the key members of the Forum, project team and governance group who are unable to attend the workshops.
3- Review:
   a. Analyse the information from the survey, workshops and interviews.
   b. Document the lessons learned in the DOC Foundation Document format.
   c. Draft a presentation PowerPoint to highlight key themes.
   d. Draft a lessons learned review report, including findings, lessons and recommendations.
   e. Submit the report to DOC in draft form to confirm facts.
   f. Finalise the Foundation Document, report and presentation.
   g. Submit the final documents to DOC and present the findings.

This approach is depicted below:

SEMP Forum Lessons Learned Review Approach

Documents reviewed included project, governance and Forum foundation documents (eg ToR, Project Initiation Document), governance and Forum documents and minutes, and project reports and control documents, as well as subject matter material about marine protection in the context of SEMP.

Appendix 2: People Interviewed

Name	Role	Organisation / Representation	Interview / Workshop	Date
Maree Baker-Galloway	Forum Chair	Independent	Interview	19/7/18
Chris Hepburn	Forum Member	Marine Science	Interview	7/8/18
Ate Heineman	Forum Member	Commercial Fishers	Workshop	20/7/18
Sue Maturin	Forum Member	Environmental	Workshop	21/7/18
Neville Peat	Forum Member	Community	Workshop	21/7/18
Tim Ritchie	Forum Member	Recreational Fishers	Workshop	21/7/18
Fergus Sutherland	Forum Member	Tourism	Workshop	21/7/18
Philippa Agnew	Forum Member	Environmental	Workshop	21/7/18
Steve Bennett	Forum Member	Recreational Fishers	Workshop	20/7/18
Simon Gilmour	Forum Member	Commercial Fishers	Workshop	20/7/18
Edward Ellison	Deputy Forum Chair	Kāi Tahu, Otago Rūnaka	Workshop	21/7/18
Khyla Russell	Forum Member, Delegate	Kāi Tahu, Otago Rūnaka	Workshop	21/7/18
Carol Scott	Forum Member	Commercial Fishers	Interview	30/7/18
John Henry	Forum Member	Kāi Tahu, Timaru Rūnaka	Workshop	21/7/18
Marie Long	Governance Group Chair	DOC	Interview	31/7/18
Astrid Nunns	Governance Group	DOC	Interview	31/7/18
Sean Cooper	Governance Group	DOC	Workshop	16/7/18
Andy Roberts	Governance Group	DOC	Workshop	16/7/18
David Newey	Governance Group	DOC	Interview	2/8/18
Christine Bowden	Governance Group	MPI	Workshop	16/7/18
David Scranney	Governance Group	MPI	Workshop	16/7/18

Matapura Ellison	Governance Group	Kāi Tahu	Workshop	16/7/18
Blake Abernethy	Governance Group	MPI	Workshop	16/7/18
Rebecca Bird	Project Manager	DOC	Workshop	20/7/18
Tania Cameron	SME	MPI	Interview	2/8/18
Greig Funnell	SME	DOC	Interview	27/7/18
Kate Tanner	Project Coordinator	DOC	Workshop	20/7/18
Gillian Thomas	Communications Advisor	DOC	Workshop	20/7/18
Nicole Mistal	Workstream Lead	DOC	Interview	16/7/18
Leeann Ellis	Project Coordinator	DOC	Interview	19/7/18
Sarah Bagnall	Project Manager	DOC	Interview	18/7/18
Neville Cox	Project Manager	DOC	Interview	17/7/18
Kim Morgan	Project Manager	DOC	Interview	17/7/18
Riki Mules	SME	DOC / MPI	Interview	1/8/18