



Briefing for Incoming Minister of Oceans and Fisheries,  
***Hon Shane Jones***



Environmental  
Defence  
Society

December 2023

**The Environmental Defence Society is a charitable, not-for-profit environmental NGO established in 1971.**

**We are Aotearoa New Zealand's leading environmental law and policy organisation.**

*000* We operate at the law and policy coalface to drive improved environmental outcomes

*000* We are on the moderate end of the green spectrum

*000* We work within the system to achieve positive change

### **Thought-leader in environmental policy**

*000* EDS brings together innovative ideas with on-the ground experience to develop practical options for law and policy reform and pathways for implementation.

### **Environmental legal advocate**

*000* As a last resort EDS litigates to protect the natural environment or to set important legal precedents.

### **Events co-ordinator**

Every year EDS convenes two of the country's biggest conferences in the environment calendar.

*000* The **Climate Change and Business Conference** is in its 15th year and engages business in the threats and opportunities arising from climate change. The conference is jointly hosted with the Sustainable Business Council and Climate Leaders Coalition.

*000* EDS's **Environmental Summit** is in its 20th year and generates solutions to key environmental challenges facing the country.

EDS has been closely involved in marine and fisheries issues for years. For example, we undertook an in-depth investigation into aquaculture management in 2019 (*Farming the Sea: Marine Aquaculture within Resource Management Reform*). We have regularly submitted on fisheries sustainability measures and have been closely involved in the marine spatial planning process in the Hauraki Gulf. Over the last several years we have also undertaken policy work on reform of the oceans system and related environmental management systems.

This body of work underpins our commentary provided in this briefing. All of our work is available at <https://eds.org.nz/our-work/policy/projects/conservation-reform-project/>

### **OUR KEY ASKS FOR OCEANS AND FISHERIES:**

- ONE** Finalise a formal policy standard on the Identification and Protection of Habitat of Particular Significance for Fisheries Management.
- TWO** Pass the Hauraki Gulf Tikapa Moana Marine Protection Bill into law to create a network of Marine Protected Areas (MPAs) in the Hauraki Gulf.
- THREE** Finalise the Hauraki Gulf Bottom Fishing Access Zones as a transition measure with transition assistance provided to commercial fishers.
- FOUR** Ensure adequate resourcing to implement the Hauraki Gulf Fisheries Plan.
- FIVE** Progress measures to support blue carbon including recognising the contribution of the restoration of kelp forests.
- SIX** Establish a regular Ministerial meeting with the 5 key national ENGOs (EDS, Forest & Bird, WWF, Greenpeace Aotearoa and Fish & Game).



## Oceans and Fisheries Portfolio

Aotearoa New Zealand has jurisdiction over a very large marine domain which is around 20 times the size of the country's land area. The recent joint report by the Ministry for the Environment and Stats New Zealand (*Our Marine Environment 2022*) describes a resource threatened by serious environmental issues and with many conflicting uses and priorities. Land-based activities (generating sediment, nutrients and plastics) are polluting the marine area, pest species are expanding and climate change is fundamentally impacting marine ecosystems (highlighted by recent marine heatwaves). All this is impacting marine users.

Due to the importance of the marine area to the country's welfare, the creation of a Minister of Oceans and Fisheries portfolio in 2020 was a welcomed development. The establishment of the Oceans Secretariat in June 2021, comprising officials from the Ministry for Primary Industries, Ministry for the Environment and Department of Conservation, has also been a positive move enabling a more integrated approach to oceans management across the various sectors.

***We urge you to retain the Oceans Secretariat to enable a more integrated approach to oceans management across central government.***

### Aquaculture

As you are aware, aquaculture is a substantial and growing industry. It produces healthy and highly sought-after food products as well as health supplements. It provides well-paid jobs, supports communities and generates important export income for the country. It has the potential to positively contribute to marine restoration. It is generally favourably viewed by the New Zealand public. Managed well, the industry has a positive outlook for the future.

The recent development of the seaweed aquaculture sector is particularly welcomed due to the ecological and environmental benefits it can generate along with economic benefits, including providing methane inhibiting feed additives for livestock.

We note in your coalition agreement a commitment to "Deliver longer durations for marine farming permits and remove regulations that impede the productivity and enormous potential of the seafood sector".

We agree that the regulatory framework has not served the aquaculture industry well. It has been characterised by frequent changes, with no fewer than eight differing legislative regimes applying to the industry since its inception. To some extent, this reflects the difficulty of applying a land-based static approach to an industry operating in a highly dynamic and rapidly changing marine environment.

Our 2019 investigation of the aquaculture industry involved 27 in-depth interviews with key participants in aquaculture decision-making along with an investigation of the regulatory regimes for aquaculture in Norway, Scotland, British Columbia, Tasmania, South Australia and New South Wales. We also drew lessons from the various experiences of aquaculture planning in the Marlborough Sounds, Tasman and Golden Bays and Coromandel Peninsula.

Our study concluded that aquaculture needs a more risk-based, spatially focused and flexible regulatory environment which can generate greater productivity within the industry alongside environmental improvements to the health of the marine environment. Getting the location of marine farms right at the outset, and enabling flexibility of location over time, is the key. The conclusions were well received within the industry, but such an approach has yet to be implemented.

***We would welcome the opportunity to work with you to develop a regulatory regime for aquaculture which is fit for purpose and will deliver benefits both for the industry and the marine environment.***



## Fisheries

Fisheries management has come a long way during the past decade, particularly with electronic reporting and the introduction of cameras on boats, but there is still work to be done to bring the industry in line with community expectations in the 21<sup>st</sup> Century. As stated in the NZ First 2023 manifesto, the QMS “can still be improved” while providing effective long term incentives to ensure the sustainability of fisheries and the ecosystems they depend on.

EDS supports the development of a fishing industry that extracts a modest amount of high quality and high value seafood from the marine area, in a targeted manner, and leaves the rest of the marine ecosystem to thrive.

EDS has a positive working relationship with Fisheries NZ and the Ministry for Primary Industries, with regular meetings being held between the agencies and environmental NGOs to discuss issues of concern. We actively submit on proposed sustainability measures and are keen to see an ecosystem based approach to fisheries management rolled out more strongly.

Of particular importance is finalising the guidelines and operational proposals for the Identification and protection of ‘Habitat of Particular Significance for Fisheries Management’ to give effect to Section 9(c) of the Fisheries Act. The Fisheries NZ consultation on these closed in November 2022 and it is increasingly urgent that measures are taken to identify and protect habitats that are important to the ongoing productivity of fisheries. EDS lodged comprehensive submissions on the proposals including that they should be adopted as a formal standard.

***We urge you to adopt a formal policy standard on the Identification and Protection of Habitat of Particular Significance for Fisheries Management without delay.***

Our oceans are being increasingly impacted by greenhouse gas emissions, with oceans globally absorbing around 25% of total carbon emissions since the start of the industrial revolution. Impacts include sea water warming, ocean acidification and changes to oceanic circulation patterns. All this means that fisheries management decisions need to be precautionary especially when setting the TAC and TACC. We note the recent issues with fisheries models applied to orange roughy and snapper stocks which were found to no longer be reliable in the current changed environment.

***EDS urges you to adopt considerable precaution when making sustainability decisions under the Fisheries Act given the impacts of climate change on our oceans.***



## Hauraki Gulf

Successive State of the Environment reports have highlighted the ongoing degradation of the Hauraki Gulf. This marine area is of enormous importance to Aotearoa New Zealand, supporting considerable marine biodiversity, many threatened seabird species, the largest recreational fishing community in the country, valuable commercial inshore fisheries and much more.

The need to take action has become increasingly urgent with irreversible tipping points being approached or exceeded in some cases. Of particular concern is the collapse of scallop beds which are now closed, recent evidence that some snapper,



trevally and tarakihi in the Hauraki Gulf are suffering from chronic starvation, and the increasing spread of the invasive seaweed *Caluherpa*.

Between 2013 and 2016 a multi-stakeholder and iwi collaborative group developed a plan to reverse the degradation and begin the process of restoring the Hauraki Gulf (the *Sea Change Tai Timu Tai Pari (Sea Change) Plan*) which is now in the process of implementation.

Proposals for a network of MPAs within the Hauraki Gulf, first set out in the Sea Change Plan, have been subject to lengthy consideration and a public submission process. The *Hauraki Gulf /Tikapa Moana Marine Protection Bill* is currently before the Environment Select Committee which is slated to report back to the House by 29 February 2024. EDS lodged a comprehensive submission in support of the Bill but with several important amendments that should be made to it.

We note that the NZ First and ACT's manifestos are silent on this Bill but that the National Party committed to accelerating marine protection in the Hauraki Gulf to ensure effective protection of marine biodiversity.

***We urge you to progress the Hauraki Gulf /Tikapa Moana Marine Protection Bill to create the network of MPAs in the Hauraki Gulf without delay. Passing the Bill should be high priority.***

Alongside the Bill, Fisheries NZ has recently consulted on proposals to establish Bottom Fishing Access Zones (BFAZ) in the Hauraki Gulf Marine Park. The proposals are designed to restrict bottom trawl and Danish seine fishing methods in the Gulf to defined areas to protect important benthic habitats. The restrictions are to be put in place via regulation. EDS has lodged comprehensive submissions on the proposals.

The proposals provide 4 options for the location of the BFAZs. None of the options provide for a complete phase out of seabed damaging fishing methods from the Gulf. However, this needs to be considered, due to the widespread loss of biogenic habitats due to fishing which has had a profound impact on the ecological health and productivity of the Hauraki Gulf Marine Park. Also of note is that a considerable amount of the damage was intentionally caused by commercial trawlers, by dragging chains, in order to 'condition' the seabed so that it was more suitable for trawling. Most of the Hauraki Gulf Marine Park did not naturally have a soft sediment seabed surface.

EDS urges you to consider using the BFAZs as a transition measure, with all bottom damaging methods removed within 5 years, and with a requirement that any vessels accessing the BFAZs during the transition period use best practice methods including, in the case of bottom trawling, the mandatory use of semi-pelagic doors (or other doors) that do not contact the seabed. An assistance package should also be provided to support vessels to transition to less damaging fishing gear, which could take the form of soft-loans to fund the purchase of new gear.

***We urge you to finalise the Hauraki Gulf Bottom Fishing Access Zones without delay and to use them as a transition measure towards full exclusion of benthic damaging fishing methods with transition assistance provided to commercial fishers.***

A Hauraki Gulf Fisheries Plan has recently been approved under the Fisheries Act. It applies an ecosystems approach to fisheries management within the Gulf. It is well supported by the multi-stakeholder Hauraki Gulf Fisheries Plan Advisory Group. The Plan is in the process of being implemented and will need your support and adequate resourcing for this to be successfully achieved.

***We urge you to support implementation of the Hauraki Gulf Fisheries Plan including in allocating the requisite resources.***



## Blue carbon

We note the policy in the NZ First Manifesto that “A sharper focus will be placed on kelp growing as a possible blue carbon contribution towards net zero, with priority access to research funding”. EDS supports this approach but suggests it should be expanded to include the restoration of natural kelp forests, which have been lost from rocky reefs in many areas, including along the north-east coast of the North Island.

Such kelp forests are some of the most highly productive ecosystems in the temperate seas supporting a plethora of ecosystem services, including fisheries productivity. They have been impacted by the loss of natural predators on kina, land-based stressors such as sediment and climate change.<sup>1</sup>

***We urge you to support measures to restore natural kelp forests on rocky reefs, particularly along the north-east coast of the North Island, including through recognising their contribution to blue carbon.***



## Oceans Management Reform

The need to provide a more integrated framework for oceans management has long been recognised. The current legal framework has developed over more than 50 years into an uneven patchwork of provisions. There are multiple pieces of overlapping marine legislation and some significant gaps in coverage. There is no overarching mechanism to help ensure that all legislation that is impacting on the marine environment is interacting coherently or producing optimal economic and environmental outcomes.

Over the past two years EDS has been conducting an in depth, first principles look at the future of our oceans management system (which comprises all of the laws, institutions and tools that manage our marine area, as well as those that manage activities having impacts on it). Phase 1 of the project investigated what was going wrong under current settings and identified a number of potential options for systemic reform. It culminated in a 2022 synthesis report, *The Breaking Wave: Oceans Reform in Aotearoa New Zealand*.

Phase 2 of our oceans work, which is currently underway, will develop specific reform options along with a pathway for implementation over a reasonable timeframe. In 2024, we will be producing two targeted working papers on marine spatial planning and marine protected areas legislation, before completing a final synthesis report in 2025. This will flesh out some broader reform options such as the development of an integrated national Oceans Strategy and establishment of an Oceans Commission. We note that such initiatives form part of the National Party’s election policies.

***We look forward to engaging with you on oceans reform matters and briefing you on our findings as the research progresses.***

<sup>1</sup> Doherty B, J P Davis and B Miller, 2023. Fishery-induced tropic cascades and sea urchin barrens in New Zealand: A review and discussion for management, New Zealand Aquatic Environment and Biodiversity Report No 324



## Resource management

Land-sourced pollutants, including sediment, nutrients and plastics, are having a significant negative impact on Aotearoa New Zealand's coastal and oceanic areas. For example, forestry harvesting has a significant impact on sediment flows into the marine area, as has been seen at Tairāwhiti and Hawkes Bay after recent storm events. It is important that such impacts are more effectively managed, including through national policy statements and national environmental standards.

***We urge you to place a sharp focus on the implications of any changes to resource management law and policy for oceans and fisheries management.***

## Wildlife Act review

The Wildlife Act 1953 is widely recognised as no longer fit for purpose. To inform the review of the legislation by government, EDS undertook an in-depth examination and review of the Act, as part of our broader Conservation Law Reform project. The review canvassed options for reform that would enhance biodiversity protection and bring the country into line with international best practice. It is of relevance to your Oceans and Fisheries portfolio as the Wildlife Act currently protects seabirds and some marine species, and has provisions focused on managing fisheries bycatch of protected species. It could potentially have greater coverage of marine species in the future.

***We look forward to engaging with you on those aspects of any review of the Wildlife Act which is relevant to the oceans.***



We look forward to working with you during the coming term of government.

Ngā mihi nui,



**gary@eds.org.nz**

Chief Executive



**shay@eds.org.nz**

Chief Operating Officer



Environmental Defence Society Incorporated  
PO Box 91736 Victoria St West, Auckland 1142  
Phone (09) 302 2972  
**www.eds.org.nz**