

**In Confidence**

Office of the Minister for Oceans and Fisheries  
Chair, Cabinet Environment, Energy and Climate Committee

**Oceans and Fisheries portfolio – ensuring healthy ocean ecosystems** [Paper 1 of 7]

**Proposal**

- 1 This paper seeks agreement to:
  - 1.1 A vision for the Oceans and Fisheries portfolio – *Ensuring the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries*
  - 1.2 Objectives and principles to support the vision and guide portfolio work
  - 1.3 An initial work programme for the portfolio
  - 1.4 An assessment of how far the initial work programme will go in realising the vision and objectives, and what future longer-term work may be necessary
  - 1.5 Establishing an Oceans and Marine Ministers Group (OMMG) and an inter-agency Oceans Secretariat to ensure delivery of the work.

**Relation to Government Priorities**

- 2 The creation of the Oceans and Fisheries portfolio – expanded from the former Fisheries portfolio – signals the Government's commitment to a more holistic, integrated approach to managing the oceans. This is consistent with the Government priority of *Laying the Foundations for the Future*, and will assist New Zealand's economic recovery from COVID-19.
- 3 The initial work programme discussed in this paper includes a number of commitments in the Labour Party's 2020 Manifesto, including updating marine protected areas legislation, modernising fisheries practices and moving towards an ecosystem-based management approach, continuing to work with Māori in the fisheries sector, progressing work on Sea Change in the Hauraki Gulf, and supporting aquaculture.

**Executive Summary**

- 4 This is the first paper in a package of Oceans and Fisheries papers:
  - 4.1 **Paper 1: Oceans and Fisheries portfolio – ensuring healthy ocean ecosystems**
  - 4.2 Paper 2: Fisheries system reform agenda
  - 4.3 Paper 3: Fisheries Amendment Bill: Strengthening fishing rules and policies: landings and discards
  - 4.4 Paper 4: Fisheries Amendment Bill: Strengthening fishing rules and policies: offences and penalties and agile decision-making
  - 4.5 Paper 5: Revitalising the Hauraki Gulf – Government Sea Change Strategy
  - 4.6 Paper 6: Initial response to Prime Minister's Chief Science Advisor's report on commercial fishing

- 4.7 Paper 7: On-board cameras across the inshore fishing fleet [ENV21-SUB0022 refers].
- 5 Oceans and coasts are central to New Zealanders' identity, wellbeing and prosperity. Iwi/Māori have diverse rights and interests in the marine environment, including rights under fisheries and aquaculture settlements and other relevant legislation.
- 6 Activities on land and at sea, and their cumulative effects, are negatively affecting the marine environment; and climate change is warming seas, with impacts on marine ecosystems that are expected to increase.
- 7 Our current marine management system is fragmented and has difficulty responding to these pressures in a holistic, timely manner. Current settings have also hindered opportunities for growth and innovation. Progress on marine protection has been slow relative to objectives under international treaties. The Oceans and Fisheries portfolio will address these problems.
- 8 The proposed vision for the Oceans and Fisheries portfolio – *Ensuring the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries* – is supported by objectives and principles.
- 9 An initial Oceans and Fisheries work programme will include fisheries system reform, improved fisheries monitoring (ie cameras on boats), the development of open ocean aquaculture, and increased protection for marine ecosystems and key species.
- 10 I propose an assessment of how far the initial work programme will go in realising the vision and objectives, and what future longer-term work may be necessary.
- 11 To strengthen coordination with relevant portfolios and deliver portfolio work, I propose establishing:
- 11.1 An Oceans and Marine Ministers Group (OMMG) comprising the Ministers for Oceans and Fisheries (Chair), Environment, and Conservation, and the Under-Secretary for Oceans and Fisheries; and
- 11.2 An inter-agency Oceans Secretariat, which supports the OMMG. The Oceans Secretariat will be hosted by the Department of Conservation (DOC); and also comprise officials from the Ministry for Primary Industries, including Fisheries New Zealand (MPI/FNZ), and the Ministry for the Environment (MfE).

## Background

### *Extent of Aotearoa New Zealand's marine area*

- 12 New Zealand is responsible for one of the largest and most biodiverse marine areas in the world. Our marine area comprises more than 4 million square kilometres, and is 21 times our land area (see map in Appendix 1). It covers much of the sunken continent of Te Riu-a-Māui/Zealandia that New Zealand sits on (and which is now being recognised as the world's eighth continent).
- 13 This marine area includes: the territorial sea, ie from the foreshore to 12 nautical miles, which New Zealand has sovereignty over; the exclusive economic zone (EEZ), ie from 12 to 200 nautical miles, where we have rights to natural resources, including for fisheries management; and the extended continental shelf (ECS), ie beyond the EEZ, where we have certain rights to seabed resources (but not to the water above, ie the 'water column'). Areas beyond our EEZ, or any other State's, are referred to as the 'high seas'.

- 14 New Zealand's rights and responsibilities within its marine area derive from the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is considered the 'Constitution of the Oceans' and sets out the definitive legal framework within which international fishing and other activities in the oceans must be carried out. All UNCLOS Parties have an overarching obligation to protect and preserve the marine environment, both within and beyond national jurisdiction. Rights under UNCLOS include rights to an EEZ and an ECS.
- 15 There is a plethora of domestic legislation relating to New Zealand's marine area and many government agencies with roles in administering it. 'Marine Hub' agencies include MPI/FNZ, MfE and DOC. Other agencies with marine interests include the Ministry of Business, Innovation and Employment (MBIE), Ministry of Foreign Affairs and Trade (MFAT), and Ministry of Transport (MOT). For details of the legislation and agency roles, see Appendix 2.

*Economic, social and cultural importance of oceans*

- 16 Oceans and coasts are central to New Zealanders' identity, wellbeing and prosperity. They are taonga of natural, economic, recreational and cultural importance, and underpin our marine economy including fisheries, aquaculture, shipping and marine tourism.
- 17 Healthy marine ecosystems provide essential benefits such as kaimoana, filtering out pollutants, and providing resilience to the effects of climate change including taking up carbon dioxide. In te ao Māori, the mauri or life force of a healthy moana enhances the mauri of those who interact with it.
- 18 Most New Zealanders live near the coast and enjoy fishing, boating, swimming or diving. They go on almost 2 million recreational fishing trips each year and in 2017/2018 are estimated to have caught or gathered over 7 million fish and 3.9 million shellfish.
- 19 The marine economy includes offshore minerals, fisheries and aquaculture, shipping, government and defence, marine services, and tourism and recreation. In 2017, the total value of the marine economy was estimated at \$7 billion, and it employed more than 30,000 people. There are opportunities for expansion through new technology and industries (for example, marine energy and open ocean aquaculture).
- 20 Iwi/Māori play a critical role in the marine environment, including in protecting and restoring marine biodiversity. They have diverse rights and interests in the oceans as kaitiaki and investors, including the rights and assets provided as redress under the Treaty of Waitangi (Fishing Claims) Settlement Act 1992, the Māori Fisheries Act 2004, the Māori Commercial Aquaculture Claims Settlement Act 2004, and under the Marine and Coastal Area (Takutai Moana) Act 2011.

*Pressures that human activities put on the marine environment*

- 21 *Our Marine Environment 2019*<sup>1</sup> outlines the decline in New Zealand's marine biodiversity from the impacts of fishing methods, the effects of pollution (including plastic), and land-based effects such as sedimentation and nutrients; and points out

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<sup>1</sup> The *Our Marine Environment 2019* report outlines the state of Aotearoa New Zealand's marine environment and was produced by Statistics NZ and the Ministry for the Environment under the Environmental Reporting Act 2015.

that cumulative effects from these pressures have intensified over recent decades. The report also notes:

- 21.1 Many species and habitats are in trouble. Of the few marine species that are assessed, 22 percent of marine mammals, 90 percent of seabirds, and 80 percent of shorebirds are classified as threatened, or at risk.
- 21.2 Climate change is warming seas and causing new and greater pressures including from extreme temperature fluctuations, sea level rise and ocean acidification. This is causing unprecedented change in our oceans and puts many of our coastal communities, roads, bridges and habitats at risk.
- 21.3 These pressures are reducing the overall resilience of our marine ecosystems and will continue to have a detrimental effect on our relationship with the oceans including impacts on fisheries and aquaculture, as well as on customary and recreational uses.
- 22 The Controller and Auditor General's 2019 report, *Using different processes to protect marine environments*, acknowledged that the establishment of marine protected areas is fraught with tension, lacks flexible protection mechanisms and takes a long time. The report recommended improvements to collaborative processes and the availability of data and information.
- 23 In March 2021, the Prime Minister's Chief Science Advisor published *The Future of Commercial Fishing in Aotearoa New Zealand* (the PMCSA report). The report acknowledges the complex challenges for the management of the marine environment and makes recommendations, including strengthened leadership and an Oceans Strategic Action Plan for 2040 to achieve 100 percent sustainably managed oceans.
- 24 The major extractive use of our marine area is fishing, and maintaining sustainability across all fish stocks can be challenging. Yet, despite the challenges identified in the PMCSA report, New Zealand has by international comparison been largely successful in managing its commercial fisheries through the quota management system (QMS) introduced in 1986. The QMS continues to evolve in light of changing societal and environmental pressures. While improvements to the QMS are needed, our fisheries would be in a far worse state without it.
- 25 While fisheries are largely sustainable at a broad stock level, an issue that frequently arises is stressed local fisheries – born of a complex mix of land-based discharges, population growth, and recreational and commercial fishing pressures. There is increasing anxiety about this in local communities, which has led to recent ad hoc calls for local fishing measures, such as rāhui and closures.

#### *Marine ecosystems and their protection*

- 26 An estimated 30 percent of New Zealand's biodiversity is found at sea. New Zealand marine habitats are diverse, ranging from sheltered inlets, fiords, estuaries, seagrass beds, rimurapa/kelp forests, shellfish beds, extensive sandy coasts through to rocky coasts and reefs and the open ocean.
- 27 New Zealand's remoteness and the size of its marine environment make it a world hotspot for marine biodiversity. Of the 12,820 described marine species, over half are endemic and more species are yet to be discovered. By one estimate, barely a third of Aotearoa New Zealand's marine biodiversity has been officially described.

- 28 Under the Convention on Biological Diversity, New Zealand has committed to the global goal of establishing a representative network of well-connected protected areas and other effective area-based conservation measures comprising 10 percent of coastal and marine area by 2020. New post-2020 international biodiversity targets are currently being negotiated.
- 29 New Zealand was world-leading in its enactment of the Marine Reserves Act 1971, which allows for the protection of marine areas in their natural state for the purpose of scientific study. Our 44 marine reserves are 'no-take' and protect many unique habitats and species, but only constitute 0.4 percent of our total marine area (9.8 percent of the territorial sea and 0.0 percent of the EEZ).
- 30 Other forms of protection include: marine mammal sanctuaries; benthic protection areas; customary protection tools such as taiapure, mataitai and rāhui; fisheries sustainability measures; and tailored protection under bespoke regional legislation.
- 31 *Te Mana o te Taiao – The Aotearoa New Zealand Biodiversity Strategy 2020*<sup>2</sup> contains several national goals for protecting and restoring the marine environment including:
- 31.1 by 2035, marine and coastal biodiversity is managed within environmental limits so that there is no net loss in the extent or condition of marine and coastal ecosystems
  - 31.2 by 2035, an effective network of marine protected areas and other tools, including marine and coastal ecosystems of high biodiversity value is established and is meeting the agreed protection standard
  - 31.3 by 2050, an interconnected series of marine and coastal ecosystems have been protected and restored to a healthy functioning state and are connected to indigenous land, wetland and freshwater systems.

#### *Oceans Policy in the early 2000s*

- 32 In 2000 the government launched the development of an Oceans Policy to ensure a more integrated and sustainable approach to the management of our oceans. The process resulted in a vision – *Healthy Oceans, wisely managed for the greatest benefit to New Zealand, now and in the future*.
- 33 Oceans Policy work was disrupted in 2003 by the foreshore and seabed controversy. It was subsequently progressed in limited form to address the lack of regulation of non-fishing activities in the EEZ (eg oil and gas exploration and mining). This resulted in the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act). However, wider integration issues remained to be addressed.

#### *Inadequacies of the marine management system in responding to challenges*

- 34 The fragmented nature of our current marine management system means it is difficult to respond to pressures in a holistic, timely fashion. There can be conflicting objectives across legislation and agencies with no formal regulatory mechanism for reconciliation, exacerbated by limited information on key ecosystem health.

<sup>2</sup> *Te Mana o te Taiao – The Aotearoa New Zealand Biodiversity Strategy 2020* sets a strategic direction for the protection, restoration and sustainable use of biodiversity, particularly indigenous biodiversity, in Aotearoa New Zealand.



- 35 A lack of integration across the marine management system and the land-sea interface means the cumulative effects of activities are not well considered. An example is the impact of sedimentation on estuaries and coastal habitats. The lack of integration is made worse by a first-in, first-served approach to the allocation of public resources via consenting processes (other than commercial fishing, where the QMS operates).
- 36 Conflicts can play out on a case-by-case basis, creating uncertainty for stakeholders, hindering growth and innovation, limiting progress on marine protection, and generally impeding the optimal use and protection of marine space and resources.

## Analysis

### *Promoting healthy ocean ecosystems and a more coordinated marine management system*

- 37 The Oceans and Fisheries portfolio provides an opportunity to make stronger connections across related portfolios (particularly with Conservation and Environment). This will facilitate progress towards ecosystem-based management, ie a more integrated approach to managing the competing values and uses of marine resources while maintaining the ecosystems that support them.
- 38 I propose a guiding vision for the portfolio supported by objectives and principles to reflect the Government's long-term aspirations for the management of our marine area. I outline an initial work programme, and propose an assessment of how far this initial work programme goes in realising the vision. See Appendix 3 for an overview of the portfolio's vision, objectives, principles, work programme and governance.

### *Vision, objectives and principles*

- 39 I propose a vision of *Ensuring the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries* – as a statement of our collective responsibility for the stewardship of healthy and productive oceans. People may come from different positions on the use and protection of ocean and coastal ecosystems, but all have a common interest in safeguarding their life-supporting capacity. (Note that this vision is focused more specifically on ecosystem health than the 2000s Oceans Policy vision (see para 32)).
- 40 The vision is supported by objectives and principles that draw on relevant legislation and strategies such as the outcomes proposed in the Natural and Built Environments Act [CAB-20-MIN-0522 refers] and the *Aotearoa New Zealand Biodiversity Strategy 2020*. They are also informed by the 2000s Oceans Policy process.
- 41 The objectives are:
- 41.1 Promote an ecosystem-based approach to research, monitoring and management
  - 41.2 Establish a spatial planning framework that optimises the protection and use of marine space and resources
  - 41.3 Support the development of a high-value marine economy that provides equitable wellbeing benefits.
- 42 The principles are:
- 42.1 Precautionary approach and adaptive management
  - 42.2 Equitable allocation of costs and benefits

- 42.3 Give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi, including through fisheries and aquaculture settlements and other legislation<sup>3</sup>
  - 42.4 Decision-making based on sound science and traditional knowledge
  - 42.5 Consistency with international commitments
  - 42.6 Inclusive, transparent and effective public participation processes.
- 43 Overall portfolio work needs to align with the principles, in order that the objectives can be met successfully. Initiatives should be tested against the principles to inform the extent to which they will meet the objectives – accepting that for particular initiatives, some principles may be of greater relevance than others.
- 44 In summary, initiatives within the Oceans and Fisheries portfolio should:
- 44.1 Advance the vision
  - 44.2 Meet the objectives, and
  - 44.3 Align with the principles.
- 45 The vision, objectives and principles will especially apply to the development of new policies and regulatory tools. They will also help provide consistency with other significant reform initiatives including resource management and freshwater, and the extension of the National Policy Statement for Freshwater Management 2020 to cover estuaries.

*Initial Oceans and Fisheries work programme*

- 46 The initial Oceans and Fisheries work programme includes existing conservation, environment and fisheries initiatives, and addresses a number of the PMCSA report's recommendations. This initial work will also provide the foundation for future improvements to the marine management system. Key items include:
- 46.1 *Fisheries system reform*: to strengthen and modernise New Zealand's fisheries management system, in part to enable more sustainable fishing methods
  - 46.2 *Improved fisheries monitoring – on-board cameras*: to install cameras on inshore fishing vessels
  - 46.3 *Open ocean aquaculture*: to improve the management framework to facilitate the development of open ocean aquaculture
  - 46.4 *Marine protected areas reform*: to create a more strategic, nationally coordinated framework for marine protection with modernised legislative tools and processes that improve integration with wider marine use
  - 46.5 *Government Hauraki Gulf Sea Change Strategy*: to implement an integrated marine management strategy for the Gulf including marine protection, restoration, and fisheries management measures
  - 46.6 *Rangitāhua/Kermadec Ocean Sanctuary*: to set up an ocean sanctuary in the northeast of New Zealand's EEZ
  - 46.7 *South-East Marine Protection*: to implement a proposed network of marine protected areas in the south-eastern South Island coastal marine area

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<sup>3</sup> Rights enshrined in law include the Treaty of Waitangi (Fishing Claims) Settlement Act 1992, the Māori Fisheries Act 2004, the Māori Commercial Aquaculture Claims Settlement Act 2004, and rights under the Marine and Coastal Area (Takutai Moana) Act 2011.

- 46.8 *Hector's and Māui dolphin threat management plan*: to continue to implement a set of measures to reduce threats to these species.

*Fisheries system reform*

- 47 *Paper 2* of this package seeks agreement to the fisheries system reform agenda and its sequencing. Subsidiary papers seek approval for changes to commercial landing and discards rules, an improved offences and penalties regime, and more agile fisheries management decisions.

*Work of other Ministers and their agencies*

- 48 I intend to deliver the work programme in close coordination with the Minister of Conservation, which is to be reflected in relevant inter-agency consultation and reporting practices.
- 49 I will also work closely with other Ministers with oceans-related responsibilities, including: the Ministers of Environment; Māori Crown Relations; Te Arawhiti; Energy and Resources; Science, Research and Innovation; Justice; Foreign Affairs; Local Government; Transport; and Climate Change.
- 50 Work underway by other Ministers and their agencies that will sit alongside my work programme include:
- 50.1 The Minister of Energy and Resources/MBIE are progressing actions set out in *Responsibly Delivering Value - A Minerals and Petroleum Resource Strategy for Aotearoa New Zealand: 2019 – 2029*
- 50.2 The Minister of Foreign Affairs/MFAT has primary responsibility for international oceans work with support from other Ministers on specific initiatives. This includes work with Pacific Islands Forum partners relating to sea level rise and a 2050 Blue Pacific Strategy, global engagement on marine plastic litter, negotiating a new High Seas Biodiversity Treaty, and a Post-2020 Global Biodiversity Framework
- International cooperation is essential to protect species such as the Antipodean albatross, whose range extends far beyond New Zealand's EEZ
- 50.3 The Minister of Transport/MOT are leading work to reduce emissions from the transport sector, including an increased focus on shipping

*Laying the foundation for future work*

- 51 I propose an assessment of how far the initial work programme will go in realising the vision and objectives, and what future longer-term work is necessary. I intend to report back to Cabinet with findings and options in June 2022.
- 52 Civil society and industry organisations are also considering oceans issues, for example, the Environmental Defence Society (EDS) is conducting an oceans research project (partially funded by MfE and DOC) called – *Reforming Oceans Management: How to achieve better environmental, social and economic outcomes in our marine environment*. EDS expects to publish an issues and options paper at the end of June 2021 and launch a final report in early 2022.
- 53 This civil society and industry work may inform the Government's longer-term future work, which in any event could consider issues such as:



- 53.1 Marine spatial planning across the territorial sea and the EEZ – reflecting proposed Objective 2 on establishing a spatial planning framework (see para 41.2)

This would be consistent with the Government's resource management reform programme, which will see the Resource Management Act 1991 replaced by a Natural and Built Environments Act and a Strategic Planning Act (SPA). Under the SPA, spatial plans would be developed, including potentially for the territorial sea

- 53.2 Comparisons with oceans governance and ecosystem-based management in other jurisdictions, and their potential suitability in the New Zealand context
- 53.3 Legislative, institutional and funding arrangements, including the incorporation of Māori world views and interests
- 53.4 Emerging threats such as ecosystem disruption from climate change, plastic pollution, discharge of chemicals and other contaminants, and biosecurity challenges.

#### *Strengthening governance arrangements*

- 54 I propose strengthening wider coordination across relevant Ministerial portfolios and agencies for delivery of the work programme. I therefore recommend establishing:
- 54.1 An Oceans and Marine Ministers Group (OMMG) comprising the Ministers for Oceans and Fisheries (Chair), Environment, and Conservation, and the Under-Secretary for Oceans and Fisheries. Other relevant portfolio Ministers will be invited to attend OMMG meetings as appropriate; and
- 54.2 An inter-agency Oceans Secretariat. This will support me as Minister for Oceans and Fisheries, and also support the OMMG. The Secretariat will be hosted by DOC; and also comprise officials from MPI (including FNZ), and MfE, with support from other agencies as required. The Secretariat will work with my Oceans Private Secretary, who is a secondee from DOC.

#### **Engagement**

- 55 I do not propose to formally consult on the vision, objectives and principles, but will keep them under review when delivering the initial work programme and developing longer-term work. I would report back to Cabinet on any improvements to them that may seem desirable, and whether wider engagement on this should be undertaken with iwi/Māori and stakeholders.

#### **Financial Implications**

- 56 The costs of the initial work programme and strengthened governance across the Oceans and Fisheries portfolio will be met within existing agency baselines. <sup>59(2)(f)(iv)</sup>

#### **Climate Implications of Policy Assessment**

- 57 Not applicable.

#### **Human Rights**

58 There are no implications for human rights arising from this Cabinet paper.

### Te Tiriti o Waitangi/Treaty of Waitangi

59 Any future reform of the marine management system would need to recognise iwi/Māori rights and interests as provided for in Te Tiriti o Waitangi/Treaty of Waitangi, settlement Acts and other relevant agreements.

### Consultation

60 This paper was prepared by DOC, MfE and MPI/FNZ as 'Marine Hub' agencies. The following agencies have been consulted: MFAT, Treasury, Te Puni Kōkiri, Te Arawhiti, Ministry of Transport, Maritime New Zealand, Ministry of Defence, MBIE, Land Information New Zealand, and Department of Internal Affairs.

### Proactive Release

61 I intend to proactively release this Cabinet paper within 30 business days of decisions being confirmed by Cabinet.

### Recommendations

The Minister for Oceans and Fisheries recommends that the Committee:

- 1 **Note** that New Zealand is responsible for one of the largest marine areas in the world – 21 times the size of our land area
- 2 **Note** that, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), this marine area comprises the territorial sea, exclusive economic zone and extended continental shelf
- 3 **Note** that oceans and coasts are central to New Zealanders' identity, wellbeing and prosperity
- 4 **Note** that
  - 4.1 *Our Marine Environment 2019*, from the Ministry for the Environment and Statistics New Zealand, outlines the decline in New Zealand's marine biodiversity from human activities
  - 4.2 The Auditor General's 2019 report, *Using different process to protect marine environments*, acknowledges that establishing marine protected areas is fraught with tension, and recommends process improvements
  - 4.3 The Prime Minister's Chief Science Advisor's 2021 report, *The Future of Commercial Fishing in Aotearoa New Zealand*, acknowledges the complex challenges facing the marine environment
- 5 **Note** that iwi/Māori have diverse rights and interests in the marine environment, including rights under fisheries and aquaculture settlements and other relevant legislation
- 6 **Note** that New Zealand's current marine management system is fragmented and has found it difficult to respond to pressures in a holistic, timely manner
- 7 **Note** that the creation of the Oceans and Fisheries portfolio signals a shift to a more holistic and integrated approach to managing our oceans

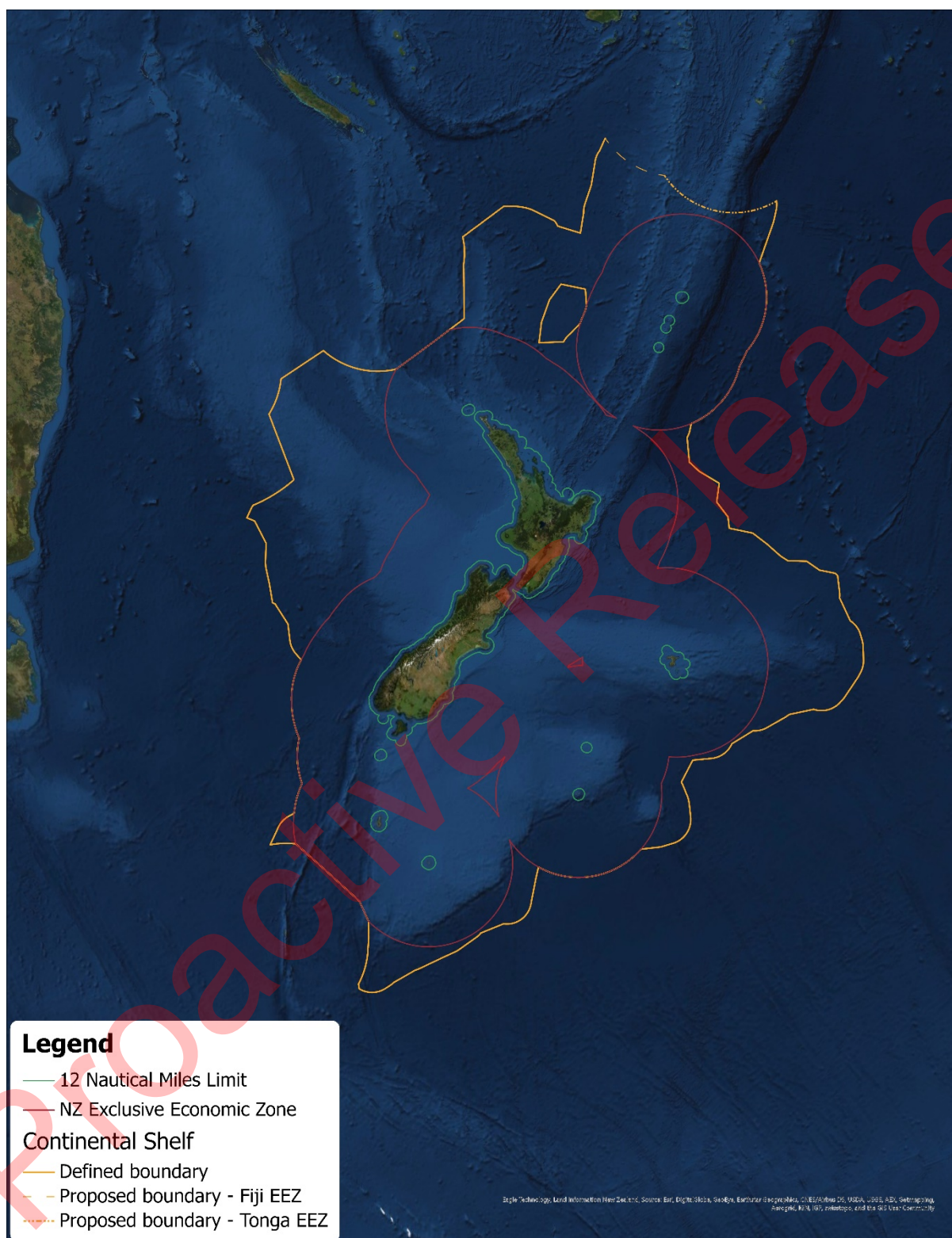
- 8 **Agree** that the vision for the portfolio be *Ensuring long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries*
- 9 **Agree** that the vision be supported by the following objectives and principles:
- 9.1 Objectives
- 9.1.1 Promote an ecosystem-based approach to research, monitoring and management
  - 9.1.2 Establish a spatial planning framework that optimises the protection and use of marine space and resources
  - 9.1.3 Support the development of a high-value marine economy that provides equitable wellbeing benefits
- 9.2 Principles
- 9.2.1 Precautionary approach and adaptive management
  - 9.2.2 Equitable allocation of costs and benefits
  - 9.2.3 Give effect to the principles of Te Tiriti o Waitangi/Treaty of Waitangi, including through fisheries and aquaculture settlements and other legislation
  - 9.2.4 Decision-making based on sound science and traditional knowledge
  - 9.2.5 Consistency with international commitments
  - 9.2.6 Transparent, inclusive and effective public participation processes
- 10 **Agree** that portfolio work will need to advance the vision and meet the objectives, and align with the principles, in order that the objectives can be met successfully
- 11 **Agree** that the initial Oceans and Fisheries work programme will include:
- 11.1 Fisheries system reform
  - 11.2 Improved fisheries monitoring – on-board cameras
  - 11.3 Open ocean aquaculture
  - 11.4 Marine protected areas reform
  - 11.5 Government Hauraki Gulf Sea Change Strategy
  - 11.6 Rangitāhua/Kermadec Ocean Sanctuary
  - 11.7 South-East Marine Protection, and
  - 11.8 Hector's and Māui Dolphin Threat Management Plan
- 12 **Note** that the Minister for Oceans and Fisheries intends to deliver the work programme in close coordination with the Minister of Conservation
- 13 **Invite** the Minister for Oceans and Fisheries to undertake an assessment of how far the initial work programme will go in realising the vision and objectives, and report back to Cabinet in June 2022 with options for any future longer-term work that may be necessary

- 14 **Note** that future longer-term work could include consideration of marine spatial planning, governance and management in other jurisdictions, legislative, institutional and funding arrangements, and emerging threats to ocean ecosystems
- 15 **Agree** to establish an Oceans and Marine Ministers Group (OMMG) to strengthen coordination across relevant Ministerial portfolio and agencies for delivery of the work
- 16 **Agree** that the OMMG comprise the Ministers for Oceans and Fisheries (Chair), Environment, Conservation and the Under-Secretary for Oceans and Fisheries, with other relevant portfolio Ministers as appropriate
- 17 **Agree** to establish an inter-agency Oceans Secretariat to support the Minister for Oceans and Fisheries and the OMMG, hosted by the Department of Conservation; and also comprising officials from the Ministry for Primary Industries (including Fisheries New Zealand) and the Ministry for the Environment, with support from other agencies as appropriate.

Authorised for lodgement

Hon David Parker  
Minister for Oceans and Fisheries

## Appendix 1 – Extent of New Zealand’s marine area



*Map courtesy of the Ministry of Business Innovation and Employment*



## Appendix 2 – Key legislation and roles governing New Zealand's marine area

### Relevant marine management legislation includes:

- Resource Management Act 1991
- Marine and Coastal Area (Takutai Moana) Act 2011
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- Fisheries Act 1996
- Maritime Transport Act 1994
- Environment Protection Authority Act 2011
- Marine Reserves Act 1971
- Wildlife Act 1953
- Marine Mammals Protection Act 1978
- Biosecurity Act 1993
- Submarine Cables and Pipelines Protection Act 1996
- Crown Minerals Act 1991
- Continental Shelf Act 1964
- Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977
- Environment Act 1986
- Conservation Act 1987
- Sugar Loaf Islands Marine Protected Area Act 1991
- Hauraki Gulf Marine Park Act 2000
- Fiordland (Te Moana o Atawhenua) Marine Management Act 2005
- Kaikōura (Te Tai o Marokura) Marine Management Act 2014

### 'Marine Hub' agencies have various roles that include:

#### Ministry for Primary Industries (including Fisheries New Zealand)

- Fisheries and aquaculture policy
- Fisheries management, including the effects of fishing on habitats and protected species
- Aquaculture development
- Undertakes and funds fisheries and marine research
- Compliance and monitoring activities across recreational, customary and commercial fisheries, including fisheries observers and digital monitoring
- Biosecurity risk management, border controls, and pest and disease responses
- Negotiates and implements management frameworks for international fisheries

#### Ministry for the Environment

- Administers the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act and the Resource Management Act
- Monitors the Environmental Protection Authority
- Jointly leads Environmental reporting with Statistics New Zealand
- Resource management policy, including marine

#### Department of Conservation

- Prepares and monitors the New Zealand Coastal Policy Statement
- Approves Regional Coastal Plans
- Coastal planning for Subantarctic and Kermadec Islands
- Establishes and manages protected areas in the marine environment
- Undertakes and funds marine research
- Manages protected species and identifies threatened species
- Specific roles under the Marine and Coastal (Takutai Moana) Act 2011

**Appendix 3: Overview of the Oceans and Fisheries portfolio (attached)**

Proactive Release