



OIA24-0759

19 December 2024

Shaun Lee
shaun@stet.co.nz

Dear Shaun,

Thank you for your email of 14 October 2024 requesting information relating to the proposed amendments to the Hauraki Gulf Bill. Your request has been considered under the Official Information Act 1982 (OIA).

The Hauraki Gulf/Tīkapa Moana Marine Protection Bill is currently before Parliament. In September 2024, Cabinet agreed to a range of policy decisions for the Bill to be progressed through an Amendment Paper at the Committee of the Whole House stage. One of these was the provision for limited ring-net fishing, for five individual fishers, in two of the 19 high protection areas, during the winter months only. In addition, Cabinet agreed that a range of conditions should be placed on the ring-net fishing to manage the potential impact to biodiversity. These conditions are being actively considered by the Minister of Conservation and the Minister for Oceans and Fisheries.

Your questions have been re-ordered for ease of response.

I am writing to request information regarding proposed changes to the Hauraki Gulf Marine Protection Bill, specifically concerning the allowance of commercial ring net fishing in High Protection Areas (HPAs).

- *I understand that ring net fishing provisions are being proposed for the High Protection Areas including the Kawau Bay High Protection Area.
Which other HPAs are being included?*

I can confirm that the ring net provisions being proposed are for the following areas: Kawau Bay HPA and Rangitoto and Motutapu HPA.

- *Specifically, what fish species are being included?*

The proposed amendment would allow for the targeting, by ring net method only, of kahawai (KAH1), grey mullet (GMU1) and trevally (TRE1) in two designated high protection areas (HPAs).

- *The IUCN has guidelines for applying the IUCN protected area management categories to marine protected areas. What category will HPAs with commercial ring net fishing be in vs HPAs that do not have ring net fishing?*

The Department of Conservation, which is the lead agency for the Bill, has advised us that IUCN protection guidance has not been specifically applied to the proposed protection areas under the Bill.

- *Commercial ring net fishing in the proposed High Protection Areas has not been considered in existing analysis of the protection proposals including (Sea Change Tai Timu Tai Pari 2016, Report from the Sea Change Tai Timu Tai Pari Ministerial Advisory Committee 2020, Evaluation of Biodiversity Protected by Sea Change Tai Timu Tai Pari – Marine Protected Area Proposals NIWA 2020, Revitalising the Gulf 2021 consultation phases 1 & 2, Revitalising the Gulf Stage 1 – Impact of the Marine Protection Proposals on Commercial Fishers, Advice from Environment select committee on Hauraki Gulf Marine Protection Bill 2024).*
- *Has Fisheries New Zealand done or does it plan to do any analysis of the biodiversity impacts of this fishing method in the proposed HPAs?*
- *Will there be further consultation, especially with iwi?*
- *Please provide the names of the companies being considered for the right to fish in a High Protection Area.*
 - Will the fishers be provided a fishing licence or permit?*
 - Will other fishers be able to apply for the licence or permit?*
 - Will it be possible to extend these fishing rights into other HPAs?*
 - Will the permitted fishers be able to transfer or sell their licence or permit?*
 - Will the licence or permit be specific to ring-net fishing or include other low-impact methods?*
 - Will the Quota Management System & Total Allowable Commercial Catch limits apply to fishing in HPAs?*

These decisions are still under active consideration. Therefore, this part of your request is declined pursuant to Section 9(2)(f)(iv) - *to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.*

- *Revitalising the Gulf Stage 1 – Impact of the Marine Protection Proposals on Commercial Fishers (Martin Jenkins 2022) quantifies the impacts the HPAs will have on set net fishers. Please confirm:*
 - Ring net fishing data (including green weight and port price) were included under the category of set net fishing in the report.*

I can confirm that ring net fishing data was not included under set net fishing data in the report. It is represented separately by the code "RN".

On 6 November 2024, you clarified your request to ring net fishing data only, and we have undertaken indicative analysis to address your request.

Please confirm these numbers and add new numbers for the table below.

**Estimated interpreting the bar height for set net fishing in graph (Martin Jenkins 2022)
If possible, please specifically report on ring net fishing. However, I understand that you may only be able to provide numbers for set net fishing.*

Commercial ring net fishing

	<i>Greenweight inside proposed HPAs (kgs)</i>	<i>Greenweight outside proposed HPAs (kgs)</i>	<i>Port price revenue inside proposed HPAs</i>	<i>Port price revenue outside proposed HPAs</i>
2019-2020	28,051	120,961	\$28,383	\$297,053
2020-2021	23,125	119,841	\$47,838	\$376,722
2021-2022	9,575	108,851	\$16,280	\$352,221
2022-2023	9,713	143,954	\$13,852	\$438,854

Please note the data provided in the above table is for the October Fishing year and is estimated figures for fish caught using the ring-net method only. Data for 'outside of the proposed HPAs' is for within the Hauraki Gulf Marine Park area.

- *My understanding is that 4-6 fishing companies will be given rights to fish in the HPAs based on past use of the area.
Is there precedent in New Zealand for 'grandfathering' fishing rights in an area?*

Yes, there is precedent for grandfathering fishing rights in New Zealand. [Schedule 2 of the Fisheries \(Auckland and Kermadec Areas Commercial Fishing\) Regulations 1986](#) provides an example of rights that have been grandfathered to fishers in 1999, and details are outlined in [Regulation 12\(4-7\)](#).

- *Minister for Oceans and Fisheries, the Rt Hon Shane Jones justified commercial ring net fishing in HPAs due to New Zealand being in the "grips of a wicked cost of living crisis"¹ and that the fish were needed for some household diets.
What percent of ring net fishing catch in FMA 1 is exported overseas?*

We are unable to provide this information without considerable further analysis. Therefore, we have refused your request pursuant to section 18(f) of the OIA - *that the information requested cannot be made available without substantial collation or research*. However, we note that the ring net fishers who will be enabled to continue fishing in the two HPAs have advised that all of their catch is sold on the domestic market.

- *Will consumers be informed that the catch comes from HPAs?*

It's important to note that conditions relating to this provision are still being considered; however, there is currently no proposed requirement to inform consumers if the fish is caught within HPAs. As with all fish caught commercially in New Zealand, fishers are required to balance catch against their Annual Catch Entitlement (ACE) in the interests of sustainability.

Should you have any concerns with this response, I would encourage you to raise these with the Ministry for Primary Industries at Official.InformationAct@mpi.govt.nz. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143 or at info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'EE Taylor'.

Emma Taylor
Director, Fisheries Management