

AKAROA MARINE RESERVE DECISION

QUESTIONS & ANSWERS

Why has it taken so long to make a decision on the application?

- The process under the Marine Reserves Act is cumbersome and complex;
- The application (filed in 1996) was contentious with recreation fishers, commercial fishers and Ngai Tahu making submissions;
- The Hon Dr Nick Smith (Minister of Conservation in 1999) with the agreement of all parties, put the application to one side pending the outcome of an application for a taiapure (local fishery established in coastal waters that have special significance to iwi or hapū, either as a source of food or for spiritual or cultural reasons) by Ngai Tahu;
- The process recommenced in 2006, after the taiapure was determined, with a further round of public notification because of the long delay since the application was filed;
- Between 2006 and 2013 previous Ministers of Conservation met with the applicant, Ngai Tahu and other stakeholders to get a better understanding of the respective parties' concerns;
- Conservation Minister Kate Wilkinson's decision in August 2010 to uphold objections on recreational grounds was quashed by the High Court.

How does the decision differ from that made by Minister Wilkinson and why?

- Minister Wilkinson upheld objections on recreational grounds as she understood she was limited to a consideration of recreational activities in the area proposed for a marine reserve and whether these activities would be enhanced or diminished;
- The High Court indicated that the benefits of the reserve outside the reserve needed to be considered as well;
- Based on the High Court's test the Minister's decision differs from Minister Wilkinson's as he was able to have regard to considerably more benefits than she could. In the Minister's view the scale of benefits or enhancements was appreciably greater than the detriments.

Why was the northern boundary amended?

- The Minister decided that it was appropriate in the circumstances to amend the northern boundary to take account of customary fishing and recreational interests.

What scientific purpose does the reserve advance?

- The reserve will provide opportunity to study a totally protected outer harbour and open coastal environment on the east coast of NZ;
- It will allow comparisons and benchmarks to be made with other more modified areas inside and outside the harbour;

- As the reserve will sit beside a taiapure it will provide a unique opportunity for understanding fisheries and environmental-related activities between the two control mechanisms.

How has the Minister had regard to Ngāi Tahu's concerns?

- The Minister has met with Ngāi Tahu and considered information provided by them (including loss of mana, customary fishing and food gathering and a desire for the area to be folded into the taiapure);
- Ultimately the Minister considered that in the particular circumstances this was an instance where Treaty principles should give way to preservation and protection.

What does the concurrence process entail?

- The Minister of Transport and the Minister for Primary Industries must concur with the Minister's decision before he is able to give effect to the decision;
- These Ministers have to consider matters and exercise their own judgement;
- If they concur then the Minister must make a recommendation to the Governor-General to declare the marine reserve by Order in Council.

How many other marine reserves are there?

- There are 39 marine reserves around New Zealand's coast line, including five new marine reserves along the West Coast of the South Island which the Minister announced in March.
- The government is also advancing special legislation to establish a further three marine reserves around the Sub-Antarctic islands.

How does the new marine reserve compare in size to other marine reserves?

- This marine reserve is 450ha (approx.) in size. It will be the 40th marine reserve in New Zealand and only the second to be established on the east coast of the South Island.

How does the Marine Reserve fit in with the existing taiapure approved by the Minister of Fisheries and gazetted in 2006?

- A taiapure is a local management tool and its main purpose is to manage, conserve and enhance fisheries resources for present and future generations to use and enjoy. The Akaroa Taiapure Management Committee was appointed by the Minister of Fisheries and includes tangata whenua, the Akaroa community and local organisations.
- The taiapure covers 88% of the Akaroa Harbour and excludes the area of the marine reserve application.
- The Taiapure Tribunal in its final report and recommendation to the Minister of Fisheries in July 2005 made the comment that a marine reserve and taiapure both operating within the harbour would be complementary.

- Accordingly, the Minister will be recommending to the Minister for Primary Industries that the area being excluded from the new marine reserve (55Ha) be added to the existing taiapure.

What public consultation has occurred?

- In 1996 formal consultation on the reserve resulted in 2334 submissions being received in support and a further 709 objections.
- Further consultation about the proposed reserve in 2006 attracted 48 submissions in support, 25 objections and two with conditional support if the reserve was modified.
- Between 2006 and 2013 four different Ministers of Conservation have met with representatives of the applicant - Akaroa Harbour Marine Protection Society Inc., Ngai Tahu and other interested stakeholders.
- The current Minister of Conservation met with the applicant - Akaroa Harbour Marine Protection Society Inc., Ngai Tahu and the Akaroa Harbour Recreational Fishing Club on 3 March 2013. He informed these parties of his decision yesterday, prior to the formal announcement today.

Will the decision to review the marine reserve be included in the Order in Council?

- The Minister cannot provide for a review in the Order in Council in terms of the current Marine Reserves Act but has directed the Department of Conservation to review the marine reserve 10 years after it comes into force.

Is the Minister of Conservation satisfied with the current provisions within the Marine Reserves Act under which this application was processed and if not, does he plan to reform them?

- The Minister is not satisfied with the current provisions of the Marine Reserves Act under which this application for a marine reserve was processed. He believes reform is required, in particular a more collaborative process for considering marine reserve applications. He is currently working with officials on options for reform.