

Briefing to Incoming Ministers: Oceans issues

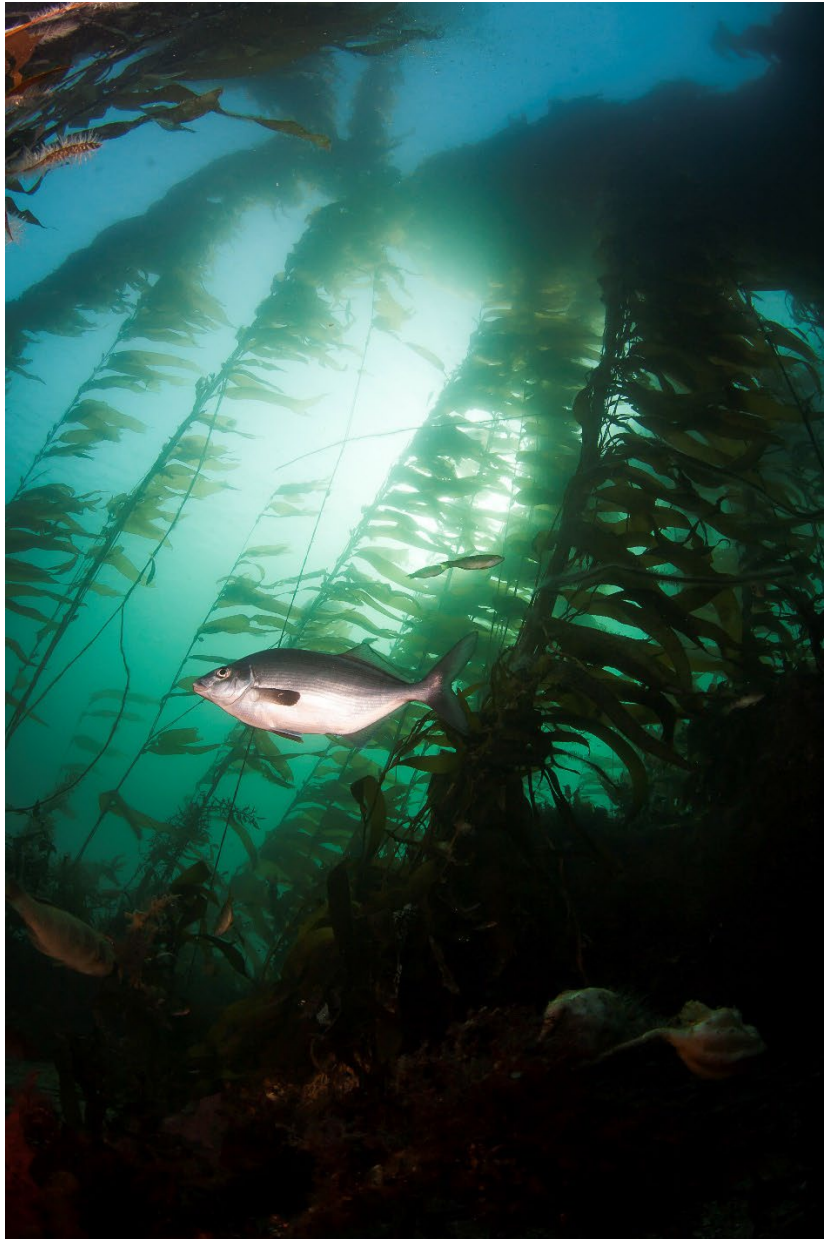
Minister for Oceans and Fisheries

Minister of Foreign Affairs

Minister for Resource Management Act Reform

Minister of Conservation

Minister for the Environment



Purpose

Oceans issues cut across Ministerial portfolios

1. Oceans management is a significant component of your Ministerial portfolios. There are diverse and often overlapping and/or conflicting interests in how oceans are managed. A collaborative approach across portfolios can bring efficiencies and more enduring outcomes for both development and protection.
2. This briefing provides you with joint agency advice on the oceans aspects of your portfolios, reflecting the collaborative approach that agencies have been taking to oceans management through the Oceans Secretariat. It supplements the wider Briefing to the Incoming Minister you will have received for your individual portfolio/s.

Your priorities

3. We are ready to support you to deliver on the Coalition Government's agenda. We understand the Coalition Government intends to advance development in the marine environment, including by enabling aquaculture and supporting the development of offshore renewable energy. Specific priorities in the coalition agreements relating to oceans include:
 - Amend the Resource Management Act 1991 for a range of reasons including to make it easier to consent new infrastructure including renewable energy, and enhance the primary sector including fish and aquaculture.
 - Deliver longer durations for marine farming permits and remove regulations that impede the productivity and enormous potential of the seafood sector.
 - Investigate the strategic opportunities in New Zealand's mineral resources, including vanadium, and develop a plan to develop these opportunities.
 - Repeal the ban on offshore oil and gas exploration.
 - Progress work to recognise other forms of carbon sequestration, including blue carbon.
4. We view this briefing as a starting point for an ongoing discussion with you about how we can support you to deliver on your priorities.

A cross-portfolio approach supports more integrated and cohesive oceans management

5. The Oceans Secretariat, currently hosted by the Department of Conservation (DOC), comprises DOC, the Ministry for Primary Industries and Fisheries New Zealand (MPI/FNZ¹), the Ministry for the Environment (MfE) and is regularly supported by the Ministry of Foreign Affairs and Trade (MFAT).²
6. The Secretariat facilitates the delivery of government objectives around oceans management, economic development and biodiversity protection (it does not cover maritime security). It enables cross-agency policy advice to support joint Ministerial decision-making and work programme coordination. Bringing together different perspectives early supports a cohesive approach to marine management and policy making, more effective delivery of outcomes for New Zealand's oceans, and efficient use of agency resource.

¹ Fisheries New Zealand is a business unit within the Ministry for Primary Industries.

² Other agencies including the Ministry of Business, Innovation and Employment and Te Arawhiti are engaged as needed.

7. As a group of Ministers with oceans responsibilities (Attachment A provides an overview of Ministerial portfolio and agency responsibilities), you may wish to develop ways of working, such as regular joint meetings, supported by agencies.

New Zealand has a large, productive and biodiverse marine area

8. New Zealand's marine area comprises more than 4 million square kilometres, and is 21 times our land area. It includes the:
 - Territorial Sea – from the foreshore to 12 nautical miles, where New Zealand has sovereignty;
 - Exclusive Economic Zone (EEZ) – from 12 to 200 nautical miles, where New Zealand has rights and obligations related to natural resources, including for fisheries management;
 - Extended Continental Shelf (ECS) – where the continental shelf³ extends beyond the EEZ, New Zealand has certain rights and obligations related to seabed resources but not the water column above.
9. A map of our marine area is provided at Attachment B. Areas beyond our EEZ, or that of any other state, are referred to as international waters or the 'high seas'.
10. An estimated 30 percent of known biodiversity⁴ in New Zealand is found in our marine environment. The remoteness and size of our marine environment make it a global hotspot for biodiversity. Of the identified marine species, over half are endemic (only found in New Zealand), and more species are yet to be discovered.

The ocean is important to our economic, social and cultural wellbeing

11. Oceans and coasts are important to New Zealanders' identity, wellbeing and prosperity. They have ecological, cultural and recreational importance, and are critical to our economy.
12. The marine economy contributed 1.2 percent to New Zealand's total gross domestic product in 2021, according to the Stats NZ environmental economic accounts. It includes fisheries and aquaculture, offshore minerals, shipping and associated services⁵, government and defence, 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. In 2022, the seafood sector generated \$2.1 billion in exports. Seafood is also important for recreation and food security at a local level.
13. There is a range of opportunities for sustainable marine economic development to support New Zealand's wider climate goals and commitments, such as through open ocean aquaculture and the development of offshore renewable energy generation.

Māori have diverse rights and interests in the ocean

14. Māori have a special relationship with the ocean and its marine life, including through whakapapa. The ability to provide seafood within an iwi and for guests is an important indicator of the mana of tangata whenua. The maintenance of the life force of the ocean, and the use of mātauranga Māori (Māori knowledge) and traditional practices relating to the marine environment are also important to the ongoing role of tangata whenua as kaitiaki of their moana.
15. Iwi/Māori have diverse rights and interests in the ocean as kaitiaki and investors, including the rights and assets provided as redress under the Treaty of Waitangi (Fishing Claims) Settlement

³ The continental shelf is the area of seabed around a large land mass where the sea is relatively shallow compared with the open ocean. The shelf is geologically part of the continental crust.

⁴ Biological diversity (biodiversity) is the variety of plant and animal life in a particular area. Some areas have a greater variety of life than others.

⁵ Over 90 percent of New Zealand's imports and exports are shipped.

Act 1992, the Māori Fisheries Act 2004, the Māori Commercial Aquaculture Claims Settlement Act 2004, through historical settlements, and under the Marine and Coastal Area (Takutai Moana) Act 2011. Māori collectively are the largest owner of commercial fishing assets, including over 40 percent of fishing quota and are continuing to expand their interests in fishing and aquaculture.

16. Iwi/Māori play a critical role in the management and sustainable use of the marine environment, including in protecting and restoring biodiversity. Engagement with iwi/Māori is essential for the delivery of marine initiatives including protection, fishing, and aquaculture. Alongside individual iwi, there are two overarching Māori bodies in the marine space you may wish to engage with – Te Ohu Kaimoana and the Oceans Iwi Leaders Group:
- Te Ohu Kaimoana was established under the Māori Fisheries Act 2004, to advance the fishing interests of iwi individually and collectively, and to advise on and allocate fisheries and aquaculture settlement assets to iwi.
 - The National Iwi Chairs Forum (NICF) has recently established an Oceans Iwi Leaders Group (ILG) with the purpose of leading economic development initiatives (including fisheries, offshore wind, oil and gas, blue carbon/carbon sequestration) and an integrated approach to cover rights and interests.

New Zealand's oceans legislative framework

17. New Zealand's marine environment is governed by a suite of legislation, including the Marine Reserves Act 1971, Fisheries Act 1996, resource management legislation⁶, Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, Marine Mammals Protection Act 1978, Wildlife Act 1953, Marine and Coastal Area (Takutai Moana) Act 2011, Maritime Transport Act 1994 and Crown Minerals Act 1991. Attachment C provides an overview of marine legislation and its boundaries.
18. Different agencies are responsible for different parts of the system, which highlights the importance of coordination across agencies and management frameworks to achieve outcomes.
19. The current legislative framework includes a range of tools to provide for the use of marine resources and for addressing pressures in the marine environment, including:
- Fisheries – quota management system, commercial fishing permits, recreational fishing regulation, customary fisheries regime, catch limits, restrictions on fishing gear, fisheries plans and spatial closures.
 - Marine spatial protection – marine reserves, fisheries prohibitions, marine protection rules (relating to shipping and matters such as oil spill prevention) and marine mammal sanctuaries.
 - Marine species management – predator control (for marine species that also live on land, such as seabirds) and permitting systems to manage activities such as tourism.
 - Resource management – management of marine activities in the territorial sea, such as aquaculture and offshore renewable energy, and tools to manage land-based impacts on the marine environment, such as sedimentation. It currently includes the New Zealand Coastal Policy Statement (NZCPS), which guides local authorities in their day to day management of the coastal environment.

⁶ Resource Management Act 1991, and the Natural and Built Environment Act 2023 and Spatial Planning Act 2023 (which are being repealed).

- Maritime operations – management of the impacts of shipping (including fishing vessels, recreational vessels, etc) on the marine environment.
 - Recognition of Māori customary rights – customary marine title, sacred sites (waahi tapu) and protected customary rights (and as noted above, Māori customary fisheries regime).
20. A range of non-regulatory measures are available to support the implementation of these tools, for example threat management plans and national plans of action for protected species.

New Zealand's commitment to the international rules-based system for oceans management

21. New Zealand's economic, social, and cultural well-being has been supported by a system of international institutions, rules, norms and frameworks, which provide predictability, disciplined power, reflect our values and support our interests. In particular, New Zealand (and Pacific Island countries) owe their maritime zones and extended continental shelf rights to the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS provides the legal framework for ocean activities, including freedom of navigation. It also provides mechanisms to promote ocean health, protect marine biodiversity and manage high seas fisheries and deep-sea mineral resources. As such, New Zealand has a strong interest in protecting the integrity of the international rules-based system including maintaining the UNCLOS regime and ensuring that international frameworks to tackle newer challenges such as the biodiversity crisis and plastic pollution are developed consistently with UNCLOS.

There are increasing environmental pressures on the marine environment

22. Healthy marine ecosystems are essential for biodiversity, human wellbeing and the economy. A healthy ocean provides benefits such as kaimoana, filtering out pollutants, and resilience to the effects of climate change – including by absorbing carbon dioxide.
23. The Ministry for the Environment reports on the state of the marine environment under the Environmental Reporting Act 2015. The 2022 report sets out that the cumulative effects of climate change and various activities on land and at sea are negatively affecting our coasts and oceans. These pressures are impacting the abundance and distribution of marine life and marine activities such as fisheries and aquaculture.⁷
24. Many native marine mammal and bird species are in trouble – 22 percent of marine mammals, 90 percent of seabirds, and 80 percent of shorebirds are threatened with, or at risk of, extinction. This is a result of a combination of factors (described below).

Climate change is contributing to ocean acidification, rising sea levels, and increasing sea-surface temperature

25. Climate change is causing unprecedented change in New Zealand's oceans, with wide-ranging implications for marine ecosystems and how we manage and use the ocean.
26. Many of our coastal communities and coastal infrastructure (such as roads, bridges and ports) are at risk from rising sea levels and increased storm surges. Ocean warming and heatwaves are already affecting aquaculture and warming waters are beginning to affect fisheries and marine species by altering the distribution and abundance of species and habitats.
27. Ocean acidification will affect the growth of shell and structure forming species, such as shellfish, corals and plankton, which are critical to the food chain. Kelp and shellfish die-offs have been recorded in the South Island and food shortages driven by sea temperature change are a key threat to species such as the yellow-eyed penguin (hoiho). Climate change will also

⁷ Our Marine Environment 2022: <https://environment.govt.nz/publications/our-marine-environment-2022/>

result in more frequent and extreme weather events, with associated sediment and debris impacting marine ecosystems and activities.

Activities on land are polluting the marine environment

28. Activities on land, including agriculture, forestry and urban development, increase the amount of sediment, nutrients, microorganisms, chemicals, and plastics that enter our coasts and oceans.
29. Sedimentation in oceans increases muddiness and contamination, which can have significant impacts on marine life and habitats. Plastic is increasingly being found in the marine environment⁸, is expected to remain there for centuries, and can entangle, or be ingested by, marine life. Plastic ingested by marine life can enter the human food chain in the form of microplastics.
30. The parasite toxoplasma, originating from cats and causing toxoplasmosis, enters the ocean from contaminated run-off and presents a significant threat to marine mammals. This is especially the case for the critically endangered Māui dolphin.

Activities at sea have impacts on marine habitats and species

31. Fishing has varying impacts on the marine environment and ecosystems. Overall, New Zealand's fisheries are in good health, with action taken for fish stocks with sustainability issues. However, some local fisheries can be stressed due to a combination of fishing pressure and other stressors such as land-based discharges. Increasingly, iwi, local communities and the wider public are looking for more localised and responsive fisheries and marine management measures that account for local pressures, ecosystem values and priorities.
32. Bottom trawling is a widely used fishing method, accounting for around 70 percent of catch by volume, but has impacts on the seafloor, including on fragile and slow growing corals and other benthic communities. The extent of these impacts depends on a number of factors such as the location and frequency of fishing and habitat type.
33. Around 31 percent of New Zealand's exclusive economic zone (EEZ) is closed to bottom trawling. Bottom trawling is also prohibited in about 21 percent of the territorial sea. The extent to which these areas provide sufficient protection is contentious.
34. Accidental fisheries capture (bycatch) is a significant pressure on some populations (particularly seabirds and marine mammals). It is decreasing due to the implementation of measures to manage fishing impacts, such as area closures and requirements to use mitigation devices. Bycatch continues to have a significant impact on some populations.
35. The extraction of natural resources, such as mineral mining and sand mining, can place a range of pressures on the marine environment. Some of these can include disturbance to the seabed habitat, marine species, and wider marine ecosystems.

There are biosecurity risks in the marine environment

36. Non-native invasive marine species present ongoing risks to biodiversity, biosecurity, and marine activities. Over 200 non-native marine species have been detected in New Zealand waters.
37. Two highly invasive exotic Caulerpa seaweed species were found in New Zealand waters in 2021 and are spreading on the northeastern coast of the North Island. Exotic Caulerpa infestations have been found in five locations. Scientists estimate the seaweeds had been

⁸ While all plastic is produced on land, it can enter the ocean from land or sea-based (e.g., fishing gear) sources.

present at least two to three years before detection. The infestations range in size from several hundred hectares to less than 20.

38. Exotic *Caulerpa* spreads rapidly, forming large monoculture mats, competing with native seaweeds and other marine life for space and nutrients. It has the potential to permanently alter the environment and associated biodiversity. This presents a risk to recreational, cultural and commercial marine activities.
39. Biosecurity New Zealand is leading a multi-partner response to exotic *Caulerpa*.⁹ The response has worked to slow down the spread of *Caulerpa*, investigate management tools, minimise impacts to the environment and communities, and support impacted *mana whenua* and communities to tackle this pest. This has included placing legal restrictions on some boating and fishing activities, to help prevent spread of *Caulerpa*, and provision of information to the public about the threat and how boaties and fishers can avoid inadvertently moving *Caulerpa* to new areas.

There are decisions to be made in key oceans areas

40. Given the state of the marine environment, existing legislative framework and international context, there are key areas where you have choices.
41. Areas that will require decisions from you include:
 - Supporting the fisheries and aquaculture sectors
 - Developing the marine environment (including offshore renewable wind energy)
 - International oceans initiatives
 - Advancing marine protection
 - Marine spatial planning.

The seafood industry is an important part of the marine economy

Fisheries has a well-established management regime which is responding to shifting expectations

42. The long-term outlook for the commercial fishing sector is broadly positive, with export volumes increasing and revenue forecast to be driven by increasing demand and prices. In addition to commercial fishing, recreational fishing is a popular activity that is an important part of many New Zealanders' lives.
43. The overall intent of the fisheries management system in the Fisheries Act is to provide for utilisation while ensuring sustainability. This includes ensuring our seas are healthy and there are enough fish for future generations.
44. Significant changes have recently been made to the management of commercial fishing to improve its environmental performance. This includes tightening the legislative requirements for when fish must be landed and when they can be discarded, and the roll out of onboard cameras on up to 300 vessels, which will improve verification. These changes will require a significant change in fishing practices for some fisheries, particularly inshore fishers using bulk harvesting methods such as trawling.
45. Technology and innovation will play an important role for successful transition. A plan for the future of the industry was recently developed by a leadership group that brought together a diverse range of perspectives. The identified actions present an opportunity to support fishers to successfully transition to their new requirements, while increasing value from what is caught to build a more productive and resilient fishing sector.

⁹ Biosecurity New Zealand is a business unit of the Ministry for Primary Industries.

Aquaculture is an opportunity for new economic value

46. Most of the world’s wild capture fisheries are at or near capacity, and the demand for seafood is high and expected to grow. Aquaculture presents an opportunity to meet the growing demand for seafood.
47. Aquaculture can produce sustainable, high value and low emission products, while using relatively small areas of the ocean. The aquaculture sector generated approximately \$720m in revenue in the year to June 2023. The Aquaculture Strategy, released in 2019, has a goal of \$3 billion in annual sales by 2035.
48. There is increasing business interest in developing aquaculture in the marine environment, including increasing the productivity of the existing sector, and expanding aquaculture into the open ocean. There is also business interest in developing other, new, forms of aquaculture such as seaweed and land-based farming.
49. Efficiently identifying and consenting appropriate space for aquaculture is a challenge for accelerating the industry. Appropriate space must have the right physical characteristics (e.g., temperature, wave height), be resilient to the impacts of climate change, and consider biodiversity impacts, and other uses and values in the marine environment. Ensuring the management framework balances protection and use effectively and provides certainty for investment can support growth opportunities and the delivery of obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004.¹⁰
50. Oceans agencies are working together to progress the following initiatives that relate to fisheries and aquaculture, which we will seek Ministerial direction on. Additional information on these work programmes is included in relevant portfolio briefings.

Table 1: Fisheries and aquaculture initiatives

Area	Key initiatives and next steps	Lead Minister/s
Fisheries and aquaculture	<p>Changes to commercial fishing rules relating to the landing and discarding of fish: following amendments to the Fisheries Act in 2022, all Quota Management Species fish caught must be landed, unless the Minister provides an exemption under more limited criteria. A significant process to implement this is underway.</p> <p>On-board cameras – rolling out on-board cameras on up to 300 commercial fishing vessels.</p> <p>Hauraki Gulf Fisheries Plan – sets out an ecosystem-based approach to managing fisheries, and the effects of fishing, within the Hauraki Gulf.</p> <p>Aquaculture – decisions will be needed on next steps for aquaculture, including identification of opportunities to improve planning and consenting outcomes.</p>	Minister for Oceans and Fisheries
Managing the effects of fishing	<p>Bottom trawling in the EEZ – development of options for management of bottom trawling in the EEZ. There are decisions to be made around options for potential public consultation.</p> <p>Threat Management Plans (TMPs) for Hector’s & Māui Dolphin and NZ sea lion – planning framework to manage threats (including non-fishing threats, such as disease) to targeted species. Management led by DOC and Fisheries NZ.</p> <p>National Plans of Actions (NPOAs) for sharks and seabirds – to reduce the number of accidental captures of sharks and seabirds.</p>	Minister for Oceans and Fisheries and Minister of Conservation

¹⁰ This requires the Crown to deliver assets worth 20 percent of anticipated new space on a regional basis.

There are increasing development interests and opportunities in the marine environment

Offshore renewable energy presents new sustainable growth and climate change response opportunities

51. Emissions from energy use made up 40 percent of New Zealand's total gross emissions in 2020. Reducing emissions from energy is essential to meeting our international climate commitments and reducing the impacts of climate change. Offshore renewable energy, such as wind, could be a key part of the transition to a low emission future. We understand that the Coalition Government intends to make it easier to enable infrastructure for renewable energy, including offshore wind.
52. Industry is interested in establishing offshore wind farms in some locations around New Zealand. MBIE has been developing a regulatory framework for offshore renewable energy to support this development. The proposed regime is a permitting model that would grant developers the exclusive right to develop wind projects in an area. Based on the current proposals, developers would be required to separately obtain relevant environmental consents.
53. There is potential for overlaps between areas of interest for large scale offshore energy development, other economic uses such as oil and gas extraction, and habitats of vulnerable species. Overseas experience in offshore energy shows that it is important to consider the impacts on biodiversity (particularly marine mammals and seabirds) and fisheries and provide for stakeholder input in the design of new frameworks.
54. Agencies will continue to work with MBIE on the new regulatory framework for offshore renewable energy and how this can appropriately consider the impacts of offshore wind generation on biodiversity and fisheries so that development happens in the most appropriate place.

There are opportunities for carbon removal in the marine environment

55. There is increasing interest, both globally and domestically, in blue carbon (carbon sequestration by marine ecosystems). For example, enhancing carbon sequestration and storage through protecting the seafloor and restoring carbon sinks (such as seagrass, mangroves, and wetlands). Encouraging initiatives that enhance carbon sequestration, including through the restoration of marine ecosystems, could support economic opportunities, climate change and biodiversity outcomes.
56. There is also interest in carbon capture and storage, which aims to remove carbon dioxide from waste gases produced in large-scale industrial processes and permanently store it underground, including in decommissioned offshore oil fields.
57. We can provide you with further advice on these matters including the current context as well as the opportunities and any associated challenges.

Ocean-based minerals could provide strategic opportunities for New Zealand as countries accelerate their transition to a low emissions economy, but associated environmental risks require careful consideration

58. As economies and industries look to transition from fossil fuel dependency to a low emissions economy, demand for minerals found in or on the seabed (seabed mining) is expected to grow.
59. A range of minerals that could assist this transition to a low emissions economy are found in our waters and have potential significant commercial value. There is currently interest (from Trans-Tasman Resources Limited and Chatham Rock Phosphate) to extract seabed minerals (such as iron sands) in our EEZ (off the coasts of Taranaki and the Chatham Islands).

60. The extent of environmental impacts from seabed mining are not currently well understood and to date, no seabed mining has been consented in NZ waters (apart from near shore extraction and dredging of sand, aggregates, or sediments). Current seabed mining technology results in environmental impacts due to the disruption of the seabed and the generation of sediment plumes.
61. Prior to the dissolution of Parliament, the Environment Select Committee was conducting an inquiry into seabed mining in New Zealand. The inquiry was examining the benefits and risks of seabed mining in New Zealand and the need for changes to the domestic regulatory framework.

International oceans initiatives will require decisions

You will have strategic choices to make around the “30x30” global goal for marine protection

62. International attention on the state of the world’s ocean is high, particularly regarding marine protection. The Kunming-Montreal Global Biodiversity Framework (GBF), which was adopted in December 2022 via the Convention on Biological Diversity, includes new global targets for marine protection and spatial planning. This includes 30 percent of land and marine ecosystems globally to be protected by 2030 (“30x30”).
63. In implementing the GBF domestically, you will have choices around the setting of national targets and actions to provide a meaningful contribution to the GBF, while ensuring these are feasible and reflect New Zealand’s unique and indigenous context. You will need to make decisions on this before the next Conference of Parties (COP) in November 2024, where countries will provide updates on their domestic implementation of the GBF.
64. New Zealand will also be expected to provide an update on our previous marine protection commitments and announce any new commitments, at the 9th Our Ocean Conference in April 2024.

New Zealand supports a range of international oceans initiatives

65. In recent years, New Zealand has supported several international ocean related initiatives. These agreements will require domestic implementation in a manner consistent with domestic policy and legislation, and will require Ministerial decisions. Agreements include:
 - A new treaty on Biodiversity Beyond National Jurisdiction (BBNJ), which was adopted in June 2023 by the United Nations. Under this agreement, New Zealand will have the opportunity to work with other states to establish marine protected areas in the high seas (e.g., in the Pacific Ocean). New Zealand has signed the agreement, a step which is not legally binding but signals the intention to consider ratification. Next steps are underway to consider ratification.
 - The World Trade Organisation (WTO) Agreement on Fisheries Subsidies, which was adopted in June 2022 and prohibits harmful subsidies to illegal, unreported and unregulated fishing, fishing overfished stocks, and fishing on the unregulated high seas.
66. New Zealand plays an important role in Regional Fisheries Management Organizations (RFMOs) to support the sustainable management of fish stocks and the conservation of threatened marine wildlife. This includes recent work to:
 - Increase the global catch limit under the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), following successful management to rebuild the stock.

- Maintain access to the Ross Sea toothfish fishery under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)¹¹.
 - Establish significant protection of vulnerable seafloor ecosystems from impacts from bottom trawling under the South Pacific Regional Fisheries Management Organization (SPRFMO).
 - Lead the review of seabird bycatch management in the Western Central Pacific Fisheries Commission (WCPFC).
67. New Zealand has also joined other countries in negotiations to develop a new treaty on plastic pollution, including in the marine environment. Negotiations are expected to conclude by the end of 2024. Depending on the ambition of this treaty, it could have significant benefits for the marine environment.
68. New Zealand engages at the International Maritime Organization (IMO) to influence the evolving international framework of conventions that govern shipping (including fishing vessels) in relation to safety, security, and minimising the impact of ships on the environment. Recent priorities for engagement have included the decarbonisation of international shipping and marine plastic litter from ships including lost fishing gear.
69. New Zealand works closely with Pacific Island countries to achieve our collective ambition for the ocean, including under the 2050 Strategy for the Blue Pacific Continent. Launched in 2022, this regional blueprint includes ensuring a resilient and sustainably managed ocean for the future of all Pacific peoples.
70. New Zealand is also participating in negotiations to develop a Mining Code to govern seabed mining in areas beyond national jurisdiction at the International Seabed Authority.
71. Oceans agencies are working together on the following international work in Table 2. Additional information on these work programmes is included in relevant portfolio briefings.

Table 2: International oceans initiatives

Area	Key initiatives and next steps	Lead Minister/s
International	Kunming-Montreal Global Biodiversity Framework (GBF) – the framework commits countries to the ‘30x30’ initiative to protect 30 percent of land and ocean globally by 2030. Before the next COP in November 2024, you will need to make decisions on setting national targets to contribute to the GBF.	Minister of Conservation
	Biodiversity Beyond National Jurisdiction treaty (BBNJ) – for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. MFAT is leading processes towards a decision on New Zealand ratification, which will require a Cabinet decision. Seabed mining in areas beyond national jurisdiction – New Zealand is participating in negotiations to govern seabed mining in areas beyond national jurisdiction at the International Seabed Authority.	Minister of Foreign Affairs

¹¹ CCAMLR is not a Regional Fisheries Management Organization and has a conservation mandate. The meaning of conservation in CCAMLR includes rational use, and CCAMLR is the competent body for the management of fisheries in the Convention Area.

Advancing marine protection is an opportunity to support ocean resilience and the global 30x30 goal

72. Under 0.5 percent of New Zealand's marine environment is currently in highly protected marine reserves. In addition to highly protected marine reserves, New Zealand has a range of other protection measures (such as fisheries restrictions) in place comprising approximately 30 percent of our marine environment. Whether some of these areas provide sufficient protection for biodiversity and contribute to the requirements of global targets can be contentious.
73. Well-governed, effectively managed and representative protected areas are a proven method for safeguarding habitats and species and for delivering important benefits to people. Marine protection can increase the resilience of marine species and ecosystems to a range of pressures (including climate change) by reducing the total stressors an area is exposed to.
74. The 30x30 global goal (to protect 30 percent of the world's land and oceans by 2030) has been adopted by Parties to the Convention on Biological Diversity, including New Zealand. Domestic targets to support this global goal need to be approved by mid-2024 to meet our international requirements. This has significant implications for domestic policy work. Ministers will have choices about how to report existing oceans protection measures, priorities for action and the level of ambition, and funding for any actions. There are public expectations for higher targets.
75. Strategic marine protection proposals, targeted to the specific threat facing a biodiverse area, are an opportunity to support reducing pressure on the marine environment, contribute to restoring its health and ensure we can deliver on domestic and global protection targets.
76. Marine protection over the last term focused on the Hauraki Gulf / Tikapa Moana Marine Protection Bill, progressing protection in the southeast of the South Island (SEMP)¹² and progressing a revised proposal for the Kermadec Ocean Sanctuary.¹³
77. We would welcome an opportunity to discuss your priorities in these areas.

Updating the marine protection system would enable increased efficiency

78. Despite years of work on marine protection initiatives in New Zealand, it remains challenging to progress them to implementation. To date, marine protection proposals have taken around 10 years to progress from initiation through to establishment. There is tension when considering new no-take marine reserves, including in relation to fishing rights afforded to iwi under the Fisheries Settlement. Our protection tools lack flexibility, including the ability for protection to occur alongside appropriate levels of use. The policy and legislative regime is outdated and will not facilitate advancing marine protection in an efficient way.
79. Updating the marine protection system (the Marine Reserves Act 1971 and associated policy) is a key legislative gap, given the challenges of progressing strategic protection in a timely way. Updates could streamline the process for protection, better incorporate Māori rights and marine user interests, provide more flexible tools, and extend the scope into the EEZ. DOC has

¹² The new Hauraki Gulf / Tikapa Moana Marine Protection Bill will increase protection in the Hauraki Gulf from just over 6 percent to about 18 percent. SEMP proposes to establish a network of 12 marine protected areas in the southeast of the South Island, and would cover 14.2% (1,267 km²) of the region considered for protection.

¹³ Over the last 3 years, agencies worked extensively with Te Ohu Kaimoana (while also engaging with Ngāti Kuri and Te Aupōuri) on a revised proposal for the 2016 Kermadec Ocean Sanctuary Bill that better recognised Māori rights and interests. In June, iwi voted not to support the revised proposal. Te Ohu Kaimoana on behalf of mandated iwi organisations has since commenced a process to discuss creating an indigenous, iwi-led approach to oceans management.

led previous work on marine protection reform with MPI, which was paused in order to progress protection in the water.

80. However, while updating the Marine Reserves Act 1971 will facilitate improved protection in the water when completed, it will not establish new marine protection in and of itself. Existing marine protection processes in the southeast South Island and Hauraki Gulf are nearing implementation, should they continue to progress. There is an opportunity to consider further new marine protection in this term of Government depending on the targets you set.
81. Oceans agencies have been working together to progress the marine protection opportunities in Table 3. Additional information on these work programmes is included in relevant portfolio briefings.

Table 3: Marine protection opportunities

Area	Key initiatives and next steps	Lead Minister/s (to date)
Marine protection	Hauraki Gulf / Tīkapa Moana Marine Protection Bill – to establish 19 new marine protection areas in the Hauraki Gulf. The Bill has been referred to Select Committee.	Minister of Conservation
	Southeast Marine Protection (SEMP) – six new marine reserves announced in the southeast of the South Island. Intended to come into force following an Order in Council and gazettal process. Six fisheries management regulations are being considered to complete the network.	Minister for Oceans and Fisheries and Minister of Conservation
	Hākaimangō-Matiatia (Waiheke) Marine Reserve – proposed marine reserve in Northwest Waiheke. Advice to support Ministerial decisions on this application is expected in the first half of 2024.	Minister of Conservation (concurrence needed by the Minister for Oceans and Fisheries and Minister of Transport)
	Kermadec Ocean Sanctuary – proposed ocean sanctuary in northeast of New Zealand. In June, iwi voted not to support the revised proposal. Decisions would be needed on next steps.	Minister for the Environment

Marine spatial planning is useful for optimising opportunities in the marine environment









82. Internationally and domestically, marine spatial planning is increasingly seen as a mechanism to optimise opportunities in the marine environment, including both protection and use activities. It involves analysing and allocating marine space to appropriate competing uses (such as offshore energy, aquaculture, fisheries, ports, shipping corridors and protected areas), enabling the growth of activities in an integrated way.
83. Targeted forms of spatial planning are already being used in some regions, including the Hauraki Gulf (through the new marine protection bill and Fisheries Plan). There are opportunities to improve on and expand its use, as there are benefits to be gained from an integrated, planned approach to spatial management of the ocean.
84. The scale and scope of a planned approach can be tailored to specific areas of focus. Options could include developing marine spatial plans for priority regions, priority uses (e.g., aquaculture or offshore renewables), or the full marine area. Plans could be developed through a central government directed process that aligns with resource management processes.

85. Implementing marine spatial planning will require ongoing focus, resourcing, investment in marine science and data, and coordination across a wide range of sectors. However, the size and complexity of the marine environment mean uncertainty around science and data will always remain and need to be considered in management.
86. Replacement resource management legislation could provide for spatial planning to support coordinated investment in the marine economy while protecting the environment. There are also tools that could be better deployed to support spatial planning in the EEZ (such as policy statements under the EEZ Act and Fisheries Act measures).
87. There is a need to ensure marine spatial planning systems are cohesive across marine boundaries (e.g., the territorial sea and EEZ) as increasingly, activities may cross these lines.

Agency contacts

88. Key contacts at relevant oceans agencies are below in Table 4.

Table 4: Marine / oceans agency contacts

Agency	Contacts
Department of Conservation	Penny Nelson – Director-General E: pnelson@doc.govt.nz M: s 9 (2)(a) 
	Ruth Isaac – Deputy Director-General Policy and Regulatory Services E: risaac@doc.govt.nz M: s 9 (2)(a) 
Ministry for Primary Industries / Fisheries New Zealand	Ray Smith – Director-General E: ray.smith@mpi.govt.nz M: s 9 (2)(a) 
	Dan Bolger – Deputy Director-General Fisheries New Zealand E: dan.bolger@mpi.govt.nz M: s 9 (2)(a) 
Ministry for the Environment	James Palmer – Secretary for the Environment E: james.palmer@mfe.govt.nz M: s 9 (2)(a) 
	Nadeine Dommissie – Deputy Secretary Environmental Management and Adaptation E: nadeine.dommissie@mfe.govt.nz M: s 9 (2)(a) 
Ministry of Foreign Affairs and Trade	Chris Seed – Secretary of Foreign Affairs and Trade and Chief Executive E: chris.seed@mfat.govt.nz M: s 9 (2)(a) 
	Victoria Hallum – Deputy Secretary Multilateral and Legal Affairs Group E: victoria.hallum@mfat.govt.nz M: s 9 (2)(a) 

ENDS

Attachment A: Responsibilities in the marine management system

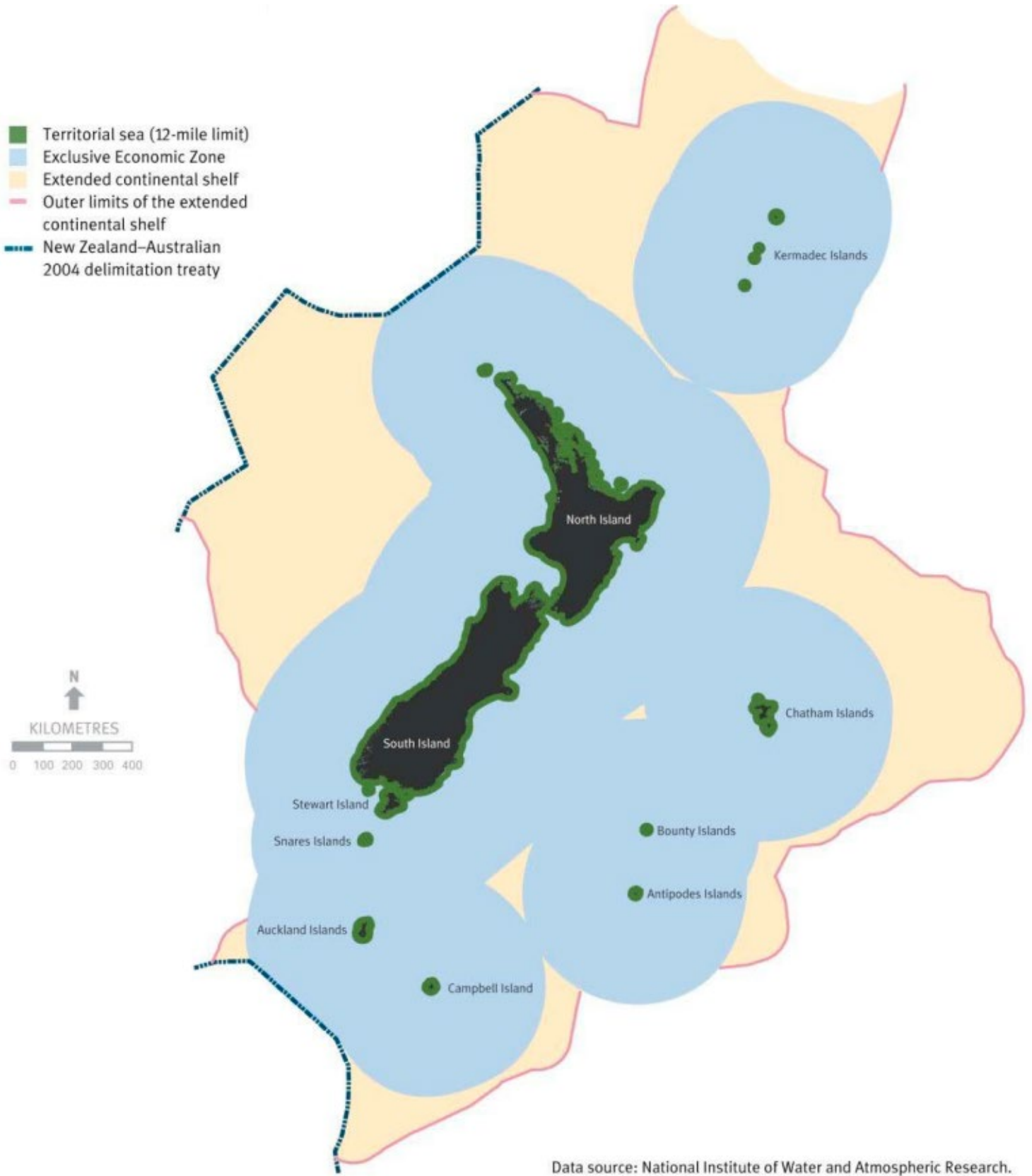
<i>Ministerial portfolio</i>	<i>Responsibilities</i>
Oceans and Fisheries	<ul style="list-style-type: none"> • Responsible for the management of New Zealand's fisheries (including aquaculture), providing for use while ensuring sustainability of those resources for the benefit of New Zealand as a whole, and responsible for oceans policy. • Legislation includes the Aquaculture Act, Fisheries Act, Māori Commercial Aquaculture Claims Settlement Act, Māori Fisheries Act and Treaty of Waitangi (Fisheries Claims) Settlement Act.
Foreign affairs	<ul style="list-style-type: none"> • Responsible for promoting and protecting New Zealand's interests abroad and international influence. • Legislation includes United Nations Convention on the Law of the Sea Act and Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act.
Conservation	<ul style="list-style-type: none"> • Responsible for promoting conservation of the natural and historic heritage of New Zealand. • Legislation includes the Conservation Act, Marine Mammals Protection Act, Marine Reserves Act • Responsible for the New Zealand Coastal Policy Statement.
Environment	<ul style="list-style-type: none"> • Responsible for the use and protection of the environment, including the management of risks. • Legislation includes the Exclusive Economic Zone and Continental Shelf Act, Resource Management Act, and the Natural and Built Environment Act and Spatial Planning Act (which are being repealed).

<i>Oceans Secretariat Agency</i>	<i>Responsibilities</i>
Ministry for Primary Industries / Fisheries New Zealand	<ul style="list-style-type: none"> • Fisheries management and aquaculture development • Undertakes and funds scientific research • Compliance and monitoring activities across recreational, customary and commercial fisheries • Delivery of fisheries and aquaculture Treaty obligations • Biosecurity risk management, border controls, and pest and disease responses • Roll out of digital monitoring on the inshore fishing fleet • Negotiates management frameworks for international fisheries • Obligations under the Marine and Coastal Area (Takutai Moana) Act.
Ministry of Foreign Affairs & Trade	<ul style="list-style-type: none"> • Represents New Zealand in global and regional fora and negotiations on law of the sea, ocean governance, Antarctic Treaty System, climate change and biological diversity.

<p>Department of Conservation</p>	<ul style="list-style-type: none"> • Supports the Minister of Conservation in preparing and monitoring the New Zealand Coastal Policy Statement • Supports the Minister of Conservation to approve Regional Coastal Plans and undertake 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 • Manages the Conservation Services Programme • Specific roles under the Marine and Coastal Area (Takutai Moana) Act • Represents New Zealand’s conservation interests in global and regional fora, mostly in support of MFAT or MPI.
<p>Ministry for the Environment</p>	<ul style="list-style-type: none"> • Environmental management (including resource management) system • Administers the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act / Resource Management Act, Natural and Built Environment Act, Spatial Planning Act • Monitors the Environmental Protection Authority • Environmental reporting • Marine environmental policy • Climate change mitigation and adaptation.

<p><i>Other agencies with oceans responsibilities</i></p>	<p><i>Responsibilities</i></p>
<p>Ministry of Business, Innovation & Employment</p>	<ul style="list-style-type: none"> • Allocates minerals resources within New Zealand waters • Manages permits and licences for oil, gas and minerals • Developing new Energy strategy including a new framework for offshore renewable energy.
<p>Ministry of Transport</p>	<ul style="list-style-type: none"> • Leads transport system including shipping • Oversees maritime transport and Maritime New Zealand • Chair of Maritime Security Oversight Committee and has the role of Strategic Coordination Agency for Maritime Security.
<p>Te Arawhiti</p>	<ul style="list-style-type: none"> • Administers the Marine and Coastal Area (Takutai Moana) Act 2011 which provides for the recognition of iwi, hapū and whanau customary takutai moana rights.

Attachment B: New Zealand's marine area



Attachment C: Geographic scope of marine and conservation legislation

