

# House of Representatives

# Amendment Paper

## Hauraki Gulf / Tīkapa Moana Marine Protection Bill

*Proposed amendments for the consideration of the Committee of the whole House*

**Key:**

- this is inserted text
- ~~this is deleted text~~

**Note:** This Amendment Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- NOT have official status in terms of unamended text
- NOT have the status of an as-reported version of the Bill.



## Explanatory note

This Amendment Paper amends the Hauraki Gulf / Tīkapa Moana Marine Protection Bill. The key changes are that—

- *clause 4* is amended to specify the clauses of the Bill that provide for the Crown’s intention to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi:
- *new clause 8A* provides that any person performing or exercising functions, duties, or powers under the Bill must act in a manner that is consistent with the obligations arising under existing Treaty settlements:
- *clause 9A*, which provided that the Crown is not liable to pay compensation for any loss of, or any adverse effect on, a right or an interest in individual transferable quota or a right to undertake fishing arising from the enactment or operation of the Bill, is removed:
- *new clause 19A* provides an additional exception to the activities prohibited in high protection areas by *clause 18*. It provides that a person may undertake ring net fishing in the Kawau Bay High Protection Area and the Rangitoto and Motutapu High Protection Area if the person is authorised by the Director-General in accordance with the requirements of *new clause 19A(3) to (5)* and complies with any restrictions and conditions prescribed by regulations made under *new clause 67*:
- *clause 66* is amended to—
  - remove the ability for regulations made under that clause to regulate customary fishing in high protection areas:
  - remove the requirement for the Minister to consult the Minister responsible for the administration of the Fisheries Act 1996 before making a recommendation that regulations be made under *clause 66(1)*:
  - provide that, before making a recommendation that regulations be made under *clause 66(1)*, the Minister must be satisfied that the proposals for regulations were developed in consultation with iwi that exercise kai-tiakitanga in the relevant protected area:
- *clause 67*, which provided for the making of regulations that provide for additional management actions in relation to activities that occur within high protection areas, is removed and replaced by *new clause 67*:
- *new clause 67* provides for the making of regulations that prescribe the restrictions and conditions that apply to authorised persons undertaking ring net fishing:
- *new clause 68A* provides a requirement that the Minister and the Minister responsible for the administration of the Fisheries Act 1996 must initiate a review of the operation of the ring net fishing provisions (being *new clause 19A* and *new clause 67*) before the expiry of 3 years from the commencement of the Bill. *New clause 68B* provides that the ring net fishing provisions, and

some related provisions, may be repealed by Order in Council following a review carried out under *new clause 68A*:

- throughout the Bill, references to whānau, hapū, and iwi that exercise kaitiakitanga in a protected area are amended to refer to iwi that exercise kaitiakitanga in a protected area.

This Amendment Paper also makes minor and technical changes to improve the workability of the Bill and the clarity of the drafting.

### **Departmental disclosure statement**

The Department of Conservation is required to prepare a disclosure statement to assist with the scrutiny of this Amendment Paper. It provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=ap&subtype=government&year=2025&no=260>

**The Honourable Tama Potaka, in Committee, to propose the amendments shown in the following document.**



*Hon Tama Potaka*

# **Hauraki Gulf / Tīkapa Moana Marine Protection Bill**

Government Bill

## **Contents**

	Page
1 Title	4
2 Commencement	4
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3 Purpose of this Act	4
4 Tiriti o Waitangi/Treaty of Waitangi	5
5 Interpretation	6
5A Meaning and purpose of biodiversity objectives	10
5B How this Act applies biodiversity objectives	11
6 Transitional, savings, and related provisions	11
7 Act binds the Crown	11
8 Application of other enactments	11
<u>8A Obligations relating to Treaty settlements</u>	<u>12</u>
9 Immunities of warships, etc, not affected	12
<del>9A No entitlement to compensation</del>	<del>12</del>
<b>Part 2</b>	
<b>Marine reserves, seafloor protection areas, and high protection areas</b>	
Subpart 1—Marine reserves	
10 Marine reserves declared	12
11 Effect of marine reserve declarations	13
Subpart 2—Seafloor protection areas and high protection areas	
<i>Seafloor protection areas</i>	
12 Purpose of seafloor protection areas	13

**Proposed amendments to  
Hauraki Gulf / Tīkapa Moana Marine Protection Bill**

13	Seafloor protection areas declared	13
14	Activities prohibited in seafloor protection areas	13
15	Additional activities prohibited in Mokohīnau Islands Seafloor Protection Area	14
	<i>High protection areas</i>	
16	Purpose of high protection areas	14
17	High protection areas declared	14
18	Activities prohibited in high protection areas	14
	<i>Activities to which prohibitions do not apply</i>	
19	Customary fishing in high protection areas	15
<u>19A</u>	<u>Ring net fishing for authorised persons in certain high protection areas</u>	<u>16</u>
20	Small-scale removal of natural material in seafloor protection areas and high protection areas	17
20A	Anchoring in seafloor protection- <del>area</del> <u>areas</u> or high protection- <del>area</del> <u>areas</u>	17
21	Other activities to which prohibitions do not apply	17
	<i>Functions of department and reporting requirements for seafloor protection areas and high protection areas</i>	
21A	Functions <del>and powers</del> of department	19
21B	Director-General must report on research and monitoring	19
	Subpart 3—Official geographic names	
22	Interpretation	19
23	Official geographic names	20
24	Publication of official geographic names	20
25	Subsequent alteration of official geographic names	20
	<b>Part 3</b>	
	<b>Permits, enforcement, and regulations for protected areas</b>	
26	Interpretation of this Part	20
	Subpart 1—Permits	
27	Application for permit	21
28	Director-General may seek further information	21
29	Matters to be considered by Director-General	22
30	Decision of Director-General	22
30A	Additional requirements if Marine and Coastal Area (Takutai Moana) Act 2011 applies to activity	23
31	Amendment to permit conditions	23
32	Revocation of permit or amendment to permit conditions due to adverse effects and other grounds	24
33	Appeal to High Court on question of law	24
34	Permit may be transferred	24

**Proposed amendments to  
Hauraki Gulf / Tīkapa Moana Marine Protection Bill**

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Subpart 2—Monitoring and enforcement

*Appointment and powers of rangers*

35	Rangers appointed under other enactments	25
36	Appointment of honorary rangers	25
37	General powers of rangers	26
38	Power to question persons and require production of documents	26
39	Powers of entry, search, and seizure	26
40	Powers to seize and release or dispose of fish, aquatic life, seaweed, or natural material	27

*Offences*

41	Offence to undertake prohibited activity within protected area	27
42	Offence to knowingly undertake prohibited activity within protected area	28
43	Other offences	28
44	Prosecution and defence for strict liability offences	29
45	Liability of director or manager of body corporate	29
46	Time for filing charging document	29

*Infringement offences*

47	Infringement offences	29
49	Proceedings for infringement offences	30
50	Who may issue infringement notices	30
51	When infringement notice may be issued	30
52	Revocation of infringement notice before payment made	30
53	What infringement notice must contain	31
54	How infringement notice may be served	31
55	Payment of infringement fees	31
56	Reminder notices	31

*Removal of structures*

57	Removal of structures	32
----	-----------------------	----

*Forfeiture*

58	Forfeiture of property on conviction	32
59	Forfeiture for infringement offence	33
60	Interpretation of provisions relating to forfeited property	33
61	Application for relief	34
62	Matters to be considered and determined by court	34
63	Decision of court on application	35
64	Other matters relating to forfeiture	36

Subpart 3—Regulations, review, and consequential amendments

*Regulations*

65	General regulations	36
66	Regulations for biodiversity objectives and associated restrictions	37

<div>cl 1</div> <div>Proposed amendments to Hauraki Gulf / Tīkapa Moana Marine Protection Bill</div>		
67	Regulations for additional management actions in high protection areas	38
67	<u>Regulations for restrictions and conditions that apply to authorised persons undertaking ring net fishing</u>	38
	<i>Review of seafloor protection areas, high protection areas, and ring net fishing provisions</i>	
68	Ministerial review of seafloor protection areas and high protection areas	39
68A	Ministerial review of ring net fishing provisions	40
68B	Order in Council repealing ring net fishing provisions	40
	<i>Consequential amendments</i>	
69	Consequential amendments	41
	<b>Schedule 1</b>	42
	<b>Transitional, savings, and related provisions</b>	
	<b>Schedule 2</b>	43
	<b>Marine reserves</b>	
	<b>Schedule 3</b>	46
	<b>Seafloor protection areas</b>	
	<b>Schedule 4</b>	54
	<b>High protection areas</b>	
	<b>Schedule 5</b>	69
	<b>Consequential amendments</b>	

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

**2 Commencement**

This Act comes into force on the day after Royal assent.

**Part 1**  
**Preliminary provisions**

**3 Purpose of this Act**

The purpose of this Act is to contribute to the restoration of the health and mauri of the Hauraki Gulf / Tīkapa Moana by—

- (a) establishing new marine reserves, seafloor protection areas, and high protection areas within the Hauraki Gulf / Tīkapa Moana; and

- (b) acknowledging customary rights within seafloor protection areas and high protection areas.

#### 4 Tiriti o Waitangi/Treaty of Waitangi

- (1) This Act must be interpreted and administered so as to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi.
- (2) Without limiting the generality of **subsection (1)**, in order to provide for the Crown's intention to give effect to the principles of te Tiriti o Waitangi/the Treaty of Waitangi,—
  - (a) **section 8(2)** provides that nothing in this Act (except **subpart 1 of Part 2**) limits or otherwise affects the ability of an applicant group to obtain recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011:
  - (b) **section 8A(1)** provides that any person performing or exercising functions, duties, or powers under this Act must act in a manner that is consistent with obligations arising under existing Treaty settlements:
  - (c) **section 19(1)** provides for customary fishing within high protection areas:
  - (d) **section 21(aaa)** provides that the prohibitions in **sections 14, 15, and 18** do not apply to the exercise of protected customary rights or customary marine title rights under the Marine and Coastal Area (Takutai Moana) Act 2011:
  - (e) **section 25(1)(b)** provides that, if the New Zealand Geographic Board determines to alter an official geographic name established by this Act and that name is a Māori name, the Board must consult iwi that exercise kaitiakitanga in the relevant area:
  - (f) in relation to an application made under **section 27** for a permit to undertake a prohibited activity within a seafloor protection area or a high protection area,—
    - (i) **section 29** provides that the Director-General must consider the anticipated effects of the activity on the rights and interests of iwi that exercise kaitiakitanga in the relevant area when considering the application:
    - (ii) **section 30(1)** provides that the Director-General may grant a permit if satisfied that the applicant will take reasonable steps to avoid, remedy, or mitigate any adverse effects of the activity on the rights and interests of iwi that exercise kaitiakitanga in the protected area:
    - (iii) **section 30(3)** provides that the Director-General must notify their decision on a permit, and the reasons for it, to iwi that exercise kaitiakitanga in the protected area and that have engaged with the application:

- (iv) **section 30A** provides for additional requirements that apply if any of sections 55, 62A, 66, and 71 of the Marine and Coastal Area (Takutai Moana) Act 2011 apply to the activity:
- (g) **section 32** provides that the Director-General may revoke a permit, or amend any condition of the permit, if the Director-General considers that the activity to which the permit relates is inconsistent with the rights and interests of iwi that exercise kaitiakitanga in the relevant area in a manner not anticipated at the time the permit was granted:
- (h) **section 66** provides that, before making a recommendation to the Governor-General to make regulations for biodiversity objectives and associated restrictions, the Minister must be satisfied that the proposals for regulations were developed in consultation with iwi that exercise kaitiakitanga in the relevant area:
- (i) **section 68** provides that, when undertaking a ministerial review of the operation, effectiveness, and management of seafloor protection areas and high protection areas, the Ministers responsible for the review must ensure that there is a reasonable opportunity for interested persons, including iwi that exercise kaitiakitanga in any area subject to the review, to make submissions.

## 5 Interpretation

In this Act, unless the context otherwise requires,—

**aircraft** has the same meaning as in section 5 of the Civil Aviation Act 2023

**aquaculture activity** means any activity carried out for the purpose of breeding, hatching, cultivating, rearing, or ongrowing fish, aquatic life, or seaweed for harvest

**aquatic life** has the same meaning as in section 2(1) of the Fisheries Act 1996

**biodiversity objectives** has the meaning given in **section 5A**

**bottom longlining**—

- (a) means the use of a line—
  - (i) to which 7 or more hooks (whether baited or not) are attached; and
  - (ii) that is sunk using weights; but
- (b) does not include the use of a handline

**commercial fisher** has the same meaning as in section 2(1) of the Fisheries Act 1996

**customary fishing** means fishing carried out in accordance with—

- (a) regulations made under section 186 of the Fisheries Act 1996; or

- (b) regulations made under section 297 of the Fisheries Act 1996 for the purpose of section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

**customary marine title** has the same meaning as in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

**Danish seine net** means a net or part of a net (including a warp, rope, chain, material, or device used in conjunction with, or attached to, the net) that—

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and
- (c) is operated without the use of a horizontal net-opening device by surrounding fish and being drawn over the seabed, or through waters, to 1 or more vessels

**Danish seining** means use of a Danish seine net

**department** means the department of State that, with the authority of the Prime Minister, is responsible for the administration of this Act

**Director-General** means the Director-General of the ~~Department~~ department

**dredge**—

- (a) means a device towed on or over, or capable of being towed on or over, the seabed; and
- (b) includes a box dredge or ring device

**dredging** means use of a dredge

**exploration** has the same meaning as in section 2(1) of the Crown Minerals Act 1991

**fish** has the same meaning as in section 2(1) of the Fisheries Act 1996

**fishing** has the same meaning as in section 2(1) of the Fisheries Act 1996

**grey mullet** means a fish of the species *Mugil cephalus*

**Hauraki Gulf / Tīkapa Moana**—

- (a) means the coastal marine area on the east coast of—
  - (i) the Auckland Region, as constituted by the Local Government (Auckland Region) Reorganisation Order 1989, *Gazette* Vol III 1989, p 2247; and
  - (ii) the Waikato Region, as constituted by the Local Government (Waikato Region) Reorganisation Order 1989, *Gazette* Vol III 1989, p 2460; and
- (b) includes estuaries and the tidal parts of rivers and creeks on the east coast of the Auckland Region and the east coast of the Waikato Region

**high protection area** means an area declared to be a high protection area under **section 17**

**individual transferable quota** ~~has the same meaning as in section 2(1) of the Fisheries Act 1996~~

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence specified in the regulations

**infringement offence** means an offence identified in this Act or the regulations as being an infringement offence

**kahawai** means a fish of the species *Arripis trutta*

**London Convention** means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972)

**marine reserve** means an area declared to be a marine reserve under **section 10**

**mining** has the same meaning as in section 2(1) of the Crown Minerals Act 1991

**mining activity** means mining, exploration, or prospecting

**Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**permit** means a permit granted under **section 30** authorising a person to undertake a prohibited activity within a seafloor protection area or high protection area

**permit holder**, in relation to a permit, means the person who has been granted a permit under **section 30** or to whom a permit has been transferred under **section 34**

**potting**—

- (a) means the use of any pot, whether baited or not, that is capable of catching fish or aquatic life; and
- (b) includes the use of any other device capable of catching, holding, or storing rock lobsters

**prospecting** has the same meaning as in section 2(1) of the Crown Minerals Act 1991

**protected customary right** has the same meaning as in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

**purse seine net** or **lampara net** means a net that is operated from a vessel to encircle fish and that is drawn together at the bottom to enclose the fish

**ranger** means a ranger appointed or treated as if they were appointed under **section 35 or 36**

**regulations** means regulations made under any of **sections 65 to 67**

**ring net**—

- (a) means a net that—



- (i) is operated from a vessel in the following manner:
  - (A) a net is laid to surround (whether fully or partially) a school of fish; and
  - (B) once the fish are surrounded, a vessel or some other means is used to scare the fish into the net; and
- (ii) has a buoyancy system on the top edge and is weighted on the bottom edge; but
- (b) does not include—
  - (i) a Danish seine net;
  - (ii) a purse seine net or lampara net;
  - (iii) a trawl net

**ring net fishing** means use of a ring net for fishing

**sand extraction** means the taking or extraction of sand from the seabed or subsoil

**seafloor protection area** means an area declared to be a seafloor protection area under **section 13**

**seaweed** has the same meaning as in section 2(1) of the Fisheries Act 1996

**set net**—

- (a) includes a gill net, ring net, or other sort of net that acts by enmeshing, entrapping, or entangling fish; but
- (b) does not include a fyke net or hīnaki

**set netting** means use of a set net

**ship** has the same meaning as in section 2(1) of the Maritime Transport Act 1994

**structure**—

- (a) means any building, equipment, or device; and
- (b) includes an offshore installation, an artificial island, a floating platform, or a submarine pipeline

**submarine cable** has the same meaning as in section 2 of the Submarine Cables and Pipelines Protection Act 1996

**trawl net** means any net or part of a net (including any warp, rope, chain, material, or device used in conjunction with or attached to the net, but not including a Danish seine net) that—

- (a) has a buoyancy system on the top edge; and
- (b) is weighted on the bottom edge; and
- (c) is operated by being drawn over the seabed or through any waters by 1 or more vessels underway

**trawling** means use of a trawl net:

**Treaty settlement** means—

- (a) a Treaty settlement Act; or
- (b) a Treaty settlement deed

**Treaty settlement Act** means—

- (a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; or
- (b) any other Act that provides redress for Treaty of Waitangi claims, including Acts that provide collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by another Act, including—
  - (i) the Maori Commercial Aquaculture Claims Settlement Act 2004;
  - (ii) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and secondary legislation that gives effect to section 10 of that Act and is made under Part 9 of the Fisheries Act 1996

**Treaty settlement deed**—

- (a) means a deed or other agreement that—
  - (i) has been signed by or on behalf of a Minister of the Crown and representatives of a group of Māori; and
  - (ii) is in settlement of the claims of that group or in express anticipation, or on account, of that settlement; and
- (b) to avoid doubt, includes a deed or other agreement of the kind described in paragraph (a) that relates to the claims of a collective or combination of Māori groups; but
- (c) does not include an agreement in principle or any document that is preliminary to a signed and ratified deed

**trevally** means a fish of the species *Pseudocaranx dentex* (previously known as *Caranx georgianus*).

## 5A Meaning and purpose of biodiversity objectives

- (1) In this Act, **biodiversity objectives** means the biodiversity objectives for sea-floor protection areas and high protection areas established by regulations made under **section 66(1)(a)**.
- (2) The purpose of biodiversity objectives is to set objectives for seafloor protection areas and high protection areas that are—
  - (a) appropriate to the characteristics of the particular area; and
  - (b) consistent with the purposes of seafloor protection areas and high protection areas (see **sections 12 and 16**).

## **5B How this Act applies biodiversity objectives**

- (1) This Act applies biodiversity objectives in the following ways:
- (a) in relation to an application made under **section 27** for a permit to undertake a prohibited activity within a seafloor protection area or a high protection area,—
    - (i) **section 29(a)** provides that the Director-General must consider the anticipated effects of the activity on the biodiversity objectives for the seafloor protection area or high protection area when considering the application; and
    - (ii) **section 30(1)(a)(i)** provides that the Director-General may grant the permit if satisfied that the activity is consistent with any biodiversity objectives for the seafloor protection area or high protection area:
  - (b) **section 32** provides that the Director-General may revoke a permit, or amend any condition of the permit, if the Director-General considers that the activity is inconsistent with the biodiversity objectives for a seafloor protection area or high protection area in a manner not anticipated at the time the permit was granted, or is inconsistent with any new or amended biodiversity objectives established after the permit was granted:
  - (c) **section 66(1)(b)** provides for the making of regulations that regulate activities occurring within a high protection area as reasonably necessary to give effect to the biodiversity objectives for the area;
  - (d) ~~**section 67** provides for the making of regulations that provide for additional management actions relating to high protection areas where restrictions imposed by regulations made under **section 66** are not sufficient to achieve the biodiversity objectives.~~
- (2) **Subsection (1)** is only a guide to the application of biodiversity objectives in this Act.

## **6 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

## **7 Act binds the Crown**

This Act binds the Crown.

## **8 Application of other enactments**

- (1) Except as otherwise specified in this Act,—
- (a) any person performing a function or exercising a power under this Act must comply with any other legislation that applies to that function or power; and

- (b) the requirement to obtain a permit under this Act does not limit or otherwise affect the requirement to obtain a permit, consent, or other permission necessary under any other legislation.
- (2) Nothing in this Act (except **subpart 1 of Part 2**) limits or otherwise affects the ability of an applicant group to obtain recognition of protected customary rights or customary marine title under the Marine and Coastal Area (Takutai Moana) Act 2011.

#### **8A Obligations relating to Treaty settlements**

- (1) Any person performing or exercising functions, duties, or powers under this Act must act in a manner that is consistent with the obligations arising under existing Treaty settlements.
- (2) To avoid doubt, **subsection (1)** does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
- (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, duty, or power is performed or exercised (rather than only those that exist at the commencement of this Act).

#### **9 Immunities of warships, etc, not affected**

Nothing in this Act limits the immunities of the following:

- (a) any foreign warship:
- (b) any other foreign governmental ship operated for non-commercial purposes:
- (c) any foreign military aircraft:
- (d) members of the crew of a ship or an aircraft to which any of **paragraphs (a) to (c)** apply.

#### **9A No entitlement to compensation**

- (1) ~~The Crown is not liable to pay compensation to any person for any loss of, or any adverse effect on, a right or an interest in individual transferable quota or a right to undertake fishing arising from the enactment or operation of this Act.~~
- (2) ~~If there is any inconsistency between this section and any other legislation or rule of law, this section prevails over that legislation or rule of law.~~

## **Part 2**

### **Marine reserves, seafloor protection areas, and high protection areas**

#### Subpart 1—Marine reserves

#### **10 Marine reserves declared**

- (1) The areas described in **Schedule 2** are declared to be marine reserves.

- (2) The marine reserves have the names given to them in **Schedule 2**.

**11 Effect of marine reserve declarations**

The marine reserves declared by **section 10**—

- (a) are to be treated as if they were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971; and
- (b) are subject to any enactment that applies to such marine reserves.

**Subpart 2—Seafloor protection areas and high protection areas**

*Seafloor protection areas*

**12 Purpose of seafloor protection areas**

The purpose of seafloor protection areas is to maintain indigenous benthic habitats within the seafloor protection areas and, if those habitats are degraded, restore them.

**13 Seafloor protection areas declared**

- (1) The areas described in **Schedule 3** are declared to be seafloor protection areas.
- (2) The seafloor protection areas have the names given to them in **Schedule 3**.

**14 Activities prohibited in seafloor protection areas**

- (1) A person must not undertake any of the activities described in **subsection (2)** in a seafloor protection area, unless—
  - (a) **section 20 or 21** applies to the activity; or
  - (b) the activity is undertaken in accordance with a permit granted under **section 30**.
- (2) The prohibited activities are—
  - (a) aquaculture activities;
  - (b) ~~the dumping, depositing, or discharge of~~ discharging, whether directly or indirectly, in or into a seafloor protection area, waste or other matter that is likely to have a more than minor adverse effect on aquatic life;
  - (c) dredging;
  - (d) trawling that makes contact with the seabed;
  - (e) Danish seining;
  - (f) sand extraction;
  - (g) mining activity.

**15 Additional activities prohibited in Mokohīnau Islands Seafloor Protection Area**

- (1) ~~In addition to the prohibitions set out in **section 14**, the following activities are prohibited within the Mokohīnau Islands Seafloor Protection Area:~~
- ~~(a) set netting;~~
  - ~~(b) potting that occurs within the area marked with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area;~~
  - ~~(c) bottom longlining that occurs within the area marked with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area.~~
- (1) In addition to the prohibitions set out in **section 14**, a person must not undertake any of the activities described in **subsection (1A)** in the Mokohīnau Islands Seafloor Protection Area unless—
- (a) **section 20 or 21** applies to the activity; or
  - (b) the activity is undertaken in accordance with a permit granted under **section 30**.
- (1A) The prohibited activities are—
- (a) set netting;
  - (b) potting that occurs within Area A on Survey Office Plan 604785, shown as the area with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area;
  - (c) bottom longlining that occurs within Area A on Survey Office Plan 604785, shown as the area with diagonal lines on the indicative map of the Mokohīnau Islands Seafloor Protection Area.
- (2) *See **Schedule 3** for the indicative map of the Mokohīnau Islands Seafloor Protection Area.*

*High protection areas*

**16 Purpose of high protection areas**

The purpose of high protection areas is to protect and enhance indigenous biodiversity within the high protection areas and, if that biodiversity is degraded, restore it.

**17 High protection areas declared**

- (1) The areas described in **Schedule 4** are declared to be high protection areas.
- (2) The high protection areas have the names given to them in **Schedule 4**.

**18 Activities prohibited in high protection areas**

- (1) A person must not undertake any of the activities described in **subsection (2)** in a high protection area, unless—

- (a) **section 19, 19A, 20, or 21** applies to the activity; or
  - (b) the activity is undertaken in accordance with a permit granted under **section 30**.
- (2) The prohibited activities are—
- (a) fishing;
  - (b) aquaculture activities;
  - (c) ~~the removal of removing~~ sand, shingle, non-living shell, or other non-living natural material (within the meaning of **section 20(3)**);
  - (d) ~~the dumping, depositing, or discharge of discharging, whether directly or indirectly, in or into a high protection area,~~ waste or other matter that is likely to have a more than minor adverse effect on aquatic life;
  - (e) ~~the introduction of introducing~~ any living organism;
  - (f) ~~the construction, alteration, extension, removal, or demolition of constructing, altering, extending, removing, or demolishing~~ a structure (including a ship);
  - (g) ~~the causing of vibrations (other than vibrations caused by the propulsion of a ship), in or into a high protection area,~~ in a manner that is likely to have a more than minor adverse effect on aquatic life;
  - (h) ~~the disturbance (including by excavating, drilling, tunnelling, or dredging) of disturbing~~ aquatic life, habitats, or ~~the~~ water column (~~including by excavating, drilling, tunnelling, or dredging~~) in a manner that is likely to have a more than minor adverse effect on aquatic life;
  - (i) ~~the destruction or damage of destroying or damaging~~ the seabed and subsoil in a manner that is likely to have an adverse effect on the seabed and subsoil;
  - (j) ~~the landing of landing~~ an aircraft;
  - (k) ~~the causing of causing~~ an explosion;
  - (l) mining activity.

*Activities to which prohibitions do not apply*

**19 Customary fishing in high protection areas**

- (1) Despite **section 18**, a person may undertake customary fishing within a high protection area if—
- (a) the person is authorised to undertake customary fishing under—
    - (i) regulations made under section 186 of the Fisheries Act 1996; or
    - (ii) regulations made under section 297 of the Fisheries Act 1996 for the purpose of section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; and

- (b) ~~the person complies with any regulations made under **section 66 or 67** relating to the high protection area; and~~
- (c) the person does not utilise any of the following fishing methods:
  - (i) dredging;
  - (ii) trawling that makes contact with the seabed;
  - (iii) Danish seining.
- (2) To avoid doubt, this section—
  - (a) applies only to customary fishing within high protection areas; and
  - (b) does not apply to the activities prohibited by **sections 14 and 15** in seafloor protection areas.

**19A Ring net fishing for authorised persons in certain high protection areas**

- (1) Despite **section 18**, a person may undertake ring net fishing within the high protection areas specified in **subsection (2)** if—
  - (a) the person is authorised to undertake ring net fishing by the Director-General in accordance with **subsections (3) to (5)**; and
  - (b) the person complies with any restrictions and conditions prescribed by regulations made under **section 67** that apply to persons undertaking ring net fishing.
- (2) The high protection areas are—
  - (a) Kawau Bay High Protection Area;
  - (b) Rangitoto and Motutapu High Protection Area.
- (3) The Director-General may, in writing, authorise a person who meets the requirements of **subsection (4)** to undertake ring net fishing.
- (4) The Director-General may authorise a person to undertake ring net fishing only if—
  - (a) the person is a commercial fisher; and
  - (b) the person has, before the commencement of this Act, undertaken ring net fishing in 1 (or both) of the following high protection areas:
    - (i) Kawau Bay High Protection Area;
    - (ii) Rangitoto and Motutapu High Protection Area; and
  - (c) the ring net fishing described in **paragraph (b)** was undertaken in any of the following fishing years:
    - (i) the year beginning 1 October 2021;
    - (ii) the year beginning 1 October 2022;
    - (iii) the year beginning 1 October 2023.
- (5) The Director-General's written authorisation must—
  - (a) specify the authorised person's fisheries client number; and



- (b) set out the restrictions and conditions prescribed by regulations made under **section 67** that apply to the authorised person undertaking ring net fishing; and
  - (c) contain any other information prescribed by the regulations.
- (6) A person undertaking ring net fishing in accordance with this section must also comply with the Fisheries Act 1996 and any secondary legislation made under that Act.
- (7) This section does not limit the application of **section 19**.
- (8) In this section, **fisheries client number** means the unique identification number assigned by the chief executive for the time being of the Ministry responsible for the administration of the Fisheries Act 1996 to a person who is included in any class listed in section 189 of that Act.

**20 Small-scale removal of natural material in seafloor protection areas and high protection areas**

- (1) If a person complies with **subsection (2)**, the person may do the following:
  - (a) despite **section 14(2)(f)**, remove sand from a seafloor protection area:
  - (b) despite **section 18(2)(c)**, remove sand, shingle, non-living shell, or other non-living natural material from a high protection area.
- (2) A person who removes sand, shingle, non-living shell, or other non-living natural material from a seafloor protection area or high protection area—
  - (a) may remove only a small quantity of the material; and
  - (b) may do so only for non-commercial purposes; and
  - (c) must not use a method of collection that involves the use of machinery or cutting equipment.
- (3) In this section,—
  - other non-living natural material**—
    - (a) includes driftwood; but
    - (b) does not include aquatic life

**small quantity** means no more than a person can carry on their person, in a single trip, in 1 day.

**20A Anchoring in seafloor protection-area areas or high protection-area areas**

- (1) A person may anchor a vessel in a seafloor protection area or a high protection area if the person does so in a manner that is unlikely to have a more than minor adverse effect on aquatic life.
- (2) This section is to avoid doubt.

**21 Other activities to which prohibitions do not apply**

The prohibitions in **sections 14, 15, and 18** do not apply to—

- (aaa) the exercise of protected customary rights or ~~rights held by a customary marine title group~~ customary marine title rights under the Marine and Coastal Area (Takutai Moana) Act 2011:
- (a) any activity for which resource consent has been granted under the Resource Management Act 1991 at the time this Act commences, until the expiration of that consent:
- (b) any activity carried out under the Biosecurity Act 1993:
- (c) any activity ~~carried out~~ that is expressly allowed, without obtaining resource consent, under regulations made under section 360(1)(a) and (ha) to (hh) of the Resource Management Act 1991 that relate to the regulation of marine pollution:
- (d) the discharge of stormwater, if that discharge is a permitted activity for the purposes of the Resource Management Act 1991:
- (da) any activity undertaken by the department in the performance of its functions ~~or exercise of its powers~~ under this Act:
- (db) any activity for which, at the time this Act commences, ~~a permit~~ an approval has been granted under any ~~Act~~ legislation administered by the department, until the expiration of that ~~permit~~ approval:
- (dc) any of the following activities undertaken by or on behalf of a local authority:
  - (i) monitoring or enforcement of a regional coastal plan or resource consent:
  - (ii) any activity undertaken in relation to state of the environment reporting:
  - (iii) any activity undertaken in relation to scientific research or conservation:
- (e) any work or activity of the Crown that the Minister of Defence certifies is necessary for reasons of national security:
- (f) training activities undertaken by the New Zealand Defence Force:
- (g) the placement, maintenance, repair, alteration, or extension of a submarine cable:
- (h) any action necessary in an emergency relating to human safety or the protection of the environment:
- (i) any other action taken in response to marine oil spills or other pollution:
- (j) transit shipping that complies with the London Convention.

*Functions of department and reporting requirements for seafloor protection areas and high protection areas*

**21A Functions and powers of department**

- (1) The department has the following functions ~~and powers~~ under this Act:
  - (a) to manage and administer the seafloor protection areas and high protection areas in accordance with this Act:
  - (b) to mark the boundaries of seafloor protection areas and high protection areas:
  - (c) to undertake or commission research, monitoring, and reporting in relation to the seafloor protection areas or high protection areas:
  - (d) to perform ~~or exercise~~ any function, ~~power~~, or duty provided under any other legislation administered by the department, to the extent that the function, ~~power~~, or duty is consistent with the purpose of the seafloor protection area or high protection area:
  - (e) to perform any other function conferred on the department under this Act.
- (2) The Director-General has all the powers that are reasonably necessary or desirable to carry out the functions conferred on the Director-General or the department under this Act.

**21B Director-General must report on research and monitoring**

- (1) The Director-General must, at least once every 5 years, report to the Minister on any research or monitoring undertaken in relation to seafloor protection areas and high protection areas.
- (2) The first report must be completed no later than 5 years after the commencement of this Act.
- (3) The Director-General's report—
  - (a) must summarise any information that can be reasonably obtained relating to research or monitoring undertaken in relation to seafloor protection areas and high protection areas; and
  - (b) must be made publicly available on an internet site maintained by or on behalf of the department.
- (4) See **section 68** for requirements for ministerial review at 25-yearly intervals.

Subpart 3—Official geographic names

**22 Interpretation**

In this subpart,—

**Board** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008

**official geographic name** has the meaning given in section 4 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

### **23 Official geographic names**

The names given to each of the following are official geographic names for the purpose of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008:

- (a) marine reserves declared by **section 10** and listed in **Schedule 2**:
- (b) seafloor protection areas declared by **section 13** and listed in **Schedule 3**:
- (c) high protection areas declared by **section 17** and listed in **Schedule 4**.

### **24 Publication of official geographic names**

- (1) The Board must, as soon as practicable after commencement of this Act, give public notice, in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, of each official geographic name specified under **section 23**.
- (2) The notice must state that each official geographic name became an official geographic name on the date on which this Act commenced.

### **25 Subsequent alteration of official geographic names**

- (1) In making a determination to alter the official geographic name established by this Act, the Board—
  - (a) must consult the Director-General; and
  - (b) if the name is a Māori name,—
    - (i) must consult ~~whānau, hapū, and~~ iwi that exercise kaitiakitanga in the relevant area; and
    - (ii) must ensure that the names use standardised orthography; but
  - (c) need not comply with sections 27 to 31A of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.
- (2) To avoid doubt, the Board must give public notice of a determination made under **subsection (1)** in accordance with section 21(2) and (3) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

## **Part 3**

### **Permits, enforcement, and regulations for protected areas**

### **26 Interpretation of this Part**

In this Part, unless the context otherwise requires,—

**effect—**

- (a) includes, irrespective of the scale, intensity, duration, or frequency of the effect,—
  - (i) any positive or adverse effect; and
  - (ii) any temporary or permanent effect; and
  - (iii) any past, present, or future effect; and
  - (iv) any cumulative effect arising over time or in combination with other effects; and
- (b) also includes—
  - (i) any potential effect of high probability; and
  - (ii) any potential effect of low probability that has a high potential impact

**protected area** means a seafloor protection area or a high protection area.

### Subpart 1—Permits

#### **27 Application for permit**

- (1) A person may apply to the Director-General for a permit authorising the person to undertake a prohibited activity within a protected area.
- (2) An application for a permit must be made in a form approved by the Director-General and include—
  - (a) the applicant's name and contact details; and
  - (b) a description of the proposed activity; and
  - (c) the anticipated effects of the proposed activity.
- (3) The Director-General may reject an application for a permit on the basis that inadequate information has been provided.

#### **28 Director-General may seek further information**

- (1) When considering an application for a permit made under **section 27**, the Director-General may do all or any of the following:
  - (a) request further information from the applicant;
  - (b) consult any person or group that the Director-General considers appropriate;
  - (c) commission any report that the Director-General considers appropriate;
  - (d) require the applicant to provide any report that the Director-General considers appropriate.
- (2) ~~The applicant must pay the costs associated with the Director-General's inquiries under this section in the manner provided in the regulations.~~

**29 Matters to be considered by Director-General**

Before making a decision on an application for a permit, the Director-General must consider—

- (aaa) whether, and to what extent, the activity is consistent with the purpose of the protected area; and
- (a) the anticipated effects of the activity on the protected area and its biodiversity objectives; and
- (b) the anticipated effects of the activity on the rights and interests of ~~whānau, hapū, and~~ iwi that exercise kaitiakitanga in the protected area; and
- (c) if the anticipated effects of the activity are negative, reasons why the activity—
  - (i) is necessary; and
  - (ii) can only occur within the protected area; and
- (d) any measures that can be undertaken to avoid, remedy, or mitigate any adverse effects of the activity.

**30 Decision of Director-General**

- (1) After considering an application for a permit and any further information, the Director-General may—
  - (a) grant the permit, if satisfied that—
    - (i) the activity is consistent with the purpose of the protected area and any biodiversity objectives for the protected area; and
    - (ii) the applicant will take reasonable steps to avoid, remedy, or mitigate any adverse effects of the activity on the rights and interests of ~~whānau, hapū, and~~ iwi that exercise kaitiakitanga in the protected area; or
  - (b) grant the permit, if satisfied that—
    - (i) the activity is necessary; and
    - (ii) the activity can only occur within the protected area; and
    - (iii) the applicant will take reasonable steps to avoid, remedy, or mitigate any adverse effects of the activity on the rights and interests of ~~whānau, hapū, and~~ iwi that exercise kaitiakitanga in the protected area; or
  - (c) decline the application, in the Director-General's discretion.
- (1A) However, **subsection (1)(a) and (b)** is subject to **section 30A**.
- (2) When granting a permit under **subsection (1)(a) or (b)**, the Director-General—

- (a) may impose any conditions on the permit that the Director-General considers appropriate (including any condition that gives effect to the permit holder's obligations under **subsection (1)(a)(ii) or (b)(iii)**); and
  - (b) must provide for the expiry date of the permit.
- (3) The Director-General must—
  - (a) notify the following persons of the decision and the reasons for it:
    - (i) the applicant;
    - (ii) ~~whānau, hapū, and~~ iwi that exercise kaitiakitanga in the protected area and that have engaged with the application; and
  - (b) publicly notify the decision on an internet site maintained by or on behalf of the ~~Department~~ department.

**30A Additional requirements if Marine and Coastal Area (Takutai Moana) Act 2011 applies to activity**

- (1) This section applies if any of sections 55, 62A, 66, and 71 of the Marine and Coastal Area (Takutai Moana) Act 2011 apply to the activity.
- (2) Before granting a permit under **section 30(1)(a) or (b)**, the Director-General must be satisfied of the following:
  - (a) if section 55 of the Marine and Coastal Area (Takutai Moana) Act 2011 applies to the activity, that the relevant protected customary rights group has given its written approval for the activity in accordance with section 55(2)(a) (unless section 55(3) applies to the activity);
  - (b) if section 62A of that Act applies to the activity, that the applicant has met the information requirements of that section to the satisfaction of the relevant consent authority;
  - (c) if section 66 or 71 of that Act applies to the activity, that the applicant has obtained permission from the relevant customary marine title group in accordance with the applicable section.

**31 Amendment to permit conditions**

- (1) The Director-General may amend the conditions of a permit—
  - (a) in accordance with any condition in the permit; or
  - (b) to correct a minor or technical error; or
  - (c) with the permit holder's agreement; or
  - (d) on 1 or more of the grounds specified in **section 32**; or
  - (e) in accordance with an application by the permit holder under **subsection (2)**.
- (2) The permit holder may apply to the Director-General for any conditions of the permit to be amended.

- (3) An application must be accompanied by any information required by the Director-General to assess the application.
- (4) After making any amendment to the conditions of a permit, the Director-General must—
  - (a) notify the permit holder within a reasonable time; and
  - (b) allow the permit holder a reasonable opportunity to comply with any amended conditions.

**32 Revocation of permit or amendment to permit conditions due to adverse effects and other grounds**

The Director-General may, at any time, revoke a permit granted under **section 30**, or amend any condition of the permit, if the Director-General considers that the activity to which the permit relates—

- (a) is causing adverse effects to the protected area that are greater than those anticipated at the time the permit was granted; or
- (b) is inconsistent with the biodiversity objectives for the protected area in a manner that was not anticipated at the time the permit was granted; or
- (ba) is inconsistent with any new or amended biodiversity objectives for the protected area set after the permit was granted; or
- (c) is inconsistent with the rights and interests of ~~whānau, hapū, and iwi~~ that exercise kaitiakitanga in the protected area in a manner that was not anticipated at the time the permit was granted.

**33 Appeal to High Court on question of law**

- (1) The following persons may appeal to the High Court against the decisions of the Director-General specified in **subsection (2)**:
  - (a) the applicant;
  - (b) the permit holder;
  - (c) ~~whānau, hapū, and iwi~~ that exercise kaitiakitanga in the protected area.
- (2) The decisions that may be appealed against are—
  - (a) the decision to grant or decline an application for a permit;
  - (b) the decision to impose any conditions on the granting of a permit;
  - (c) the decision to make any amendment to the conditions of a permit;
  - (d) the decision to grant or decline an application to amend permit conditions;
  - (e) the decision to revoke a permit.
- (3) An appeal brought under this section may be only on a question of law.

**34 Permit may be transferred**

A permit may be transferred to another person if—



- (a) the permit holder applies to the Director-General for the permit to be transferred; and
- (b) the Director-General agrees to the transfer.

## Subpart 2—Monitoring and enforcement

### *Appointment and powers of rangers*

#### **35 Rangers appointed under other enactments**

The following persons are to be treated as if they were appointed by the Director-General to exercise the powers and perform the duties of a ranger under this Act:

- (a) a person appointed as a warranted officer under section 59(1) or (9) of the Conservation Act 1987;
- (b) a person appointed as a fishery officer under section 196 or 197 of the Fisheries Act 1996;
- (c) every officer in command of any vessel or aircraft of the New Zealand Defence Force;
- (d) every constable.

#### **36 Appointment of honorary rangers**

- (1) The Director-General may appoint any suitable person to be a ranger in an honorary capacity to perform the duties of a ranger under this Act.
- (1A) The Director-General may appoint the person to—
  - (a) perform the duties of a ranger in 1 or more of the protected areas; and
  - (b) exercise all of the powers specified in **sections 37 to 40**, or only some of those powers.
- (2) The Director-General must supply each ranger with a warrant that—
  - (a) states the full name of the person; and
  - (b) includes a summary of the powers conferred on the person under this Act.
- (3) A ranger exercising a power under this Act must have their warrant with them and must produce it if required to do so.
- (4) A ranger—
  - (a) is appointed for a term specified by the Director-General (not exceeding 3 years), and may be reappointed; and
  - (b) may be removed from office at any time by the Director-General for incapacity, neglect of duty, or misconduct.
- (5) A ranger must surrender their warrant to the Director-General on the termination of their appointment.

- (6) A person appointed as a ranger under this section is not, by virtue of the appointment, deemed to be employed for the purposes of the Public Service Act 2020.

**37 General powers of rangers**

- (1) A ranger who believes on reasonable grounds that a person is committing, has committed, or is about to commit, an offence against this Act may—
- (a) order the person to refrain from or stop offending; and
  - (b) require the person to provide their full name, date of birth, and address, and evidence of those particulars.
- (2) For the purposes of exercising their powers under this Act, a ranger may, without warrant, pursue and stop a person if the ranger believes on reasonable grounds that the person is committing or has committed an offence against this Act.

**38 Power to question persons and require production of documents**

- (1) A ranger may exercise the powers in this section for the purposes of monitoring compliance with any requirements imposed under this Act, including any permit conditions.
- (2) A ranger may require any person—
- (a) to stop, or to stop any vessel, vehicle, or other conveyance in their control; and
  - (b) to answer any question reasonably necessary to enable the ranger to establish whether the person is complying with this Act, any regulations made under this Act, or any conditions of a permit; and
  - (c) to produce any permit, consent, authority, licence, or document issued under this Act or any other ~~Act~~, legislation and related to the person or vessel.
- (3) Part 4 of the Search and Surveillance Act 2012 (except subpart 3) applies to the exercise of powers under this section.
- (4) Section 60 of the Evidence Act 2006 applies in relation to a requirement under **subsection (2)(b) and (c)**.

**39 Powers of entry, search, and seizure**

- (1) A ranger may exercise the powers in this section if the ranger believes, on reasonable grounds, that a person is committing, or has committed, an offence under this Act.
- (2) The ranger may, ~~in the presence of the person,~~—
- (a) stop, enter, and search any vehicle, vessel, aircraft, or structure in the control of the person; and

- (b) open and search any parcel, package, container, or luggage in the control of the person.
- (3) The ranger may seize any item, document, or thing (including a vessel or vehicle) that the ranger believes, on reasonable grounds,—
  - (a) is being or has been used in the commission of an offence under this Act; or
  - (b) is evidence of the commission of an offence under this Act.
- (4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subpart 3) apply to the exercise of powers under this section.

**40 Powers to seize and release or dispose of fish, aquatic life, seaweed, or natural material**

- (1) This section applies if a ranger exercising their powers under this Act finds or sights any fish, aquatic life, seaweed, or natural material that the ranger believes on reasonable grounds was removed from a protected area in contravention of this Act.
- (2) The ranger may seize—
  - (a) the fish, aquatic life, seaweed, or natural material; and
  - (b) any fish, aquatic life, seaweed, or natural material with which the fish, aquatic life, seaweed, or natural material has been intermixed.
- (3) Any fish, aquatic life, or seaweed seized by a ranger that is alive and likely to survive must be returned—
  - (a) to the protected area; or
  - (b) to any part of the sea, if it is not practicable to return the fish, aquatic life, or seaweed to the protected area.
- (4) Any fish, aquatic life, or seaweed seized by a ranger that is dead or unlikely to survive, and any natural material, may be—
  - (a) returned to the protected area or to any part of the sea, if the ranger considers that it is appropriate to return the fish, aquatic life, seaweed, or natural material to the protected area or to the sea; or
  - (b) dealt with in the manner provided in subpart 6 of Part 4 of the Search and Surveillance Act 2012.
- (5) Part 4 of the Search and Surveillance Act 2012 (except subpart 3) applies to the exercise of powers under this section.

*Offences*

**41 Offence to undertake prohibited activity within protected area**

- (1) A person commits an offence if the person undertakes a prohibited activity within a seafloor protection area contrary to **section 14 or 15**.

- (2) A person commits an offence if the person undertakes a prohibited activity within a high protection area contrary to **section 18**.
- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction ~~to a fine not exceeding \$100,000;—~~
  - (a) to a fine not exceeding \$100,000; or
  - (b) to a sentence of community work.
- (4) A person who commits an offence referred to in **subsection (1) or (2)** for a commercial purpose is liable on conviction to a fine not exceeding \$200,000.
- (5) For the purposes of this section, a court may find that a person has a **commercial purpose** if the court is satisfied beyond reasonable doubt that—
  - (a) the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised); or
  - (b) in the case of a prohibited activity that involves fishing, the person is in possession of a number of fish that exceeds 3 times the amateur individual daily limit.

**42 Offence to knowingly undertake prohibited activity within protected area**

- (1) A person commits an offence if the person knowingly undertakes a prohibited activity within a seafloor protection area contrary to **section 14 or 15**.
- (2) A person commits an offence if the person knowingly undertakes a prohibited activity within a high protection area contrary to **section 18**.
- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction to a term of imprisonment not exceeding 3 months, or to a fine not exceeding \$250,000, or both.

**43 Other offences**

- (1) A person commits an offence if the person is in possession of, or disposes of, any fish, aquatic life, seaweed, or natural material that the person knows was removed from a protected area in contravention of **section 14, 15, or 18**.
- (2) A person commits an offence if the person, knowingly and without reasonable excuse,—
  - (a) fails to comply with an order or a requirement of a ranger issued under **section 37, 38, or 39**; or
  - (b) refuses to provide a ranger with information requested under **section 38**; or
  - (c) pretends to be a ranger, by their words, conduct, or demeanour, in circumstances likely to lead another person to believe that the person is a ranger; or
  - (d) obstructs or threatens a ranger acting in the course of duty.

- (3) A person who commits an offence referred to in **subsection (1) or (2)** is liable on conviction to a term of imprisonment not exceeding 3 months, or to a fine not exceeding \$100,000, or both.

**44 Prosecution and defence for strict liability offences**

- (1) In a prosecution for an offence against **section 41**, it is not necessary to prove that the defendant intended to commit the offence.
- (2) The defendant has a defence if the defendant proves—
- (a) that the defendant did not intend to commit the offence; and
  - (b) that,—
    - (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
    - (ii) in any case where it is alleged that anything prohibited was done, the defendant took all reasonable steps to ensure that it was not done.

**45 Liability of director or manager of body corporate**

- (1) This section applies when a body corporate is convicted of an offence against this Act.
- (2) A director or manager of the body corporate is also guilty of the offence if it is proved that the director or manager—
- (a) authorised, permitted, consented to, or participated in the act or omission that constituted the offence; or
  - (b) knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

**46 Time for filing charging document**

Despite section 25 of the Criminal Procedure Act 2011, no charging document may be filed in respect of an offence under this Act after the date that is 12 months after the date on which the offence was committed.

*Infringement offences*

**47 Infringement offences**

- (1) A person must not—
- (a) undertake a prohibited activity within a seafloor protection area contrary to **section 14 or 15**; or
  - (b) undertake a prohibited activity within a high protection area contrary to **section 18**; or

- (c) use, dispose of, or be in possession of, any fish, aquatic life, seaweed, or natural material that has been removed from a protected area in contravention of **section 14, 15, or 18**.
- (2) A person who contravenes **subsection (1)** commits an infringement offence and is liable to—
  - (a) an infringement fee of the amount prescribed in the regulations; or
  - (b) a fine imposed by a court not exceeding the amount prescribed in the regulations.

#### **49 Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may—
  - (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
  - (b) be issued with an infringement notice under **section 51**.
- (2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.
- (3) See section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

#### **50 Who may issue infringement notices**

The Director-General may, in writing, authorise a ranger to issue infringement notices under this Act.

#### **51 When infringement notice may be issued**

A ranger authorised under **section 50** may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

#### **52 Revocation of infringement notice before payment made**

- (1) The ranger may revoke an infringement notice before—
  - (a) the infringement fee is paid; or
  - (b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.
- (2) The ranger must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.
- (3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 49(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter.

**53 What infringement notice must contain**

An infringement notice must be in the form prescribed in the regulations and must contain the following particulars:

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:
- (b) the amount of the infringement fee:
- (c) the address of the ~~place where the infringement fee may be paid~~ enforcement authority:
- (d) how the infringement fee may be paid:
- (e) the time within which the infringement fee must be paid:
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:
- (g) a statement that the person served with the notice has a right to request a hearing:
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:
- (i) any other matters prescribed in the regulations.

**54 How infringement notice may be served**

- (1) An infringement notice (or a copy of it) may be served on the person who the ranger believes is committing or has committed the infringement offence by—
  - (a) delivering it to the person; or
  - (b) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business.
- (2) An infringement notice (or a copy of it) sent by post to a person under **subsection (1)(b)** is to be treated as having been served on the person when it was posted.

**55 Payment of infringement fees**

All infringement fees paid for infringement offences must be paid into a Crown Bank Account.

**56 Reminder notices**

A reminder notice must be in the form prescribed in the regulations and must include the same particulars, or substantially the same particulars, as the infringement notice.

*Removal of structures***57 Removal of structures**

- (1) This section applies if the owner or occupier of a structure within a high protection area—
  - (a) constructs, alters, extends, removes, or demolishes the structure, or part of the structure, in contravention of this Act or the conditions of a permit granted under this Act; and
  - (b) in relation to a contravention specified in **paragraph (a)**,—
    - (i) commits an offence under this Act; or
    - (ii) is convicted of an offence under this Act; or
    - (iii) pays an infringement fee or pleads guilty or is found guilty of an infringement offence under this Act.
- (2) The Director-General or a ranger may, by notice in writing, require the owner or occupier of the structure to remove it or alter it at the owner's or occupier's cost within a period specified in the notice (being not less than 30 working days).
- (3) If the owner or occupier of the structure fails to comply with the notice issued under **subsection (2)**, the Director-General or ranger may give the owner or occupier 5 working days' notice in writing of their intention to remove or alter the structure.
- (4) On the expiry of the 5-working-day period the Director-General or ranger may, without further notice, remove or alter the structure.
- (5) The cost of the removal or alteration of the structure is a debt due to the Crown and may be recoverable by the department in a court of competent jurisdiction.

*Forfeiture***58 Forfeiture of property on conviction**

- (1) If a person is convicted of an offence against this Act, the following may be forfeited to the Crown by order of the court:
  - (a) any property used in the commission of the offence, including any vessel, vehicle, or other conveyance;
  - (b) any fish, aquatic life, seaweed, or natural material retained under **section 40(4)** to which the offence related;
  - (c) any proceeds from the sale of any fish, aquatic life, seaweed, or natural material retained or disposed of by the Director-General under **section 40(4)** to which the offence related.
- (2) A person must not be discharged without conviction for an offence against this Act unless the court considers that, in the circumstances of the offending, it would be unjust to make an order of forfeiture under **subsection (1)**.



- (3) Items that are forfeited to the Crown under **subsection (1)**—
  - (a) are forfeited to the Crown absolutely and without encumbrance; and
  - (b) may be disposed of as the Director-General thinks fit.

## **59 Forfeiture for infringement offence**

- (1) If an infringement notice is issued to a person for an infringement offence, any fish, aquatic life, seaweed, or natural material in respect of which the infringement offence is committed, and any proceeds from the sale of any fish, aquatic life, seaweed or natural material under **section 40**, is forfeited to the Crown when the earliest of the following occurs:
  - (a) the infringement fee for the offence is paid;
  - (b) a copy of a reminder notice for the infringement offence is filed, or a reminder notice is deemed to have been filed, in a court under section 21 of the Summary Proceedings Act 1957 before the close of the date that is 6 months after the date on which the offence is alleged to have been committed;
  - (c) the Director-General and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments;
  - (d) the person is found guilty of, or pleads guilty-~~of~~ to, the infringement offence.
- (2) A court may order that any property used in respect of the commission of an infringement offence (including, without limitation, a vessel or vehicle) be forfeited to the Crown if—
  - (a) proceedings for an infringement offence are commenced by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; and
  - (b) a person is found guilty of, or pleads guilty-~~of~~ to, the infringement offence.
- (3) Items that are forfeited to the Crown under this section—
  - (a) are forfeited to the Crown absolutely and without encumbrance; and
  - (b) may be disposed of as the Director-General thinks fit.

## **60 Interpretation of provisions relating to forfeited property**

In **sections 61 to 64**, unless the context otherwise requires,—

**forfeited property** means anything forfeited to the Crown under **section 58 or 59**

**interest** means a legal or an equitable interest in that forfeited property that existed at the time of the forfeiture, but does not include an interest (including

ownership) in a foreign vessel or foreign-owned New Zealand fishing vessel or foreign-operated fish carrier.

**61 Application for relief**

- (1) Within 10 working days after the date of any forfeiture under **section 58 or 59**, the Director-General must publicly notify—
  - (a) the details of the forfeited property; and
  - (b) the rights of persons to apply under this section.
- (2) A person claiming an interest in any forfeited property may, within 35 working days after the date of the forfeiture, apply to the District Court for relief from the effect of forfeiture on that interest.
- (3) An application under **subsection (2)** must include—
  - (a) a description of the forfeited property in which the interest is claimed; and
  - (b) details of the interest claimed, including whether it is—
    - (i) legal or equitable; or
    - (ii) by way of security, including details of the security arrangement; or
    - (iii) noted on any register; and
  - (c) an estimate of the value of the forfeited property and the claimed interest in it.

**62 Matters to be considered and determined by court**

- (1) The court must hear all applications in respect of the same property together, unless it considers that it would not be in the interests of justice to do so.
- (2) Before making a decision in respect of an application made under **section 61**, the court must—
  - (a) determine the matters set out in **subsection (3)**; and
  - (b) have regard to the matters set out in **subsection (4)**.
- (3) The court must determine—
  - (a) the value of the forfeited property, which is the amount that the property would realise if sold at public auction in New Zealand; and
  - (b) the nature, extent, and, if possible, value of the applicant's interest in the property; and
  - (c) the cost to the ~~Department~~ department of—
    - (i) the prosecution of the offence or the pursuance of the infringement offence which resulted in the forfeiture; and
    - (ii) the seizure and holding, and anticipated cost of disposal, of the forfeited property; and

- (iii) any court proceedings in respect of the seizure, holding, and disposal.
- (4) The court must have regard to—
  - (a) the purpose of this Act; and
  - (b) the effect of the offence from which the forfeiture arose on—
    - (i) the seafloor protection area or high protection area; and
    - (ii) the people who use the seafloor protection area or high protection area; and
  - (c) the type of offending from which the forfeiture arose, including—
    - (i) the prevalence of the offending; and
    - (ii) the effect of the type of offending on the seafloor protection area or high protection area; and
    - (iii) the effect of the type of offending on the people who use the seafloor protection area or high protection area; and
  - (d) any history of offending of the persons from whose convictions (if any) the forfeiture arose; and
  - (e) the social and economic effects on the owner of the forfeited property, and their employees, of non-release of the forfeited property; and
  - (f) any economic benefits, actual or potential, to the owner of the forfeited property through the commission of the offence; and
  - (g) the costs determined under **subsection (3)(c)**; and
  - (h) any other matters the court considers relevant.

### **63 Decision of court on application**

- (1) The court may make an order or orders providing relief (in whole or in part) from the effect of forfeiture on any of the interests determined under **section 62(3)**.
- (2) However, the court may make an order under **subsection (1)** only if it is necessary to avoid manifest injustice.
- (4) An order made under **subsection (1)** may, without limiting that subsection, order 1 or more of the following:
  - (a) the retention of the forfeited property by the Crown;
  - (b) the return of some or all of the forfeited property to the owner at the time of forfeiture, with or without the prior payment to the Crown of a sum of money;
  - (c) the sale of some or all of the forfeited property, with directions as to the manner of sale and dispersal of proceeds;
  - (d) the delivery of some or all of the forfeited property to a person with an interest in the property, with or without directions as to payment of

a sum of money to specified persons (including the Crown) before that delivery:

- (e) the reinstatement (despite the forfeiture) of any interest that was forfeited or cancelled as a result of a forfeiture.

#### **64 Other matters relating to forfeiture**

- (1) **Sections 61 to 63** do not require the Crown to pay, or secure the payment of, any sum of money to any person claiming an interest in forfeited property, other than the net proceeds of sale of forfeited property under a court order made under **section 63**.
- (2) For the purpose of assisting the court in determining any application for relief, the Director-General and any employee or agent of the ~~Department~~department are entitled to appear before the court and be heard.
- (3) Any forfeiture under **section 58 or 59**, or any payment of a sum of money or delivery of property under **section 63(1)** to persons claiming an interest, must be in addition to, and not in substitution for, any other penalty that may be imposed by the court or by this Act.

### Subpart 3—Regulations, review, and consequential amendments

#### *Regulations*

#### **65 General regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
  - (a) providing for anything this Act says may or must be provided for by regulations:
  - (c) providing for the management of protected areas, including (without limitation) regulating—
    - (i) access to protected areas:
    - (ii) visitor effects on protected areas:
    - (iii) anchoring within protected areas:
    - (iv) health and safety matters within protected areas:
  - (e) prescribing penalties for infringement offences under this Act, which,—
    - (i) in the case of infringement fees, must not be more than \$1,000; and
    - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:
  - (f) prescribing offences for a breach of the regulations and maximum fines for those offences not exceeding \$2,500:

- (g) prescribing infringement offences for a breach of the regulations and prescribing for those offences—
    - (i) infringement fees, which must not be more than \$1,000; and
    - (ii) maximum fines, which must not be more than twice the amount of the infringement fee for the offence:
  - (h) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (1A) Before recommending the making of regulations under **subsection (1)(c)**, the Minister must be satisfied that, if consultation with any person affected by the proposed regulations is appropriate, sufficient consultation with that person or their representative has occurred.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**66 Regulations for biodiversity objectives and associated restrictions**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that provide for—
- (a) the setting of biodiversity objectives for each seafloor protection areas and high protection ~~areas~~ area; and
  - (b) the regulation of activities occurring within high protection areas (~~including except~~ the regulation of customary fishing) as reasonably necessary to give effect to the biodiversity objectives.
- (2) The Minister must not make a recommendation under **subsection (1)** unless the Minister is satisfied that—
- (a) ~~has consulted the Minister responsible for the administration of the Fisheries Act 1996; and~~
  - (b) ~~is satisfied that~~ the proposals for regulations—
    - (i) were developed ~~collaboratively~~ in consultation with ~~whānau, hapū, and iwi~~ that exercise kaitiakitanga in the relevant seafloor protection area or high protection area; and
    - (ii) are based on the best available information, including mātauranga Māori; and
    - (iii) ~~if the proposals relate to the regulation of customary fishing, impose any restrictions on customary fishing only to the minimum extent reasonably necessary to give effect to the biodiversity objectives; and~~
  - (c) ~~is satisfied that~~, if consultation with any person affected by the proposed regulations is appropriate, sufficient consultation with that person or their representative has occurred.

- (2A) Regulations that set biodiversity objectives for each seafloor protection area and high protection area must be made under **subsection (1)(a)** no later than 2 years after the commencement of this Act.
- (3) Regulations made under **subsection (1)(b)** may provide for all or any of the following:
- (a) restrictions relating to when activities may occur:
  - (b) restrictions relating to how activities may occur:
  - (c) reporting requirements relating to activities:
  - (d) any other restrictions or requirements that the Minister considers necessary to give effect to the biodiversity objectives.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**67 Regulations for additional management actions in high protection areas**

- (1) ~~The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that provide for additional management actions in relation to activities that occur within high protection areas (including customary fishing).~~
- (2) ~~Before making a recommendation under **subsection (1)**, the Minister must be satisfied that—~~
- ~~(a) biodiversity objectives and associated restrictions have been established by regulations made under **section 66** in relation to the high protection area; and~~
  - ~~(b) there is evidence that the restrictions are not sufficient to achieve the biodiversity objectives; and~~
  - ~~(c) the additional management actions are necessary to achieve the biodiversity objectives.~~
- (3) ~~The Minister must not make a recommendation under **subsection (1)** unless the Minister is satisfied that the following persons have been consulted on the additional management actions:~~
- ~~(a) the Minister responsible for the administration of the Fisheries Act 1996;~~
  - ~~(b) whānau, hapū, and iwi that exercise kaitiakitanga in the high protection area.~~
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

**67 Regulations for restrictions and conditions that apply to authorised persons undertaking ring net fishing**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister and the Minister responsible for administration of the Fisheries

Act 1996, make regulations that prescribe restrictions and conditions that apply to an authorised person undertaking ring net fishing in accordance with **section 19A**.

- (2) Regulations made under **subsection (1)**—
- (a) must provide for—
- (i) restrictions relating to the period when an authorised person may undertake ring net fishing, which may be any period of time during the period starting on 1 March and ending on 31 August of each year only; and
- (ii) restrictions relating to the species of fish that an authorised person may target, which may be all or any of the following species only:
- (A) kahawai:
- (B) grey mullet:
- (C) trevally:
- (b) may provide for any other restrictions or conditions that apply to an authorised person undertaking ring net fishing that the Ministers consider necessary.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Review of seafloor protection areas, high protection areas, and ring net fishing provisions*

**68 Ministerial review of seafloor protection areas and high protection areas**

- (1) The Minister and the Minister responsible for the administration of the Fisheries Act 1996 must review the operation, effectiveness, and management of each of the following that are in place at the time of the review:
- (a) the seafloor protection areas declared under **section 13**:
- (b) the high protection areas declared under **section 17**.
- (2) A review must be initiated—
- (a) before the expiry of 25 years after the commencement of this Act; and
- (b) every 25 years after that; and
- (c) at any other time that the Ministers consider appropriate.
- (3) The Ministers must ensure that, as part of the review, there is reasonable opportunity for interested persons (including ~~whānau, hapū, and iwi~~ that exercise kaitiakitanga in any protected area subject to the review) to make submissions on the operation, effectiveness, and management of the seafloor protection areas and high protection areas specified in **subsection (1)**.
- (4) The Ministers must, within 2 years of the review being initiated,—

- (a) prepare a report on the review; and
- (b) present the report to the House of Representatives.

**68A Ministerial review of ring net fishing provisions**

- (1) In this section and **section 68B**, the ring net fishing provisions are—
  - (a) **section 19A**; and
  - (b) **section 67**, and any secondary legislation made under that section.
- (2) The Minister and the Minister responsible for the administration of the Fisheries Act 1996 must initiate a review of the operation of the ring net fishing provisions before the expiry of 3 years from the commencement of this Act.
- (3) The review must—
  - (a) assess—
    - (i) the costs and benefits of the ring net fishing provisions and, to the extent practicable, the fishing undertaken in reliance on those provisions; and
    - (ii) the effect of the ring net fishing provisions on the relevant high protection areas and any biodiversity objectives for those areas; and
  - (b) recommend whether the ring net fishing provisions should be—
    - (i) retained; or
    - (ii) amended; or
    - (iii) repealed.
- (4) The recommendation under **subsection (3)(b)** must be made within 1 year of the initiation of the review under **subsection (2)**.
- (5) The Ministers must ensure that, as part of the review, there is reasonable opportunity for interested persons (including Te Ohu Kai Moana) to make submissions on the operation of the ring net fishing provisions.
- (6) The Ministers may initiate 1 or more subsequent reviews of the operation of the ring net fishing provisions at any time after the conclusion of the review initiated under **subsection (2)**.
- (7) **Subsections (3) to (5)** apply, with all necessary modifications, to a subsequent review initiated under **subsection (6)**.
- (8) In this section, **Te Ohu Kai Moana** has the same meaning as in section 5(1) of the Maori Fisheries Act 2004.

**68B Order in Council repealing ring net fishing provisions**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister and the Minister responsible for the administration of the Fisheries Act 1996, repeal the ring net fishing provisions.



- 
- (2) The Ministers must not make a recommendation under **subsection (1)** unless—
- (a) the ring net fishing provisions have been reviewed in accordance with **section 68A**; and
  - (b) the Ministers have considered the recommendation presented to them under that review.
- (3) An order that repeals the ring net fishing provisions may consequentially repeal the following sections:
- (a) **section 68A:**
  - (b) this section.
- (4) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

*Consequential amendments*

**69 Consequential amendments**

Amend the legislation specified in **Schedule 5** as set out in that schedule.

**Schedule 1**  
**Transitional, savings, and related provisions**

**s 6**

**Part 1**  
**Provisions relating to this Act as enacted**

There are no transitional, savings, or related provisions in this Act as enacted.

## Schedule 2 Marine reserves

s 10

### *Cape Rodney-Okakari Point Extension Marine Reserve*

#### **Name of marine reserve**

Cape Rodney-Okakari Point Extension Marine Reserve

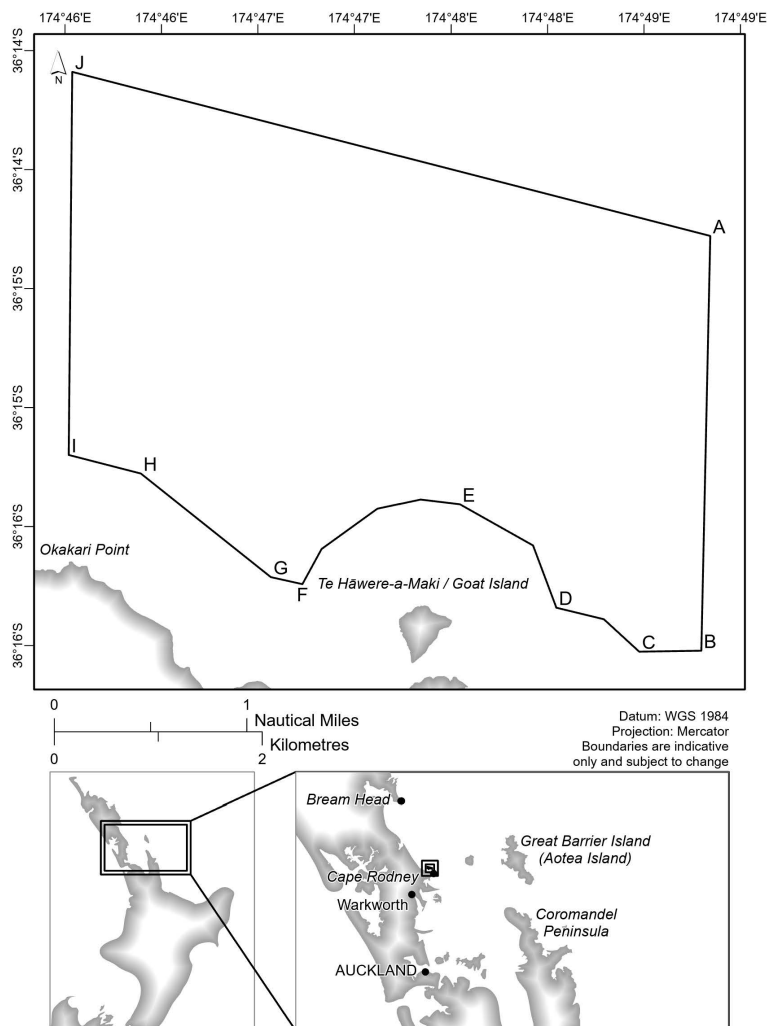
#### **Description of marine reserve**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°14.278'S and 174°49.344'E; and
- (b) **B** is the point at 36°16.021'S and 174°49.297'E; and
- (c) **C** is the point at 36°16.025'S and 174°48.975'E; and
- (d) **D** is the point at 36°15.841'S and 174°48.546'E; and
- (e) **E** is the point at 36°15.406'S and 174°48.046'E; and
- (f) **F** is the point at 36°15.742'S and 174°47.231'E; and
- (g) **G** is the point at 36°15.712'S and 174°47.068'E; and
- (h) **H** is the point at 36°15.277'S and 174°46.393'E; and
- (i) **I** is the point at 36°15.199'S and 174°46.019'E; and
- (j) **J** is the point at 36°13.589'S and 174°46.038'E.

### Indicative map

For reference, Cape Rodney-Okakari Point Extension Marine Reserve is indicated on the map, but the description overrides the map if they conflict.



### *Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve*

#### **Name of marine reserve**

Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve

#### **Description of marine reserve**

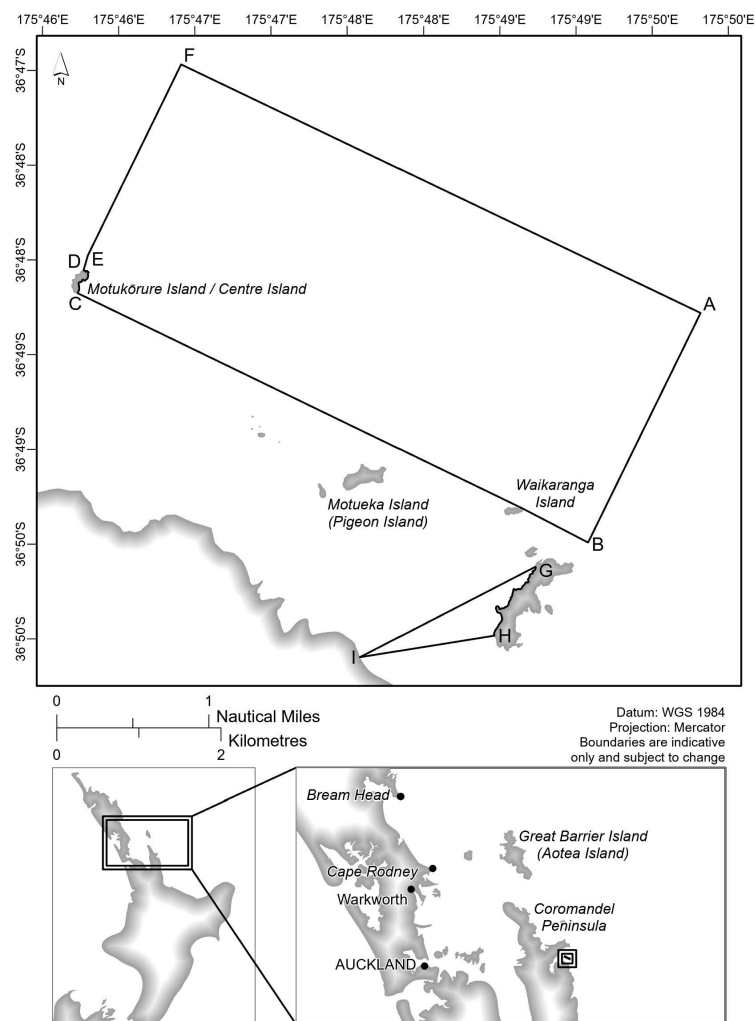
The area marked on the indicative map, where—

- (a) **A** is the point at 36°48.280'S and 175°50.318'E; and
- (b) **B** is the point at 36°49.491'S and 175°49.579'E; and
- (c) **C** is the point at 36°48.174'S and 175°46.229'E; and
- (d) **D** is the point at 36°48.055'S and 175°46.269'E; and

- (e) **E** is the point at 36°47.976'S and 175°46.298'E; and
- (f) **F** is the point at 36°46.968'S and 175°46.910'E; and
- (g) **G** is the point at 36°49.620'S and 175°49.231'E; and
- (h) **H** is the point at 36°49.982'S and 175°48.964'E; and
- (i) **I** is the point at 36°50.096'S and 175°48.084'E.

### Indicative map

For reference, Te Whanganui-o-Hei / Cathedral Cove Extension Marine Reserve is indicated on the map, but the description overrides the map if they conflict.



**Schedule 3**  
**Seafloor protection areas**

**s 13**

*Cradock Channel Seafloor Protection Area*

**Name of seafloor protection area**

Cradock Channel Seafloor Protection Area

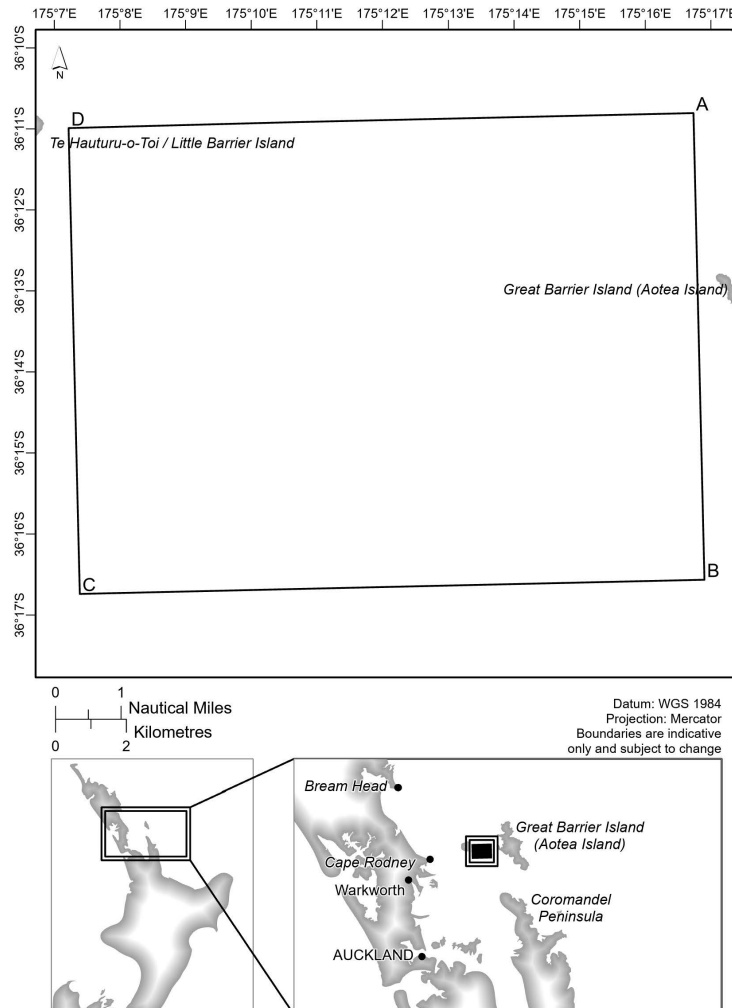
**Description of seafloor protection area**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°10.804'S and 175°16.735'E; and
- (b) **B** is the point at 36°16.564'S and 175°16.902'E; and
- (c) **C** is the point at 36°16.739'S and 175°07.388'E; and
- (d) **D** is the point at 36°10.990'S and 175°07.217'E.

### Indicative map

For reference, Cradock Channel Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Cape Colville Seafloor Protection Area*

### Name of seafloor protection area

Cape Colville Seafloor Protection Area

### Description of seafloor protection area

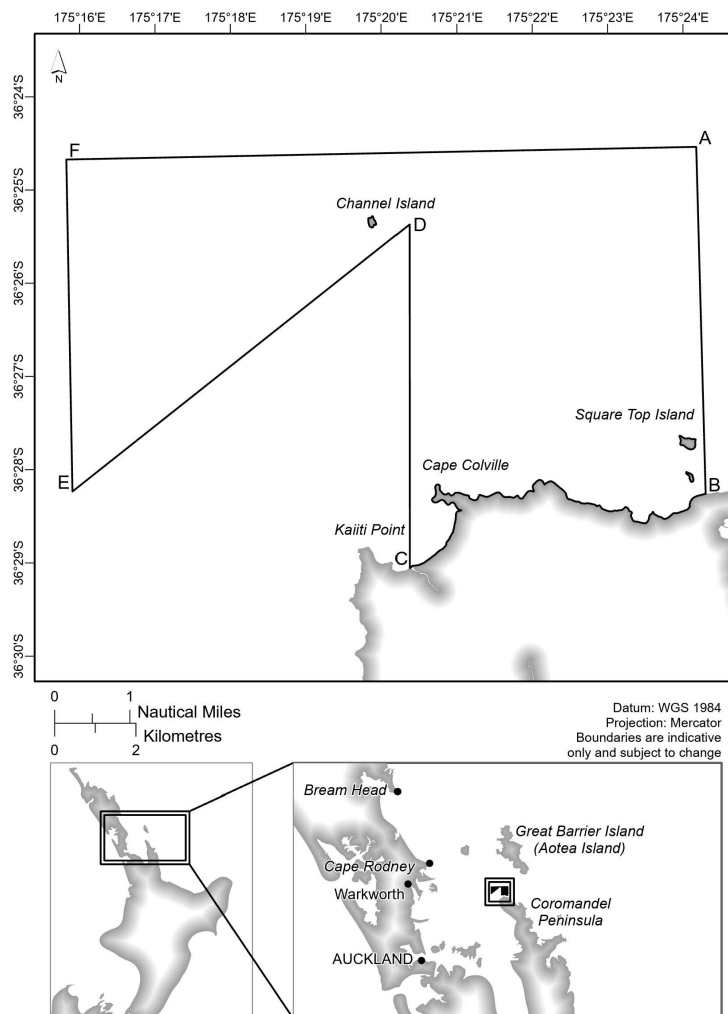
The area marked on the indicative map, where—

- (a) A is the point at 36°24.536'S and 175°24.176'E; and
- (b) B is the point at 36°28.260'S and 175°24.301'E; and
- (c) C is the point at 36°29.056'S and 175°20.377'E; and
- (d) D is the point at 36°25.369'S and 175°20.374'E; and

- (e) **E** is the point at 36°28.234'S and 175°15.906'E; and
- (f) **F** is the point at 36°24.672'S and 175°15.825'E.

### Indicative map

For reference, the Cape Colville Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Mokohīnau Islands Seafloor Protection Area*

### Name of seafloor protection area

Mokohīnau Islands Seafloor Protection Area

### Description of seafloor protection area

The area marked on the indicative map, where—

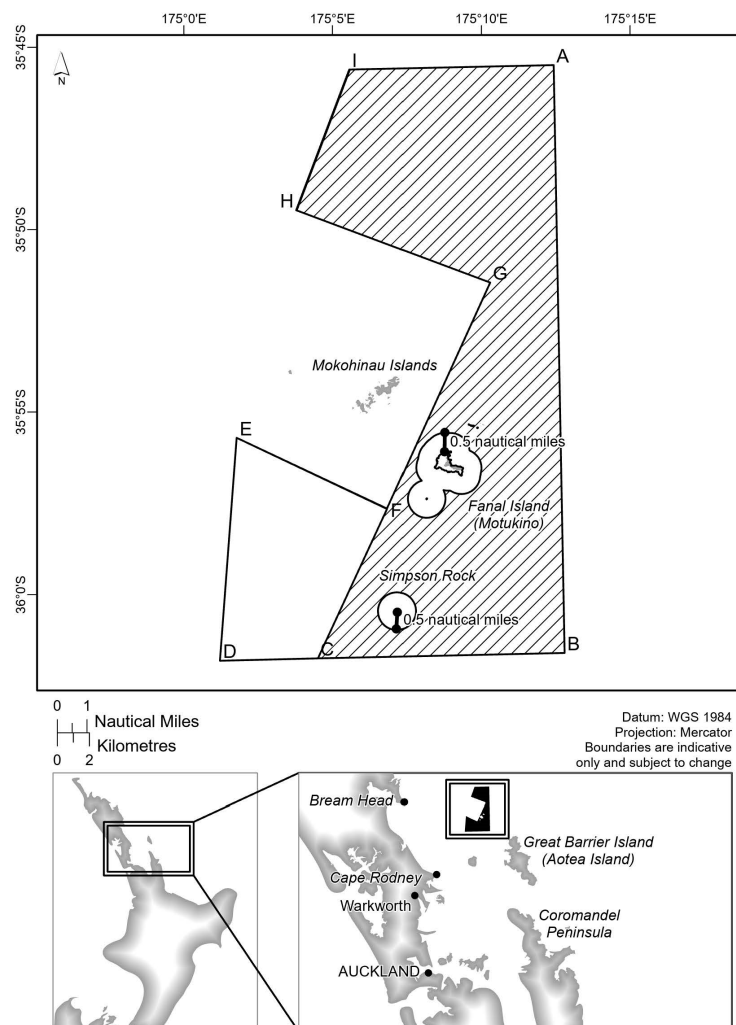
- (a) **A** is the point at 35°45.488'S and 175°12.432'E; and
- (b) **B** is the point at 36°01.594'S and 175°12.800'E; and



- (c) **C** is the point at 36°01.743'S and 175°04.512'E; and
- (d) **D** is the point at 36°01.799'S and 175°01.231'E; and
- (e) **E** is the point at 35°55.710'S and 175°01.790'E; and
- (f) **F** is the point at 35°57.643'S and 175°06.835'E; and
- (g) **G** is the point at 35°51.453'S and 175°10.296'E; and
- (h) **H** is the point at 35°49.469'S and 175°03.781'E; and
- (i) **I** is the point at 35°45.611'S and 175°05.567'E.

### Indicative map

For reference, the Mokohinau Islands Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Kawau Bay Seafloor Protection Area*

**Name of seafloor protection area**

Kawau Bay Seafloor Protection Area

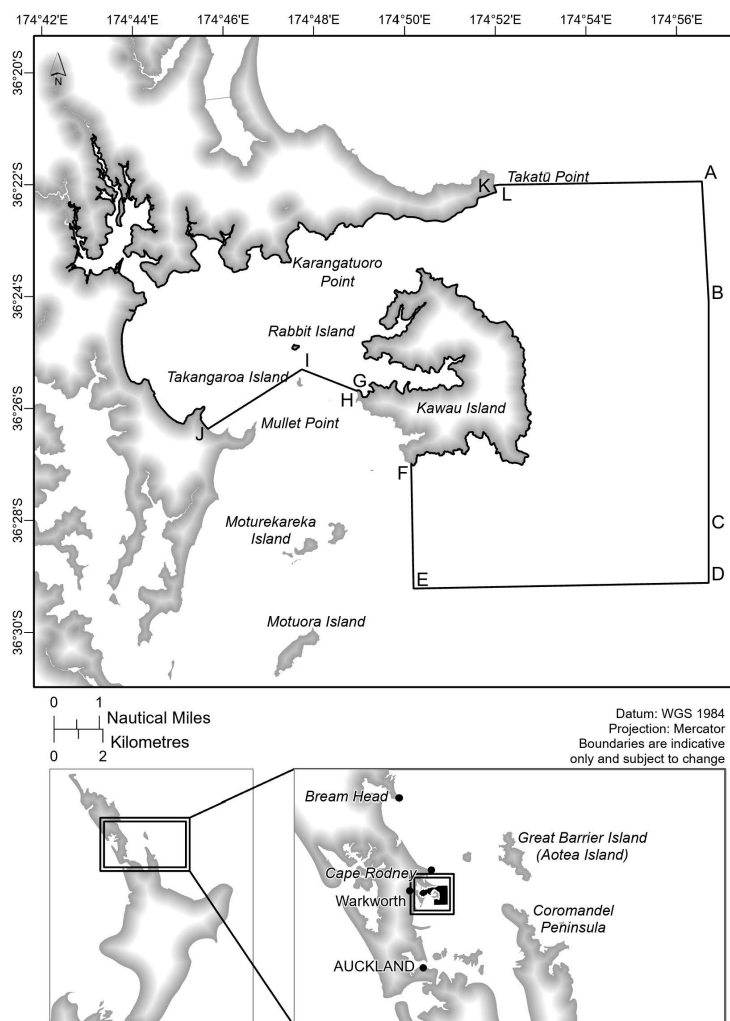
**Description of seafloor protection area**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°21.941'S and 174°56.561'E; and
- (b) **B** is the point at 36°24.091'S and 174°56.712'E; and
- (c) **C** is the point at 36°28.191'S and 174°56.712'E; and
- (d) **D** is the point at 36°29.114'S and 174°56.712'E; and
- (e) **E** is the point at 36°29.216'S and 174°50.197'E; and
- (f) **F** is the point at 36°26.983'S and 174°50.144'E; and
- (g) **G** is the point at 36°25.688'S and 174°48.950'E; and
- (h) **H** is the point at 36°25.681'S and 174°48.942'E; and
- (i) **I** is the point at 36°25.301'S and 174°47.742'E; and
- (j) **J** is the point at 36°26.363'S and 174°45.672'E; and
- (k) **K** is the point at 36°22.013'S and 174°51.977'E; and
- (l) **L** is the point at 36°22.000'S and 174°52.086'E.

### Indicative map

For reference, the Kawau Bay Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Tiritiri Matangi Seafloor Protection Area*

#### Name of seafloor protection area

Tiritiri Matangi Seafloor Protection Area

#### Description of seafloor protection area

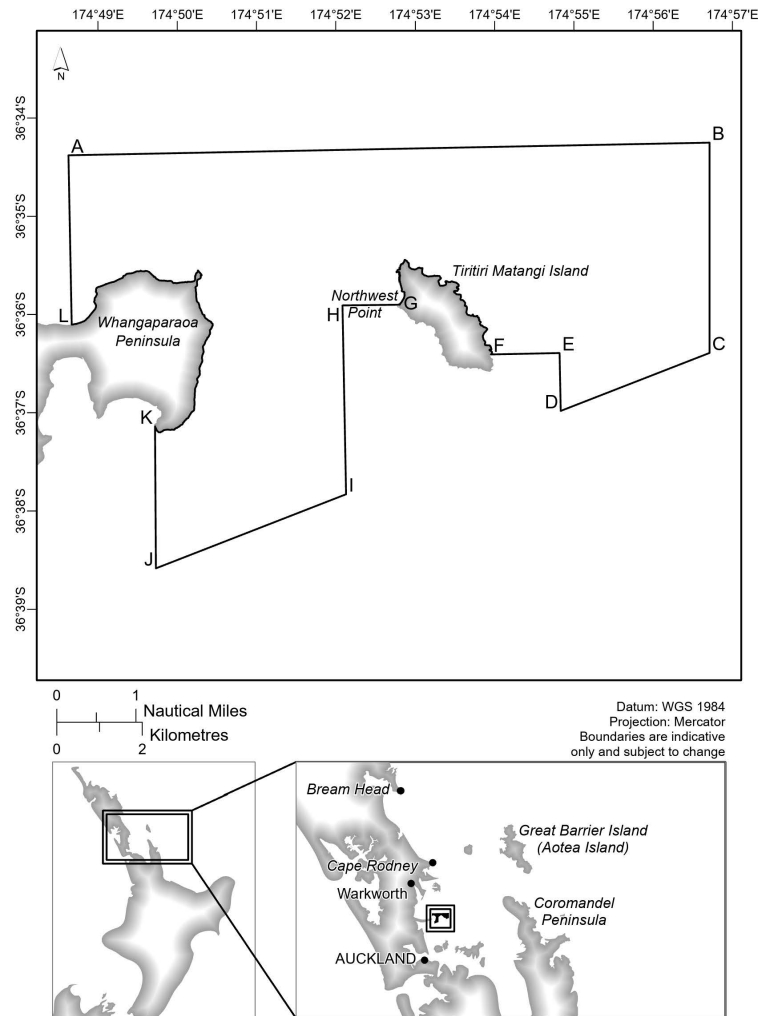
The area marked on the indicative map, where—

- (a) **A** is the point at 36°34.379'S and 174°48.628'E; and
- (b) **B** is the point at 36°34.250'S and 174°56.712'E; and
- (c) **C** is the point at 36°36.391'S and 174°56.712'E; and
- (d) **D** is the point at 36°36.981'S and 174°54.834'E; and

- (e) **E** is the point at 36°36.392'S and 174°54.819'E; and
- (f) **F** is the point at 36°36.406'S and 174°53.952'E; and
- (g) **G** is the point at 36°35.900'S and 174°52.803'E; and
- (h) **H** is the point at 36°35.907'S and 174°52.085'E; and
- (i) **I** is the point at 36°37.829'S and 174°52.131'E; and
- (j) **J** is the point at 36°38.583'S and 174°49.731'E; and
- (k) **K** is the point at 36°37.138'S and 174°49.720'E; and
- (l) **L** is the point at 36°36.103'S and 174°48.665'E.

### Indicative map

For reference, the Tiritiri Matangi Seafloor Protection Area is indicated on the map, but the description overrides the map if they conflict.



## Schedule 4

### High protection areas

s 17

#### *Te Hauturu-o-Toi / Little Barrier Island High Protection Area*

##### **Name of high protection area**

Te Hauturu-o-Toi / Little Barrier Island High Protection Area

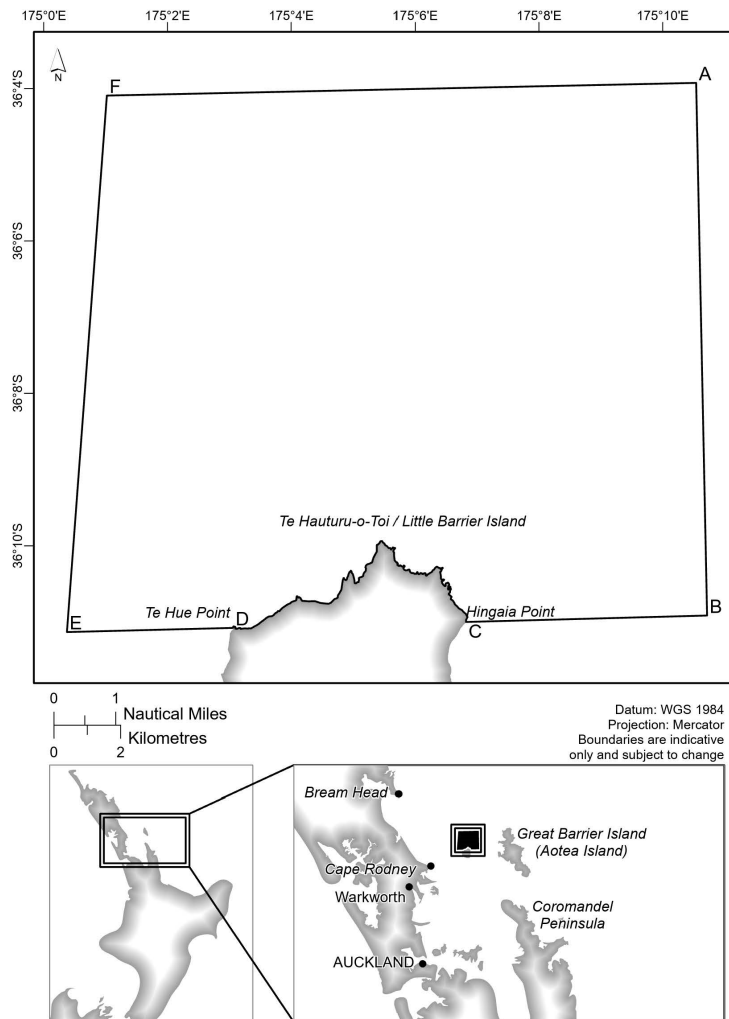
##### **Description of high protection area**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°03.924'S and 175°10.541'E; and
- (b) **B** is the point at 36°10.915'S and 175°10.718'E; and
- (c) **C** is the point at 36°10.998'S and 175°06.819'E; and
- (d) **D** is the point at 36°11.076'S and 175°03.059'E; and
- (e) **E** is the point at 36°11.130'S and 175°00.375'E; and
- (f) **F** is the point at 36°04.091'S and 175°01.021'E.

### Indicative map

For reference, the Te Hauturu-o-Toi / Little Barrier Island High Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Slipper Island / Whakahau High Protection Area*

#### Name of high protection area

Slipper Island / Whakahau High Protection Area

#### Description of high protection area

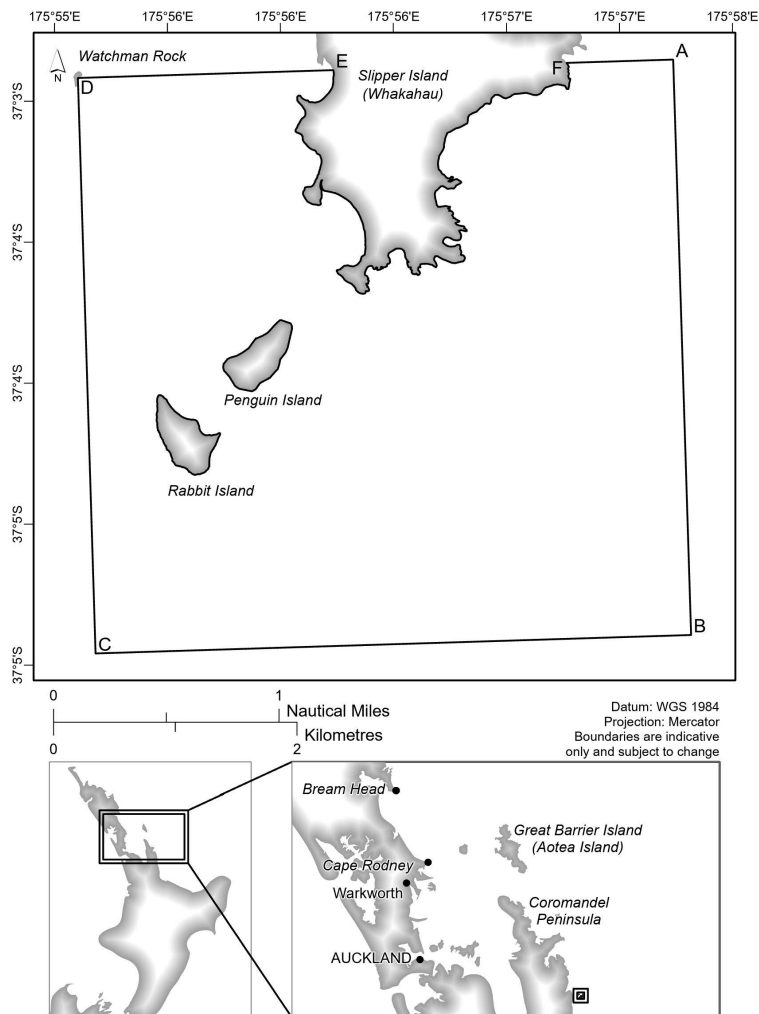
The area marked on the indicative map, where—

- (a) **A** is the point at 37°02.852'S and 175°57.738'E; and
- (b) **B** is the point at 37°04.893'S and 175°57.817'E; and
- (c) **C** is the point at 37°04.958'S and 175°55.182'E; and
- (d) **D** is the point at 37°02.917'S and 175°55.104'E; and

- (e) E is the point at 37°02.889'S and 175°56.234'E; and
- (f) F is the point at 37°02.864'S and 175°57.266'E.

### Indicative map

For reference, the Slipper Island / Whakahau High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Motukawao Islands High Protection Area*

### Name of high protection area

Motukawao Islands High Protection Area

### Description of high protection area

The area marked on the indicative map, where—

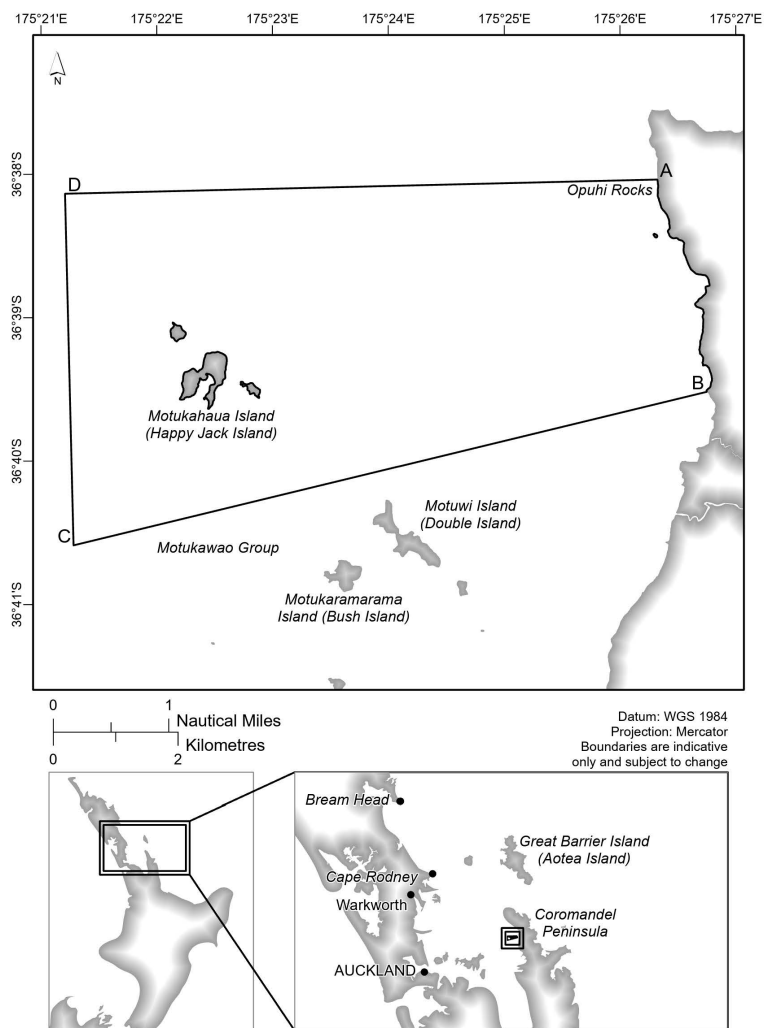
- (a) A is the point at 36°38.036'S and 175°26.323'E; and
- (b) B is the point at 36°39.517'S and 175°26.750'E; and



- (c) C is the point at 36°40.587'S and 175°21.281'E; and  
(d) D is the point at 36°38.135'S and 175°21.208'E.

### Indicative map

For reference, the Motukawao Islands High Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Pakatoa and Tarahiki / Shag Island High Protection Area*

#### **Name of high protection area**

Pakatoa and Tarahiki / Shag Island High Protection Area

#### **Description of high protection area**

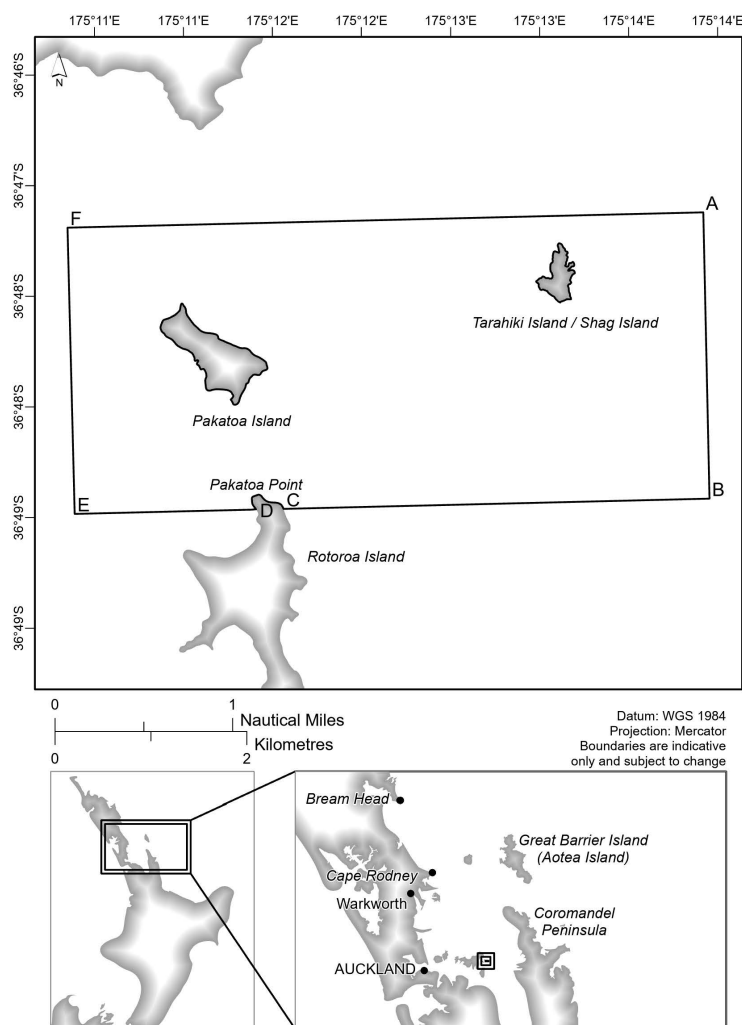
The area marked on the indicative map, where—

- (a) A is the point at 36°47.120'S and 175°14.420'E; and

- (b) **B** is the point at 36°48.414'S and 175°14.455'E; and
- (c) **C** is the point at 36°48.460'S and 175°12.063'E; and
- (d) **D** is the point at 36°48.463'S and 175°11.909'E; and
- (e) **E** is the point at 36°48.483'S and 175°10.889'E; and
- (f) **F** is the point at 36°47.189'S and 175°10.849'E.

### Indicative map

For reference, the Pakatoa and Tarahiki / Shag Island High Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Rangitoto and Motutapu High Protection Area*

#### **Name of high protection area**

Rangitoto and Motutapu High Protection Area

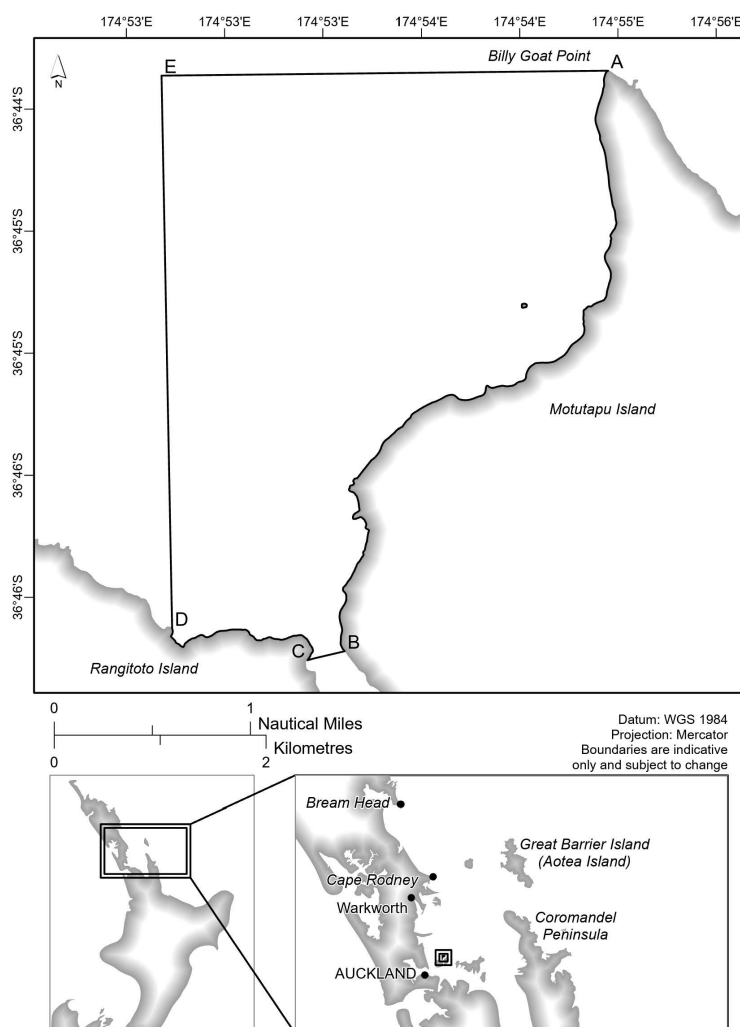
### Description of high protection area

The area marked on the indicative map, where—

- (a) **A** is the point at 36°43.842'S and 174°54.950'E; and
- (b) **B** is the point at 36°46.221'S and 174°53.612'E; and
- (c) **C** is the point at 36°46.257'S and 174°53.422'E; and
- (d) **D** is the point at 36°46.127'S and 174°52.733'E; and
- (e) **E** is the point at 36°43.862'S and 174°52.679'E.

### Indicative map

For reference, the Rangitoto and Motutapu High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Cape Colville High Protection Area*

**Name of high protection area**

Cape Colville High Protection Area

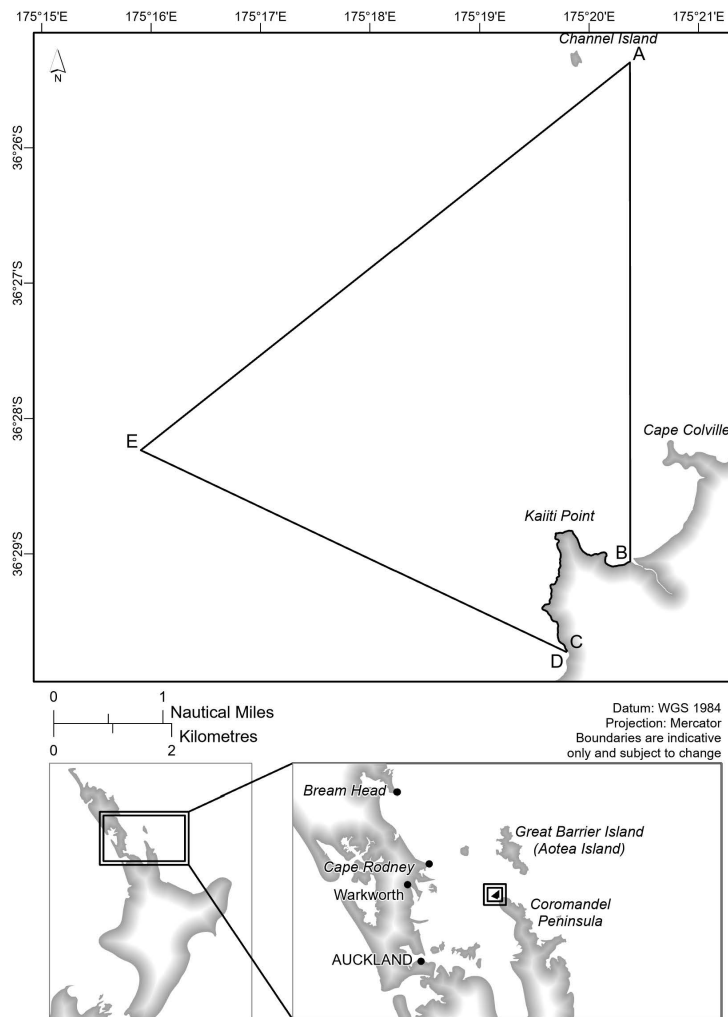
**Description of high protection area**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°25.369'S and 175°20.374'E; and
- (b) **B** is the point at 36°29.056'S and 175°20.377'E; and
- (c) **C** is the point at 36°29.715'S and 175°19.798'E; and
- (d) **D** is the point at 36°29.723'S and 175°19.791'E; and
- (e) **E** is the point at 36°28.234'S and 175°15.906'E.

### Indicative map

For reference, the Cape Colville High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Mokohītau Islands High Protection Area*

### Name of high protection area

Mokohītau Islands High Protection Area

### Description of high protection area

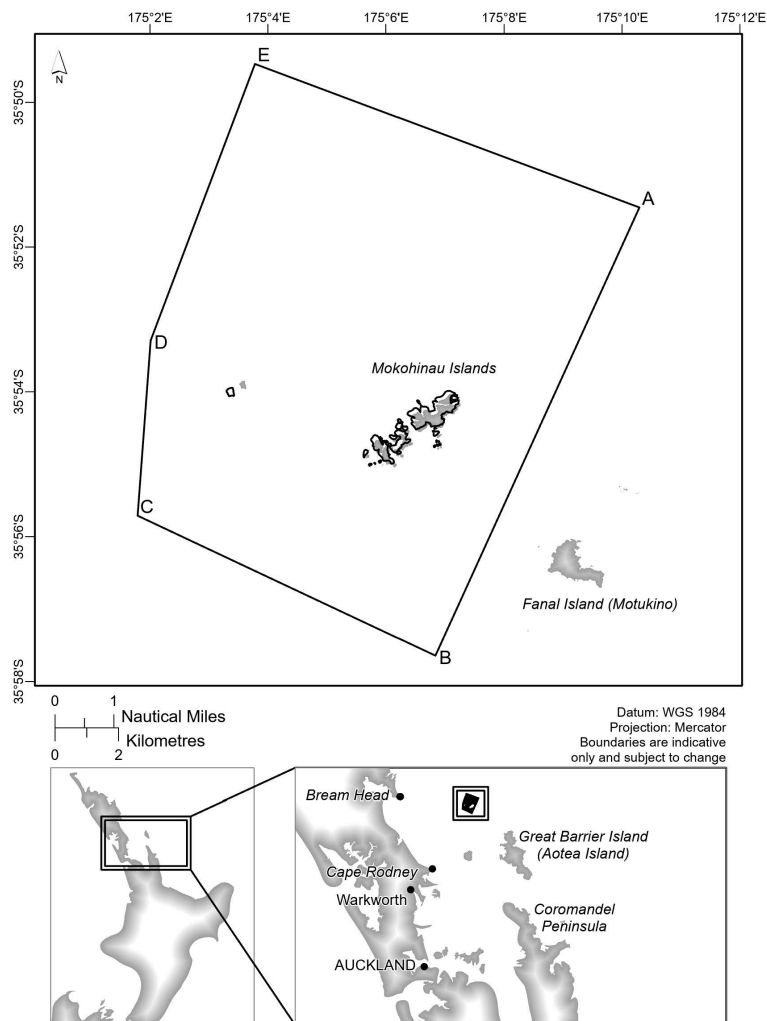
The area marked on the indicative map, where—

- (a) A is the point at 35°51.453'S and 175°10.296'E; and
- (b) B is the point at 35°57.643'S and 175°06.835'E; and
- (c) C is the point at 35°55.710'S and 175°01.790'E; and
- (d) D is the point at 35°53.290'S and 175°02.011'E; and

(e) E is the point at 35°49.469'S and 175°03.781'E.

### Indicative map

For reference, the Mokohīnau Islands High Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Aldermen Islands / Te Ruamahua (north) High Protection Area*

#### **Name of high protection area**

Aldermen Islands / Te Ruamahua (north) High Protection Area

#### **Description of high protection area**

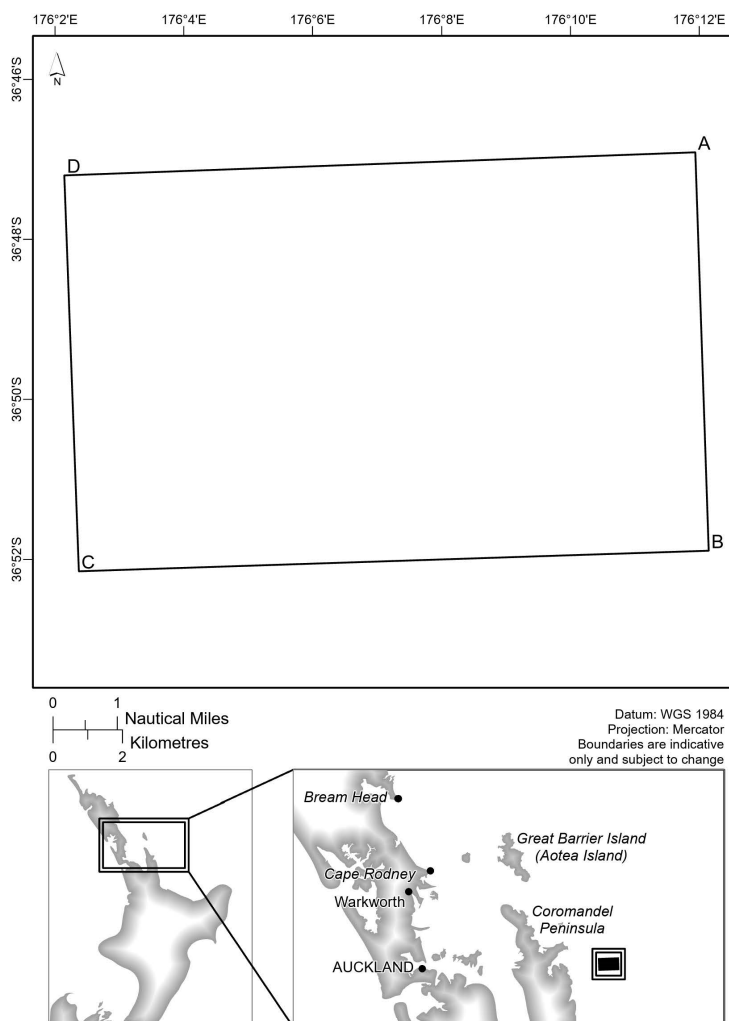
The area marked on the indicative map, where—

- (a) A is the point at 36°46.912'S and 176°11.939'E; and
- (b) B is the point at 36°51.891'S and 176°12.147'E; and
- (c) C is the point at 36°52.148'S and 176°02.370'E; and

(d) **D** is the point at 36°47.201'S and 176°02.144'E.

### Indicative map

For reference, the Aldermen Islands / Te Ruamahua (north) High Protection Area is indicated on the map, but the description overrides the map if they conflict.



### *Aldermen Islands / Te Ruamahua (south) High Protection Area*

#### **Name of high protection area**

Aldermen Islands / Te Ruamahua (south) High Protection Area

#### **Description of high protection area**

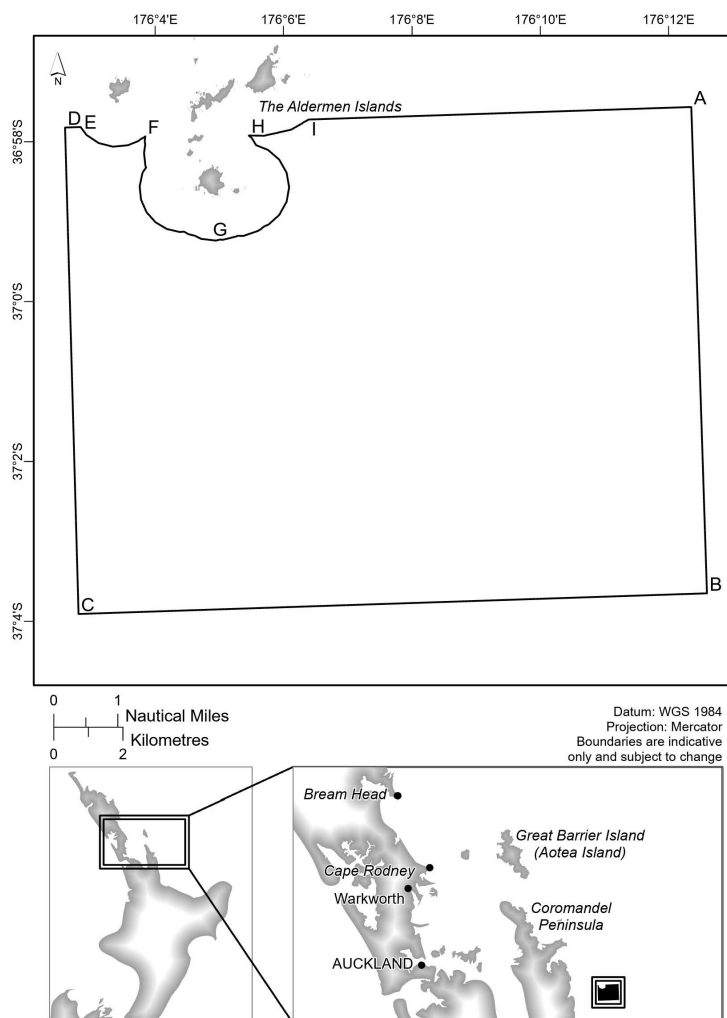
The area marked on the indicative map, where—

- (a) **A** is the point at 36°57.564'S and 176°12.354'E; and
- (b) **B** is the point at 37°03.649'S and 176°12.598'E; and
- (c) **C** is the point at 37°03.908'S and 176°02.806'E; and

- (d) **D** is the point at 36°57.821'S and 176°02.596'E; and
- (e) **E** is the point at 36°57.815'S and 176°02.838'E; and
- (f) **F** is the point at 36°57.932'S and 176°03.847'E; and
- (g) **G** is the point at 36°59.224'S and 176°05.013'E; and
- (h) **H** is the point at 36°57.921'S and 176°05.462'E; and
- (i) **I** is the point at 36°57.721'S and 176°06.396'E.

**Indicative map**

For reference, the Aldermen Islands / Te Ruamahua (south) High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Kawau Bay High Protection Area*

**Name of high protection area**

Kawau Bay High Protection Area



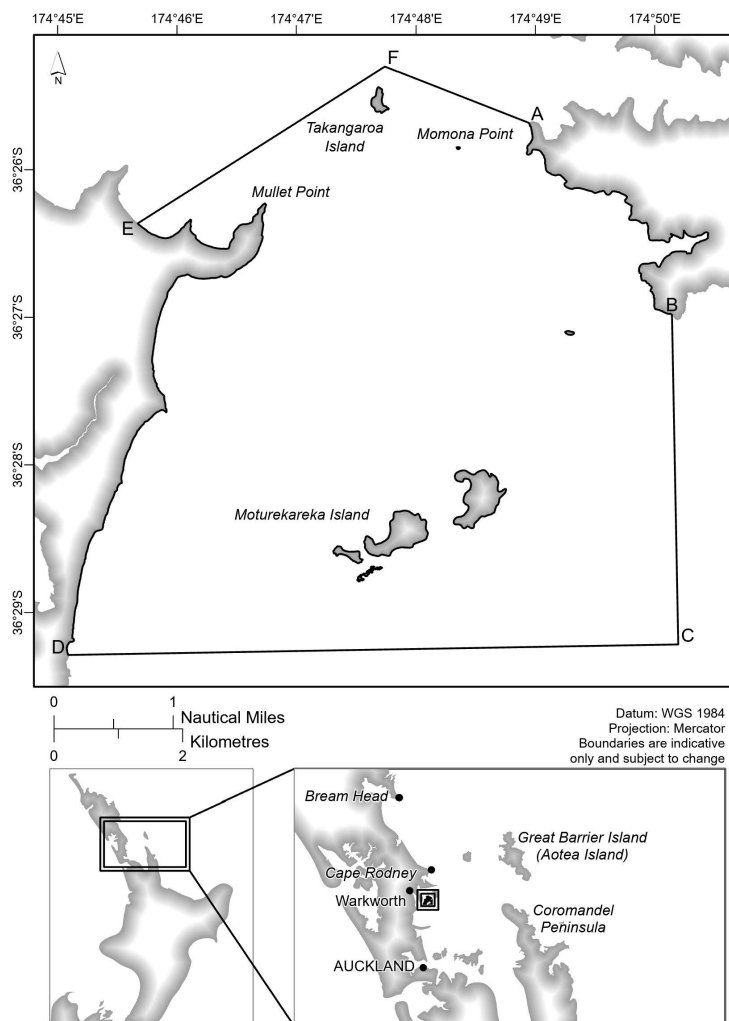
**Description of high protection area**

The area marked on the indicative map, where—

- (a) **A** is the point at 36°25.681'S and 174°48.942'E; and
- (b) **B** is the point at 36°26.983'S and 174°50.144'E; and
- (c) **C** is the point at 36°29.216'S and 174°50.197'E; and
- (d) **D** is the point at 36°29.287'S and 174°45.090'E; and
- (e) **E** is the point at 36°26.363'S and 174°45.672'E; and
- (f) **F** is the point at 36°25.301'S and 174°47.742'E.

### Indicative map

For reference, the Kawau Bay High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*Tiritiri Matangi High Protection Area*

### Name of high protection area

Tiritiri Matangi High Protection Area

### Description of high protection area

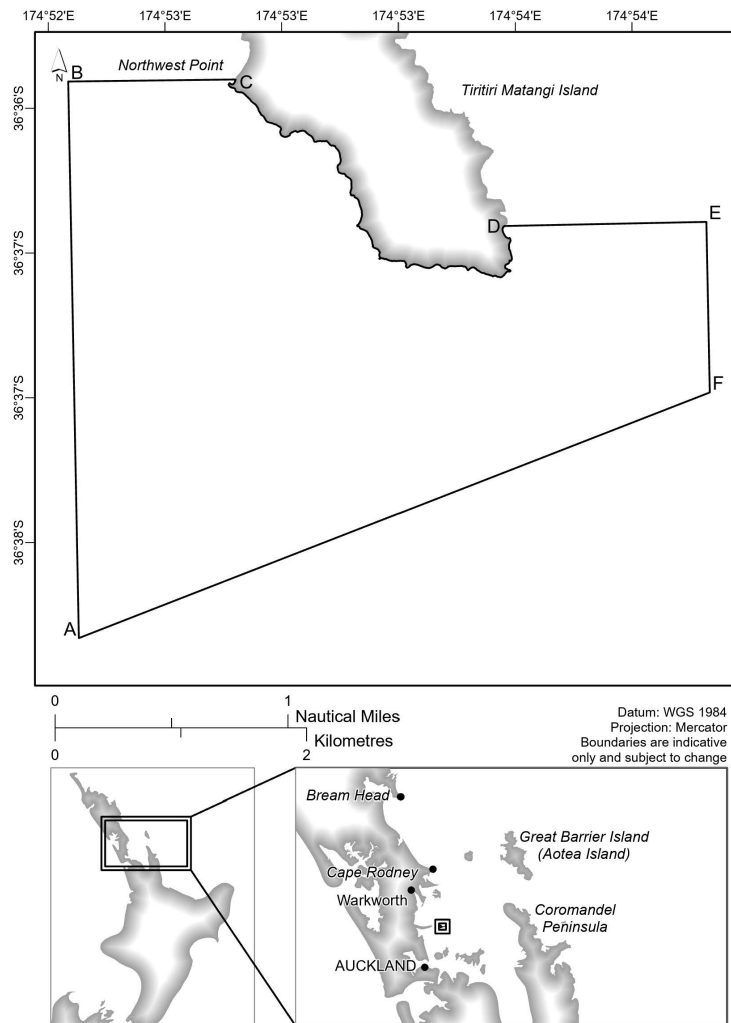
The area marked on the indicative map, where—

- (a) **A** is the point at 36°37.829'S and 174°52.131'E; and
- (b) **B** is the point at 36°35.907'S and 174°52.085'E; and
- (c) **C** is the point at 36°35.900'S and 174°52.803'E; and
- (d) **D** is the point at 36°36.406'S and 174°53.952'E; and

- (e) E is the point at 36°36.392'S and 174°54.819'E; and
- (f) F is the point at 36°36.981'S and 174°54.834'E.

**Indicative map**

For reference, the Tiritiri Matangi High Protection Area is indicated on the map, but the description overrides the map if they conflict.



*The Noises High Protection Area*

**Name of high protection area**

The Noises High Protection Area

**Description of high protection area**

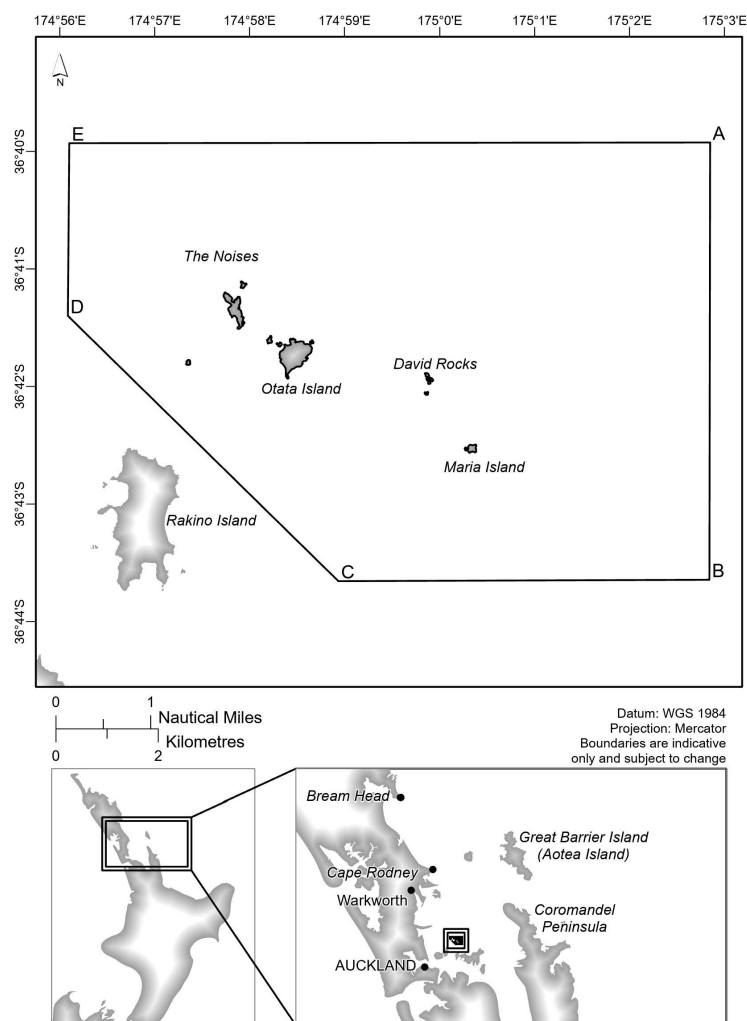
The area marked on the indicative map, where—

- (a) A is the point at 36°39.924'S and 175°02.849'E; and

- (b) **B** is the point at 36°43.643'S and 175°02.842'E; and
- (c) **C** is the point at 36°43.655'S and 174°58.936'E; and
- (d) **D** is the point at 36°41.399'S and 174°56.085'E; and
- (e) **E** is the point at 36°39.930'S and 174°56.100'E.

### Indicative map

For reference, The Noises High Protection Area is indicated on the map, but the description overrides the map if they conflict.



## Schedule 5 Consequential amendments

s 69

### Part 1 Amendments to Acts

#### Crown Minerals Act 1991 (1991 No 70)

In Schedule 4, after item 14, insert:

- 15 All high protection areas declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.
- 16 All seafloor protection areas declared by **section 13** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

#### Environment Act 1986 (1986 No 127)

In the Schedule, insert in its appropriate alphabetical order:

Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**

#### Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

After section 7(2)(g), insert:

(gaaa) Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**:

#### Hauraki Gulf Marine Park Act 2000 (2000 No 1)

After section 33(2)(h), insert:

- (i) all high protection areas declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**;
- (j) all seafloor protection areas declared by **section 13** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.

In section 37(1), replace “marine reserve,” with “a marine reserve, a high protection area, a seafloor protection area.”

After section 40(a), insert:

- (aa) remove any seafloor protection area or high protection area from the Park; or

In Schedule 1, insert in its appropriate alphabetical order:

Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**

#### Search and Surveillance Act 2012 (2012 No 24)

In the Schedule, after the item relating to section 95 of the Geographical Indications Registration Act 2006, insert:

**Search and Surveillance Act 2012 (2012 No 24)—continued**

Hauraki Gulf / Tīkapa Moana Marine Protection Act <b>2023</b>	<b>38(2)</b>	Ranger may, for the purposes of monitoring compliance with the Hauraki Gulf / Tīkapa Moana Marine Protection Act <b>2023</b> and any requirements imposed by that Act, require a person to stop, or to stop any vehicle, vessel, or conveyance in that person's control, to answer any questions reasonably necessary to establish whether the person is complying with that Act, and to produce certain documents	All (except subpart 3)
	<b>39(2) and (3)</b>	Ranger may stop, enter, and search any vehicle, vessel, aircraft, or structure, or open and search any parcel package, container, or luggage, in the control of a person, and may exercise certain powers of seizure, if the ranger reasonably believes that the person has committed an offence against the Hauraki Gulf / Tīkapa Moana Marine Protection Act <b>2023</b>	All (except subpart 3)
	<b>40(2) and (4)</b>	Ranger may exercise certain seizure powers in relation to fish, aquatic life, seaweed, or natural material if the ranger sights or finds any fish, aquatic life, seaweed, or natural material that the ranger believes on reasonable grounds was removed from a protected area in contravention of the Hauraki Gulf / Tīkapa Moana Marine Protection Act <b>2023</b>	All (except subpart 3)

**Summary Proceedings Act 1957 (1957 No 87)**

In section 2(1), definition of **infringement notice**, after paragraph (ih), insert:

- (ii) **section 51** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**; or

## Part 2 Amendments to secondary legislation

### Land Transport (Road User) Rule 2004 (SR 2004/427)

After rule 8.5(1)(ab)(iii), insert:

- (iv) a ranger (as defined in **section 5** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**) to exercise a power to stop conferred on the ranger under **section 38 or 39** of that Act; or

### Resource Management (Marine Pollution) Regulations 1998 (SR 1998/208)

After regulation 11(2)(e), insert:

- (f) more than 200 metres (1.108 nautical miles) from a high protection area declared by **section 17** of the Hauraki Gulf / Tīkapa Moana Marine Protection Act **2023**.