



Hector's dolphins, Umuwheke Bay, Arapawa Island, Marlborough Sounds (January, 2016)

**Submission** | Submission on a new Marine Protected Areas Act  
March 2016

14 March 2016

Ministry for the Environment  
PO Box 10362  
Wellington  
New Zealand

To whom it may concern,

**A New Marine Protected Areas Act – Consultation Document (January 2016)**

Please accept the following letter and attachments as the McGuinness Institute's submission on a new Marine Protected Areas Act.

I would appreciate the opportunity to be heard in support of this submission.

Kind regards,



Wendy McGuinness  
Chief Executive  
McGuinness Institute

Attachments:

1. *Think Piece 22: Proposal for the Creation of an Oceans Institution* (November 2015)
2. *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean* (March 2015)
3. *Working Paper 2015/01: Ocean Management in New Zealand: Findings from a structured discussion* (January 2015)
4. *Working Paper 2013/01: Notes on the New Zealand King Salmon Decision* (May 2013)
5. *Think Piece 16: New Zealand King Salmon: Was it a good decision for New Zealand* (March 2013)

## About the McGuinness Institute

The McGuinness Institute was founded in 2004. The McGuinness Institute is a non-partisan think tank working towards a sustainable future, contributing strategic foresight through evidence-based research and policy analysis. *Project 2058* is the Institute's flagship project, which includes a research programme that aims to explore New Zealand's long-term future. In preparing this submission the Institute drew largely on the McGuinness Institute's overarching project, *Project 2058*, and in particular our work on *Project One Ocean*.

The following is a list of research publications produced for *Project One Ocean*:

- November 2015: *Think Piece 22: Proposal for the Creation of an Oceans Institution*
- March 2015: *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*
- March 2015 (draft): *Working Paper 2015/03: Legal instruments of New Zealand's oceans management*
- January 2015: *Working Paper 2015/01: Ocean Management in New Zealand: Findings from a structured discussion*
- March 2014: *Submission: Draft for Consultation: Exclusive Economic Zone and Continental Shelf (Environmental Effects - Discharge and Dumping) Regulations 2014*
- February 2014: *Submission: Draft for Consultation: Exclusive Economic Zone and Continental Shelf (Environmental Effects - Non-Notified Activities) Regulations 2013*
- September 2013: *Submission: Activity classifications under the EEZ Act: A discussion document on the regulation of exploratory drilling, discharges of harmful substances and dumping of waste in the Exclusive Economic Zone and continental shelf*
- June 2012: *Submission: Regulations proposed under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill*
- February 2012: *Written responses to questions from committee: Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill*
- February 2012: *Oral Submission: Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill*
- January 2012: *Submission: Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill*

MfE workshops and meetings attended:

- 3 March 2014: EEZ Draft Regulations Workshop
- 27 January 2014: Workshop on proposed EEZ Regulations
- 14 May 2013: EEZ Regulations Workshop

**About the Chief Executive**

Wendy McGuinness wrote the report *Implementation of Accrual Accounting in Government Departments* for the Treasury in 1988. She founded McGuinness & Associates, a consultancy firm providing services to the public sector during the transition from cash to accrual accounting. From 2003–2004 she was Chair of the NZICA Sustainable Development Reporting Committee and became a fellow chartered accountant (FCA) in 2009. In 2004 she established the Institute in order to contribute to a more integrated discussion on New Zealand’s long-term future.

Wendy also owns a property (with her partner) in Umuwheke Bay, Arapawa Island in the Marlborough Sounds. As indicated by the photo on the front cover, a number of Hector’s dolphins swim in the bay. The attraction for holidaying in the Marlborough Sounds is to holiday in the equivalent of a national park – the flora and fauna is exceptional.

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## Introduction

New Zealand's marine leadership began with the Marine Reserves Act in 1971. This was 84 years after New Zealand established its first national park in 1887. Although the Marine Reserve Act 1971 was a landmark piece of legislation, it is also important to remember that this was six years before the Territorial Sea and Exclusive Economic Zone Act 1977 was passed, seven years before the Marine Mammal Protection Act 1978 came into being and 11 years before the United Nations Convention on the Law of the Sea (UNCLOS) was signed in 1982. This illustrates that governing to protect and conserve our natural environment is part of an ongoing narrative, but that narrative often involves a number of peaks and troughs. New Zealand's oceans have not had a great deal of attention since the 1980s and are clearly overdue for a more considered and reflective review based on scientific evidence and strategic governance.

We hope that this consultation paper indicates a movement towards improving oceans governance, and that the years from 2015 to 2020 see another surge of interest following on from the reforms of the 1970s and early 1980s.

The following submission is made up of three parts: Part A outlines our key observations about the content of the consultation paper; Part B outlines our three overarching recommendations; and Part C provides an Index, showing where the 28 questions contained in the *Consultation Document* are answered within this submission.

## PART A: OBSERVATIONS

### 1.0 The direction of public policy

- 1.1 We strongly approve of Prime Minister John Key's 29 September 2015 announcement to create the Kermadec Ocean Sanctuary.<sup>1</sup> We are interested to learn more about the resulting Bill that will set up the legislation to create and manage the Sanctuary (introduced 8 March 2016).<sup>2</sup>

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<sup>1</sup> Beehive, (2015, September 29). *PM announces Kermadec Ocean Sanctuary*. Retrieved from <https://www.beehive.govt.nz/release/pm-announces-kermadec-ocean-sanctuary>

<sup>2</sup> Beehive, (2016, March 4). *Kermadec Ocean Sanctuary Bill introduced*. Retrieved from <https://www.beehive.govt.nz/release/kermadec-ocean-sanctuary-bill-introduced>

1.2 We strongly agree with the Minister for the Environment Hon Dr Nick Smith's 2 October 2015 aspirational statement that 'New Zealand's ambition is to be a leader in oceans management'.<sup>3</sup>

**(a) The EEZ should be included under the proposed legislation**

1.3 We strongly agree with the National Party's 2014 campaign statement on conservation policy: 'National's new Marine Protected Areas Act will broaden the purpose to include conservation and recreation outcomes and allows for marine protected areas in the Exclusive Economic Zone'.<sup>4</sup>

1.4 We note, with concern, that this 2014 position has been overturned in the 2016 *Consultation Document* (see 'Objectives of the new Marine Protected Areas Act', Section 3.1 (1.), page 15) and the broader discussion in 'Four categories of marine protection' (Section 3.2, the bottom of page 16).<sup>5</sup> As noted in the introduction above, the Marine Reserve Act 1971 was designed six years before the Territorial Sea and Exclusive Economic Zone Act 1977 was passed, illustrating that the Marine Reserve Act 1971 was constrained to the territorial sea as the EEZ was not established until 1977. Today the New Zealand Government is in a position to include both the territorial sea and the EEZ under the Marine Protected Areas Act – an idea that we believe is now appropriate in the 21st century.

1.5 We see this change in policy direction as a step backwards.

1.6 If the proposal to exclude the EEZ was to be passed into law, it would make the proposed legislation unstable and not durable in the short- to medium-term. For example, if current or successive governments wished to progress a reserve in the EEZ, the proposed legislation would need to be revisited or replaced.<sup>6</sup> This would be inefficient and costly, as special changes to legislation are expensive and take time. We have concerns that this legislation is not durable and may lead to further reforms, creating more uncertainty going forward. This is undesirable for commercial stakeholders and communities alike.

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<sup>3</sup> Beehive, (2015, October 2). *NZ aims to improve oceans management*. Retrieved from <https://www.beehive.govt.nz/release/nz-aims-improve-oceans-management>

<sup>4</sup> National Party, (2014). *Policy 2014 Conservation*. Retrieved from <https://www.national.org.nz/docs/default-source/PDF/2014/policy/conservation-policy.pdf>

<sup>5</sup> Ministry for the Environment, (2016). *A New Marine Protected Areas Act: Consultation Document*. Wellington: Ministry for the Environment. Retrieved from <https://www.mfe.govt.nz/sites/default/files/media/Marine/mpa-consultation-doc.pdf>

<sup>6</sup> The possibility of reserves being created in the EEZ and continental shelf in the foreseeable future by way of special legislation is discussed in the last paragraph on page 16 of the *Consultation Document*.

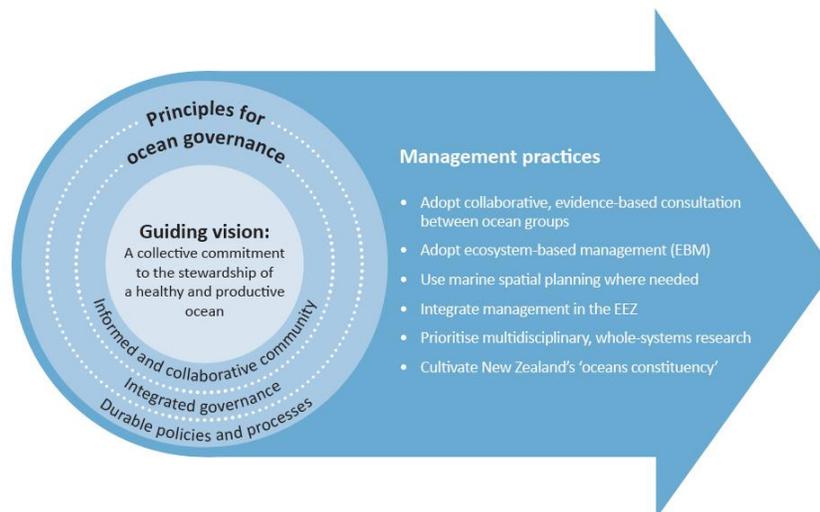
1.7 We consider a better alternative is to allow for this eventuality in law today, but establish clear processes for determining how such EEZ reserves might come into existence through better public engagement in the future. Our understanding is that future-proofing law is common practice.

**(b) Guiding principles should be included under the proposed legislation**

1.8 We appreciate and note the concerns by ministers and officials as to the extent of different regulators over the ocean domain, however we have concerns that the new proposal does not resolve this.

1.9 We note that there are no overarching principles to guide decision makers. We have concerns that the wording by ministers in the introduction perpetuates the view that there is little or no common ground between stakeholders. This is not our experience; see the 30 perspectives in *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*<sup>7</sup> and the overall principles we propose for driving ocean governance going forward in Figure 1 below.

**Figure 1: Framework for One Ocean: Collaborative governance within the community of ocean users, government, conservationist and the public**<sup>8</sup>



1.10 This is particularly essential given the wide number of governance organisations working in this space. A set of guiding principles will provide some common ground.

<sup>7</sup> McGuinness Institute, (2016, March). *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*. Wellington: McGuinness Institute Limited.

<sup>8</sup> McGuinness Institute, (2016, March). *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*, p.44. Wellington: McGuinness Institute Limited. Page 44.

**(c) One contact point for the public is necessary and prudent**

- 1.11 We support the objective of creating ‘A representative and adaptable network of MPAs’ as outlined in the *Consultation Document* (see page 15, objective 1) but have concerns about what is being delivered.
- 1.12 We note that there are three lead agencies (i.e. MBIE, MfE, MoC), creating ongoing confusion as to who has overall responsibility for protecting our oceans and at least two others that are involved in this space (i.e. EPA, MPI).
- 1.13 We suggest that all applications and processes be managed by one lead agency. In our view this should be the Ministry for the Environment (as it fits with their broad purpose). A single contact point for the public is critical, enabling the public to instigate, inquire into, monitor and engage with the tools being proposed.
- 1.14 We note it is not necessary that the decision-making body be the same as the administration body registering applications and directing external parties. For example, if MfE dealt with all applications for the protection and governance of our oceans, it will be easier on the public and provide some shape to the discourse for ministers.
- 1.15 We have concerns that perpetuating the complexity at the interface between the public and central government is unnecessary, costly and inefficient for all parties. Separating strategic and operational aspects are an additional check and balance in the system.
- 1.16 We were surprised that the role of local and regional authorities is not discussed in detail in the *Consultation Document*. Councils have a key role in integrating the needs and wants of the community in ten-year plans and they are therefore the first step towards developing community engagement, creating monitoring systems and reporting on progress.

**(d) The proposed legislation should aim, wherever possible, to bring all the tools together**

- 1.17 We believe the Kermadec Ocean Sanctuary should become part of this legislation.
- 1.18 We believe the Benthic Protection Areas and Seamount Closures should automatically come under this legislation as a matter of principle.
- 1.19 We need to use this legislation as an opportunity to bring all these tools together. This is in response to page 36 of the *Consultation Document*, which states that Benthic Protection Areas ‘could become candidates’. We believe that Benthic Protection Areas must by definition meet

the purpose of this category (the seabed reserve) and cannot imagine how they could be treated outside of the proposed legislation.

**(e) Initiating marine protection requires further work**

1.20 Page 22 of the *Consultation Document* sets out the proposed process, which in our view retains the complexity this new legislation is aiming to resolve. We suggest one agency leads this work, and recommend that this interface is undertaken by MfE. We were concerned with the level of minister engagement implied in all stages of the process. This may lead to poor process, time wasting and inconsistent outcomes. Ministers should not be administrators (for example considering and policing applications) but rather strategic thinkers (setting the purpose and context).

**(f) Four categories for marine protection**

1.21 We are pleased to see work being undertaken in this important area.

1.22 We believe there is a benefit in creating a range of mechanisms of protection. There is a lot to commend in the *Consultation Document*; however, we have a number of concerns:

- i. That it is unclear which overarching principles are driving this policy. For example, what does successful ocean policy look like in 10 or 20 years? What have we learnt from past practice – what are the lessons learnt in terms of processes, outputs and outcomes?
- ii. That the process explaining how we might go about developing spatial planning for New Zealand is missing.
- iii. That the process for initiating a reserve, sanctuary or recreational fishing park is unclear and not described in detail (for example, see the four paragraphs on page 22). For example, how would communities go about creating a marine reserve in the Marlborough Sounds – what processes and guidelines are in existence and are they realistic and achievable?<sup>9</sup> We have a property in Arapawa Island and, as indicated on the front cover, a number of Hector's dolphins swim in our bay in the Marlborough Sounds. We have often considered whether to apply for a marine reserve or mammal sanctuary, but have been unsure how to progress this.

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<sup>9</sup> DOC classifies Hector dolphins as 'nationally endangered' and the South Coast population estimate is 630 individuals. See [http://www.fish.govt.nz/en-nz/Environmental/Hectors+Dolphins/default.htm?wbc\\_purpose=Basic&WBCMODE=PresentationU](http://www.fish.govt.nz/en/nz/Environmental/Hectors+Dolphins/default.htm?wbc_purpose=Basic&WBCMODE=PresentationU)

- iv. The processes for decision-making and in particular how trade-offs are considered, costed and decided are unclear.

We note that oceans cannot be governed in a linear manner, as is the case with land. This is for two reasons: Firstly, water, flora and fauna move and cannot be segregated and they are interdependent in that the health of one area can be affected by the unhealthy aspect of a neighbouring area. Secondly, property rights are not applicable (although we provide licenses to use water for agriculture or drilling, these are licenses that the public gives for private use).

There are, and should continue to be, clear rights and responsibilities for the use of our ocean spaces and the financial benefits for those spaces should be retained and used to fund ocean governance for the greater good.

We note that although the purposes and processes for marine protection should be consistent, outputs and outcomes need not be. The unique characteristics of local communities and environments must be considered, which means the outputs and outcomes are likely to be individual to each area and not easily comparable.

Our experience of the New Zealand King Salmon application in 2013 indicated the poor level of economic and environmental assessment by those applying to use our oceans. For example, there was a lack of a full cost benefit analysis, a lack of scientific evidence (it is in the best interests of applicants not to undertake the science to benchmark impacts over time) and the use of reviews as a way of learning lessons about processes (where the promises made by applicants in terms of jobs delivered to the community). This means lessons are not learnt and applicants can argue benefits without anyone assessing whether those benefits exist in the longer-term. For more about these concerns, see *Working Paper 2013/01: Notes on the New Zealand King Salmon Decision*.<sup>10</sup>

Further, the unusual mortality rates in Marlborough farmed Salmon is a risk that needs to be managed in terms of protecting the ecosystem in the area.<sup>11</sup>

- v. Having three separate lead agencies operating in the marine protection space is arguably not cost-effective and could result in illogical and conflicting outcomes. The *Consultation*

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<sup>10</sup> McGuinness Institute, (2013, May). *Working Paper 2013/01: Notes on the New Zealand King Salmon Decision*. Wellington: McGuinness Institute Limited.

<sup>11</sup> See <http://mcguinnessinstituteblog.org/2015/11/03/unusual-mortality-rates-in-marlborough-farmed-salmon>

*Document* does not explain the key principles which guide governance, nor does it explain how information will be shared and the ocean domain managed by three separate government departments. This is particularly relevant where, for example, dolphins could be caught in fishing nets.

- vi. We consider licenses to use oceans for commercial use in effect create another tool to create a protected area. We believe this form of protection should be recognised in the proposed legislation. For example, the license given by the government for New Zealand King Salmon to use the ocean contains a lot of protection mechanisms. This is another tool and arguably a fifth category that should be included in the proposed legislation – protection given to ocean areas as part of commercial licenses. It is important to have all the tools seen and managed together in order to develop a representative network of marine protected areas – that are seen as one system – to be managed and reported upon as one ecosystem. The *Consultation Document* emphasizes the importance of science driving policy, but that science requires a comprehensive ecosystem approach to ocean governance.

**(g) Reporting on the system as a whole**

- 1.23 It remains difficult to understand how the ocean system as a whole will be reported on and how lessons will be learnt. It still feels very piecemeal and operational rather than strategic and informative.

**(h) Regional fishing parks, and in particular the Marlborough Sounds**

- 1.24 We are pleased to see work being undertaken in this important area.
- 1.25 We believe that no netting should be permitted in regional fishing parks in order to protect dolphins and preserve fish stocks. Netting also makes waterways dangerous for small boats and divers.
- 1.26 We believe that no trawling for scallops should be permitted in order to preserve fish stocks and retain a natural environment for recreation.
- 1.27 We would like to see the current marine sanctuary that starts south of the Tory Channel to extend to and around Arapawa Island. This has been something that has been discussed in the community, but we have been unsure how to progress it. This is an example of how difficult it is to engage with central government on ocean governance.

## Summary

Our overarching concern is that the proposed legislation, in its totality, must be comprehensive (covering all eventualities), clear in its purpose (specific enough to be understood and managed), realistic (able to be monitored and policed with sufficient penalties to modify behaviour), public (citizens in their communities will, in effect, be part of the monitoring process, hence complaint pathways and reports on the quality of governance for these areas are important), and financed over the long-term (government commitment to creating a safe and durable governance structure).

We believe the tools we use to protect and manage our oceans should also be able to be seen as one overarching governance ecosystem – a number of strands that come together to protect our ocean. In this *Consultation Document* it is as if the parts have been created (outputs) but little explanation as to how these parts all come together to manage the system. Questions remain such as: How will Hon Dr Nick Smith show that New Zealand is a leader in oceans management? How will New Zealand monitor and report success and lessons learnt? It is as if this *Consultation Document* has showcased the parts (the specific outputs) but has not explained what these outputs deliver when they are put back together (the outcomes). We are left wondering; what this new legislation will deliver in terms of more efficient and effective governance of our oceans.

## PART B: MAJOR RECOMENDATIONS

We support the Parliamentary Commissioner for the Environment's submission, in particular their four recommendations, but we consider it necessary to go further.<sup>12</sup> We believe that the problem, as described at the beginning of the *Consultation Document*, will not be resolved by the changes proposed. Instead, we consider that more leadership by the New Zealand Government is necessary. This is essential if we want to position New Zealand as a leader in oceans management.

We share the Morgan Foundation's stance on including the EEZ in the new MPA Act and concerns around how the proposed ad hoc process will lead to a representative network of marine reserves.<sup>13</sup>

Below we discuss three ideas that we believe would help New Zealand become (and be seen to become) a more innovative, integrated and effective manager of our oceans.

### 1. Create an Oceans Institution to act as a chronicler and steward of ocean policy

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<sup>12</sup> Wright, J, (2016, March 11). *A New Marine Protected Areas Act Submission to the Minister of Conservation, the Minister for the Environment, and the Minister for Primary Industries*. Retrieved from <http://www.pce.parliament.nz/media/1632/mpaa-submission-final.pdf>

<sup>13</sup> Simmons, G, (2016, March). *Morgan Foundation submission on A New Marine Protected Areas Act*. Retrieved from <https://submissions.mfe.govt.nz/s/522fa7c4-07a6-46ca-be4a-1ea66952f4b2>

Both the 30 perspectives in *Report 10* and our broad-church discussions in *Think Piece 22* – explains why we need to create an Oceans Institution. New Zealand is part of an interdisciplinary oceans community of diverse committed stakeholders, all of whom are eager to engage with each other to discuss issues facing New Zealand’s oceans governance.

In the current landscape there is no independent place for these discussions to take place. This proposed institution would focus on chronicling the narrative (sharing data, information and strategic knowledge about our oceans) and stewardship (collating and integrating information to inform all stakeholders and suggest effective and durable public policy making). This would create a space for collaboration and creativity, enabling policy to be developed with stakeholders over time and providing New Zealanders with durable public policy that delivers certainty and trust.

At present, we have many effective institutions that are operating in this space, but no one independent institution that brings research and policy together to explore common ground, record lessons learnt, describe existing conflicts and identify emerging issues in a considered manner. It would not take over or replace any of the institutions or instruments that are already in existence but would instead be a central institution, connecting the large number of organisations and stakeholders that have an interest in New Zealand’s oceans.

The lack of a central landing pad for oceans policy problems means trade-offs in ocean policy are being made around the Cabinet table under urgency instead of being thoroughly considered by a diverse range of stakeholders, researchers and policy analysts. An oceans institution would solve a policy gap for Cabinet by developing an integrated, informed, durable, trusted, collaborative, evidence-based and innovative approach to ocean management. This will ensure we develop a framework that will enable New Zealand to become, as Minister for the Environment Hon Dr Nick Smith stated, that ‘a leader in oceans management’.<sup>14</sup>

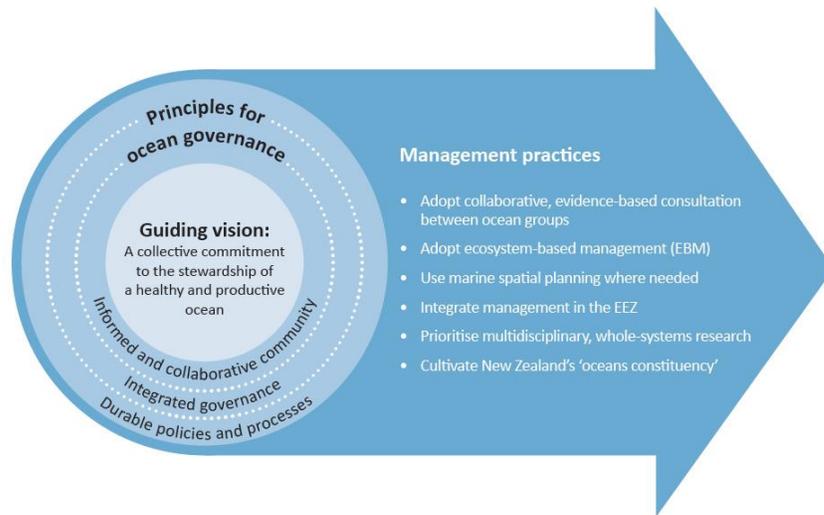
## **2. Establish a set of guiding principles to drive public policy**

There is a difference between a purpose and a set of principles. The first sets out the problem the legislation aims to resolve (the why) whereas a set of principles guides and drives progress (the how). We believe a set of principles should sit within the legislation. Our suggestion is discussed in Figure 2 below.

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<sup>14</sup> Beehive, (2015, October 2). *NZ aims to improve oceans management*. Retrieved from <https://www.beehive.govt.nz/release/nz-aims-improve-oceans-management>

**Figure 1: Framework for One Ocean: Collaborative governance within the community of ocean users, government, conservationist and the public<sup>15</sup>**



We need to emphasize these areas of unity, both in guiding principles (illustrated in the above diagram) and points of action, instead on focusing on the grievances between them. We recommend embracing what we've got to move forward in the right direction. This directly ties to the recommendation above, highlighting the importance of providing a space for this dialogue to explore common ground.

### **3. Construct a central government single contact point for the broad community of ocean users, conservationist and the public interested in ocean governance**

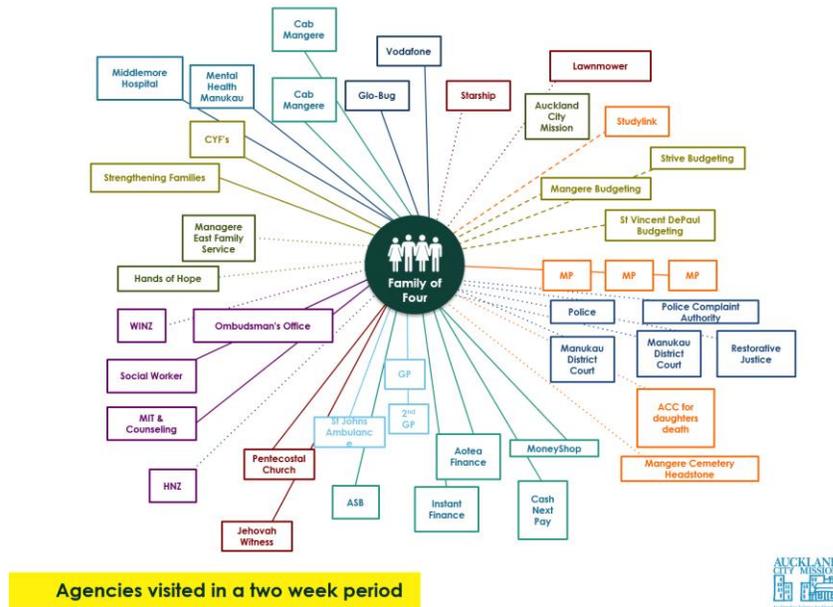
As outlined in Part A (c), the large number of central government entities (departments and sub-departments) engaging with the public in this space, makes it increasingly difficult for the public to know which agencies relates to which question and application processes. A single contact point would act as the interface between the public and central government.

This concern is mirrored in many circumstances when the public is dealing with a multitude of government agencies. A take-home point from the December 2015 *TacklingPoverty*NZ workshop was the experience of those trying to navigate a diverse range agencies relating to poverty. For example, the proposed ocean governance arrangement risks creating a system which is administration driven, rather than user driven. An example of the problems that this type of system can create was

<sup>15</sup> McGuinness Institute, (2016, March). *Report 10: One Ocean: Principles for the stewardship of a healthy and productive ocean*, p.44. Wellington: McGuinness Institute Limited.

highlighted in The Family 100 Research Project.<sup>16</sup> The image below illustrates a complex social services system and shows the multitude of agencies one family in poverty visited in a two week period. As illustrated by this image, if the proposed ocean governance system is adopted, we believe the user of the system will be disempowered due to the array of administrative agencies that will need to be visited.

**Figure 3: Agencies visited in a two week period**



We recommend that MfE becomes the central agency that deals with all applications, inquiries and complaints about the protection and governance of our oceans. It is then their responsibility to disperse information and inquiries to the relevant agency. Without such a central agency responsible for the interaction with the public, messy public policy will continue to be the norm. This is difficult for all interested parties, whether you are a commercial and recreational user or a pure conservationists. Being able to understand the machinery of government is critically important if you are trying to bring about improvements or bring about commercial benefit.

We therefore recommend that one central government agency should become the central portal for different stakeholders to inquire into, instigate tools, discuss grievances and share recommendations on proposed reforms and amendments.

<sup>16</sup> Learn more about the *Family 100 Research project* at [http://www.aucklandcitymission.org.nz/uploads/file/Family%20100/City%20Mission%20Family100%20Speaking%20for%20Ourselves\\_website.pdf](http://www.aucklandcitymission.org.nz/uploads/file/Family%20100/City%20Mission%20Family100%20Speaking%20for%20Ourselves_website.pdf)

## PART C: INDEX FOR THE 28 QUESTIONS

To conclude, we have outlined below paragraphs that may be useful when seeking answers to the 28 questions contained in the *Consultation Document*.

### Consultation Document Questions

#### The need for a new approach to marine protection

1. Do you agree there is a need for reform of New Zealand's approach to marine protection?  
Yes, See 1.4 – 1.6
2. Are there any significant issues that haven't been identified?  
See Intro, 1.3 –1.6, 1.8–1.16, 1.20–1.22, Summary and Recommendations 1,2 and 3
3. Are there parts of the existing approach to marine protection that should be retained? Why?  
See 1.16, 1.21, and 1.24

#### The proposal: a new approach to marine protection

4. Do you support the outlined objectives of the new MPA Act?  
No, but they are a start. See also 1.9, 1.11, 1.12 –1.15
5. Are there additional objectives that should be included in marine protection reform?  
Yes, we would also like to see principles included. See Summary and Recommendation 2
6. Are the four categories proposed for marine protection an appropriate way to achieve a representative and adaptable network of MPAs (objectives 1, 2, 5 and 6)?  
Yes, but we think there needs to be more clarity added to explain how these would look in practice. We also recommend a fifth category – licenses. See 1.21 – 1.22
7. If the options outlined in table 1 were applied in an area of interest to you, what impact would that have on your existing or future activities?  
Improving outcomes in the environment.
8. Does the approach take account of the way the fishing sector operates? Why/why not?  
See 1.22 (v) and (vi), 1.24 1.26, 1.9
9. Does the approach take account of the way the oil, gas and minerals sector operates? Why/why not?  
See 1.9
10. Are there other economic interests that haven't been covered?  
See 1.3 – 1.7
11. Is the new MPA Act likely to have the intended effect that decisions about environmental protection and economic growth are made in an integrated way (objective 2)? Why/why not?  
See 1.22 (iv), Summary

#### How it will work: a new process for establishing marine protected areas

12. What do you think would be the best process for initiating MPA proposals in areas where multiple categories of protection may be needed?  
See Recommendation 3 – a single contact point

13. Are the proposed MPA decision-making processes (collaborative process and board of inquiry process) the best way of achieving our objectives (2, 3, 4 and 5)? Why/why not?

See 1.11 – 1.15, 1.20

14. What are the advantages and disadvantages of having two different decision-making processes? Is one of the processes preferable to the other or are there alternative decisionmaking processes that would better achieve the desired outcomes (objectives 2, 4 and 5)?

15. Do you agree with the proposed review arrangements? Why/why not? Are there any additional approaches that should be considered for reviewing MPAs?

16. Are the proposed decision-making processes sufficient to ensure customary interests, rights and values are appropriately taken into account, Treaty of Waitangi principles are met and decisions are consistent with the Crown's historical Treaty settlement obligations (objectives 3 and 4)? If not, what are your concerns?

### **Recreational fishing parks**

17. Do you support the proposal for recreational fishing parks in the Hauraki Gulf and Marlborough Sounds?

See 1.24 – 1.27

18. What do you think should be the boundary lines for the recreational fishing parks? In the Hauraki Gulf, could we use the Statistical Area 7 of Fishing Management Area 1 (see map 1)? In the Marlborough Sounds, could we use the Blue Cod Management Area (see map 2)? Are these boundary lines easily recognisable, that is, would prominent landmarks help with identifying the boundaries of the park when you are on a boat?

*These seem appropriate, but we consider the marine sanctuary should be extended. See 1.27.*

19. Do you think commercial fishing should be allowed to continue for some species within recreational fishing parks? If so, what species would you allow and why?

*No, it is best to create and maintain an ecosystem by preventing all types of commercial fishing.*

20. What do you think about the proposed compensation scheme for commercial fishing affected by the creation of recreational fishing parks?

See 1.22 (vi)

21. What do you think about who should manage the recreational fishing parks? How could the park management work together with existing groups?

See 1.22 – 1.27

22. How should benefits and changes created through the proposed parks be monitored? How could this work?

See 1.23

### **Implementation**

23. Do you agree with the proposed arrangements for transitioning existing MPAs? If not, what are your concerns?

24. Do you agree that customary management areas should be able to be used alongside the proposed MPA Act to create integrated management packages? If not, what are your concerns?

[See 1.22](#)

25. What would be required to ensure the integrity of current protected areas is maintained while achieving the objectives of the new MPA Act (section 3.1)?

[See 1.8 – 1.9](#)

26. Are the proposed approaches sufficient to ensure communities are involved in managing MPAs? Are there alternative approaches that would better ensure community involvement in managing MPAs?

[See 1.11 – 1.16, 1.22, 1.23, Summary](#)

27. What role can iwi/Māori play in managing MPAs? Are the proposed approaches sufficient to ensure iwi/Māori are involved in managing MPAs?

28. Do you agree with managing commercial tourism activities in MPAs in a similar way to how they are managed on public conservation land? Why/why not?