

15 June 2022

Leeanne McAviney  
Assistant Auditor-General, Sector Performance  
Office of the Auditor-General  
100 Molesworth Street, Thorndon 6011  
PO Box 328 Wellington 6140

By email: [enquiry@oag.parliament.nz](mailto:enquiry@oag.parliament.nz)

Tēnā koe Leeanne

## Office of Auditor-General – processes to protect marine environments

Thank you for your letter of 3 May 2022 regarding a 2019 report by the previous Auditor-General, *Using different processes to protect marine environments* (the Report).

Since the Report was released in 2019, the Government has established the Oceans and Fisheries portfolio to support a more holistic and integrated approach to managing New Zealand's oceans.

The Ministry for Primary Industries / Fisheries New Zealand (MPI/FNZ) and the Department of Conservation (DOC) are responding to your request collectively. This recognises the Report's recommendations were addressed to both agencies due to our shared responsibilities under the Marine Protected Areas: Policy and Implementation Plan (2005). A joint response also reflects the collaborative nature of delivery of actions under the Oceans and Fisheries work programme and *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy*<sup>1</sup>, and our close work on marine issues as part of the Oceans Secretariat established under the Oceans and Fisheries portfolio.

MPI/FNZ and DOC agree with the Report's conclusions and recommendations. We consider that it accurately reflects the strengths and weaknesses of the two processes discussed – Te Korowai and the Southeast Marine Protection Forum. The Report provides valuable lessons which are informing agencies' work to establish marine protected areas (MPAs) and other protection tools, and marine management policy and implementation more generally.

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<sup>1</sup> <https://www.doc.govt.nz/globalassets/documents/conservation/biodiversity/anzbs-2020.pdf>

This letter outlines actions underway that respond to the Report's recommendations.

**Recommendation one: That the Department of Conservation and the Ministry for Primary Industries consider how any reform to marine biodiversity protection legislation, policy or planning could support greater collaboration and provide more timely, appropriate, and sustainable protection for New Zealand's unique marine biodiversity**

Since the release of the Report, changes to frameworks for marine management include:

- establishment of the Oceans and Fisheries portfolio, its vision and objectives, and the inter-agency Oceans Secretariat<sup>2</sup>;
- release of *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy* and its associated implementation plan; and
- development of the Oceans and Fisheries work programme.

These changes reflect a more integrated and collaborative approach to achieve marine biodiversity protection outcomes. The Oceans and Fisheries work programme and the actions identified within *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy* implementation plan complement each other with a range of cross-agency management actions being delivered collaboratively and with tangata whenua and stakeholders.

Resource management reform and conservation law reform provide additional opportunities to improve collaborative management and achieve better biodiversity outcomes. Fisheries legislation is also being amended to better incentivise more selective commercial fishing and enable more responsive fisheries management (which improves biodiversity outcomes).

In addition, MPI/FNZ is actioning the recommendations of the Prime Minister's Chief Science Advisor's recent report on commercial fishing, *The future of commercial fishing in Aotearoa New Zealand*. Building trust and collaboration is one of the recommendations for improving outcomes.

***Establishment of Oceans and Fisheries portfolio, vision, objectives, and the Oceans Secretariat***

Government's response to recommendation one is reflected in the creation of the Oceans and Fisheries portfolio and development of the Ocean and Fisheries work programme. It signals the Government's commitment to a more holistic, integrated approach to managing the oceans.

In 2021, Cabinet agreed to a vision, objectives, principles, and an initial work programme for the portfolio. The Minister for Oceans and Fisheries acknowledged the Report and

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<sup>2</sup> <https://www.mpi.govt.nz/dmsdocument/45754-Oceans-and-Fisheries-portfolio-ensuring-healthy-ocean-ecosystems-Cabinet-paper>

recommendations from the Office of the Auditor-General in his Cabinet paper on the new portfolio.

Recommendation one of the Report resonates in the six principles against which Oceans and Fisheries work programme initiatives are tested – in particular, that work programme initiatives provide for inclusive, transparent, and effective public participation processes.

Cabinet has also established an Oceans and Marine Ministers Group. The group comprises the Ministers for Oceans and Fisheries, Environment, and Conservation, and the Parliamentary Under-Secretary for Oceans and Fisheries. It is supported by an inter-agency Oceans Secretariat, hosted by DOC and comprising officials from MPI/FNZ, the Ministry for the Environment (MfE), and the Ministry of Foreign Affairs and Trade (MFAT). This draws together core agencies responsible for overseeing marine environmental management and drives collaboration across work areas. These arrangements recognise that strengthened coordination across portfolios and agencies is necessary to ensure delivery of an integrated Oceans and Fisheries work programme.

### ***Release of Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy***

The Report references the *New Zealand Biodiversity Strategy 2000-2020*, which has now been replaced with *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy*. The new strategy provides a set of underlying values and principles to guide how Government, tangata whenua, stakeholders, and communities work together in decision-making and on delivering action to address biodiversity decline. Collaboration with iwi, hapū, whānau and stakeholders is a fundamental element of the strategy's implementation plan, released in April 2022<sup>3</sup>.

### ***The Oceans and Fisheries work programme***

The Oceans and Fisheries work programme takes a holistic approach to delivering the vision of the Oceans and Fisheries portfolio, which is to ensure the long-term health and resilience of ocean and coastal ecosystems, including the role of fisheries. This includes a range of initiatives that improve our approach to marine protection. Collaborative processes support the delivery of each of these work programme components.

A summary of progress on three of the work programme elements, illustrates how our work responds to the recommendations in the Report.

#### ***Marine protected areas reform***

Both the implementation plan for *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy* and the Oceans and Fisheries work programme include an action to create a more strategic, nationally coordinated framework for marine protection with modernised legislative tools and processes that improve integration with wider marine use.

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<sup>3</sup> <https://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/te-mana-o-te-taiao-implementation-plan/>

The Minister of Conservation and the Minister for Oceans and Fisheries are working together to explore options for advancing MPA legislative reform. These options will be informed by the recommendations in the Report from the Office of the Auditor-General.

### Government Hauraki Gulf Sea Change Strategy 'Revitalising the Gulf'

*Revitalising the Gulf: Government action on the Sea Change Plan*, presents a package of marine conservation and fisheries management actions to restore a healthy Hauraki Gulf. It responds to the *Sea Change – Tai Timu Tai Pari Hauraki Gulf Marine Spatial Plan*, released in 2017.

DOC and MPI/FNZ development of *Revitalising the Gulf* was supported by a Sea Change Ministerial Advisory Committee and early engagement with mana whenua and stakeholders. This set the stage for ongoing collaborative processes that will support protection of biodiversity in the Gulf including:

- progressing a set of marine protected areas that will nearly triple the area under protection in the Hauraki Gulf;
- establishing two multi-stakeholder groups to support progress on the Hauraki Gulf Fisheries Advisory Plan and the identification of optimal corridors for bottom trawl and Danish seine in the Hauraki Gulf; and
- piloting an Ahu Moana process (local marine management by mana whenua and local communities) to explore how DOC and MPI/FNZ can support mana whenua and local communities achieve their local area fisheries and conservation ambitions.

### South East Marine Protection

An action in *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy* and the Oceans and Fisheries work programme is the delivery of the South East Marine Protection process (SEMP). DOC and MPI/FNZ have been working closely with Kāi Tahu since 2018 to progress the SEMP proposals and develop measures to help address impacts on Kāi Tahu interests. These insights will be taken forward in future marine biodiversity planning processes.

**Recommendation two: Work together ahead of time to collect and collate all available information on an area that is being considered for marine protection or management to ensure that it is available to members of Marine Protection Planning Forums or working groups in a timely way.**

We agree that a readily available information base to support planning would assist with more timely delivery of marine protection, and marine management processes more generally.

DOC, MPI/FNZ and MfE have been jointly working to improve the evidence base in advance of progressing biodiversity protection planning and management. This includes cultural, social and economic information, and making this information easier to access and use. As tools are developed, they are being used in spatial planning processes. For example, in the work of a multi-stakeholder forum to provide recommendations to manage the impact of bottom trawling on the seabed of the EEZ.

An overview of this work is outlined below.

### ***MPA Science Advisory Group***

The interagency MPA Science Advisory Group (DOC, MPI/FNZ and MfE), established in 2018, is delivering a range of tools and a readily available information base to support future marine protection planning. This work is funded largely through DOC's MPA Research programme. Initiatives include:

- collation of publicly available data layers to support the identification of areas of potential ecological significance in New Zealand's marine environment<sup>4</sup> and methods for mapping these;
- development of a new seafloor community classification scheme mapped for the entire New Zealand marine environment that is publicly available<sup>4</sup>; and
- development of decision support tools to support rapid, transparent and evidence-based MPA decision making<sup>5</sup>.

Other outputs to support future MPA planning processes include modelling distributions of species under moderate and worst-case climate scenarios, tools that analyse gaps in habitat representation within the MPA network, and methods for evaluating the effectiveness of MPA network design.

The groups leading this work are working with end users to determine how these tools can be used to improve marine planning processes and are fit for purpose.

### ***Fisheries research and information***

Over \$21 million of fisheries research is funded by MPI/FNZ annually to support fisheries management decision-making. Examples of recently funded MPI/FNZ research particularly relevant to inform MPA planning include projects to:

- understand the extent and intensity of mobile bottom fishing on benthic habitats, the impacts of fishing, and habitat recovery following closures to fishing;
- quantify the risk of fishing activities to marine mammals and seabirds;
- identify habitats of particular significance for fisheries management; and
- map habitats and underwater topographic features.

### ***Mātauranga Māori and te ao Māori informs decision-making***

MPI/FNZ is working to support the integration of mātauranga Māori and te ao Māori into decision-making processes. This includes encouraging development of objectives based on mātauranga to be integrated into planning processes and advice in parallel to western science. FNZ engagement with Iwi Fisheries Forums to inform the design and prioritisation

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<sup>4</sup> Technical reports on the [DOC MPA Research](#) webpage, data layers are available on the [DOC marine data portal](#)

<sup>5</sup> The decision support tool guidance is published on the [DOC MPA Research](#) webpage

of research projects supports this work. Protecting the cultural authority, authenticity, and integrity of the source of mātauranga Māori is an essential component of this work.

### *Electronic reporting*

Electronic catch and position reporting provides more timely and finer scale information on commercial fishing. To maximise the benefits this new data provides, MPI/FNZ is reviewing and improving its data management systems and processes, including to more efficiently anonymise fishing data to share in marine protection planning processes. This will enable forums and working groups to make informed decisions or alter a protection area to best meet the biodiversity objectives while minimising impacts on utilisation.

### **Sharing information and expertise across agencies**

DOC, MPI/FNZ and MfE are also contributing to a range of initiatives led by other agencies relevant to delivering on the Report's recommendations. These initiatives include the Sustainable Seas National Science Challenge, initiatives funded by the Ministry of Business, Innovation and Employment such as the Moana Project, and the Marine Geospatial Information Working Group being led by Land Information New Zealand.

The latter was set up to facilitate national collaboration to grow the value of marine geospatial information investments. It comprises 150 members from across Government, Māori / iwi groups, Crown Research Institutes, universities, charity and community groups, and private sector companies. It will establish an online portal to connect other databases, creating a 'one-stop-shop' for finding marine data in New Zealand. Proof of concept projects to test the 'data-mesh' portal, and a te ao Māori component, are currently being developed.

Our collaboration on these initiatives, along with the work being led within our agencies, will support continuous improvement in the accessibility and quality of information in advance of being needed for marine planning processes.

Agencies are also improving our information sharing, coordination, and collaboration across Central and Regional government by working closely with the Regional Government sector Special Interest Groups (SIGs) such as the Coastal-SIG and the Policy-SIG.

### **Strengthen the communication and quality of information provided to planning or working groups**

The Report discussed the importance of communication to support transparent processes, including the form and function of collaborative groups, and the need to ensure participants understand technical tools.

Consulting on the terms of reference of our working groups and forums is valuable in clarifying their purpose, roles and responsibilities and the scope of their work. It helps us determine iwi and stakeholder expectations for the work of these groups, and options to mitigate concerns. This approach informed the development of the terms of reference for the Ministerial Advisory Committee that advised on development of Revitalising the Gulf, and the Forum established to advise on options for managing the effects of bottom trawling in New Zealand's Exclusive Economic Zone.

The Report identified the value of training forum participants with an understanding of the information and tools they will use in marine planning process. We provide workshops and presentations to guide participants through technical tools or complex information used to inform collaborative processes. A recent example is the Zonation decision support tool workshop for participants in the Hauraki Gulf benthic spatial planning advisory group. This workshop was undertaken in advance of the advisory group's use of Zonation to support identification of optimal corridors for bottom contact fishing in the Hauraki Gulf.

### **Conclusion**

The Report's conclusions and recommendations provided valuable insights that we are using to inform implementation of the Oceans and Fisheries work programme and *Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy*, including our approach to progressing marine biodiversity protection and marine management policy.

The examples highlighted above demonstrate the progress we are making to address the Report's recommendations.

Yours sincerely,



**Ray Smith**  
**Director-General, Ministry for Primary Industries**



**Penny Nelson**  
**Chief Executive, Department of Conservation**