



# Cabinet

## Minute of Decision

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### Report back on the Hauraki Gulf / Tīkapa Moana Marine Protection Bill

**Portfolio**                      **Conservation**

On 30 September 2024, following reference from the Cabinet Legislation Committee, Cabinet:

- 1        **noted** that in June 2024, the Cabinet Legislation Committee invited a report back seeking decisions on amendments to the Hauraki Gulf / Tīkapa Moana Marine Protection Bill (the Bill), including in relation to clause 4 (the Treaty of Waitangi clause), and the interaction between customary fishing and the protected areas established under the Bill [LEG-24-MIN-0132];
- 2        **agreed** to retain the current Treaty of Waitangi clause with additional ‘signposting’ provisions;
- 3        **agreed** that references to ‘whānau, hapū and iwi’ be replaced with ‘iwi’;
- 4        **agreed** that the Treaty of Waitangi clause states that all Treaty of Waitangi settlements will be upheld;
- 5        **noted** that in August 2024 the Cabinet Social Outcomes Committee agreed the scope and purpose of a review of legislative references to the principles of the Treaty of Waitangi [SOU-24-MIN-0105];
- 6        **noted** that the Treaty of Waitangi clause in paragraph 2 above will fall within the scope of the above review, and that the Department of Conservation will assess the clause as part of that review;
- 7        **agreed** that the provision for customary non-commercial fishing (as regulated under the Fisheries Act 1996) is retained;
- 8        **agreed** to retain the prohibition on bottom trawling, dredging, and Danish seining fishing methods in seafloor protection areas and high protection areas, even for customary non-commercial fishing;
- 9        **agreed** that regulation of customary non-commercial fishing is out of the scope for regulations developed under clause 66 of the Bill;
- 10       **agreed** that the requirement to consult with the Minister for Oceans and Fisheries is removed for regulations developed under clause 66 of the Bill;
- 11       **agreed** that the regulation of customary non-commercial fishing is out of scope for regulations developed under clause 67 of the Bill;

- 12 **agreed** that the requirement to consult with the Minister for Oceans and Fisheries is removed for regulations developed under clause 67 of the Bill;
- 13 **agreed** that the requirement for biodiversity objectives and associated regulations to be developed collaboratively with mana moana is amended to require consultation with mana moana;
- 14 **noted** that, with these proposed changes, customary non-commercial fishing will be regulated through the Fisheries Act only;
- 15 **agreed** that provisions that acknowledge rights under the Marine and Coastal Area (Takutai Moana) Act 2011 are retained;
- 16 **agreed** that the ‘no compensation’ clause (clause 9A) in the Bill is removed;
- 17 **agreed** that ring-net fishing is provided for in the Kawau Bay and Rangitoto and Motutapu high protection areas with a review at three years;
- 18 **agreed** to the following conditions on ring-net fishing, subject to confirmation that the conditions are workable:
- 18.1 ring-net fishing can only occur between 1 March and 31 August each year;
  - 18.2 ring-net fishing can only be carried out by commercial permit holders who have fished in these areas in one or more of the past three fishing years;
  - 18.3 ring-net fishing is limited to the targeting of kahawai, grey mullet and trevally;
- 19 **authorised** the Minister of Conservation to make any further detailed policy decisions necessary for the Bill in line with the decisions in this paper, including on the review of ring-net fishing, in agreement with the Minister for Oceans and Fisheries, as appropriate;

### Next steps

- 20 **agreed** to progress the above changes through releasing an Amendment Paper for the Committee of the Whole House stage on the Bill;
- 21 **authorised** the Minister of Conservation to issue drafting instructions to the Parliamentary Counsel Office for an Amendment Paper reflecting the above changes.

Rachel Hayward  
Secretary of the Cabinet