

DRAFT ONLY - 18 Aug 2016
Notes of MPI officials on the proposal to review the Governance of the
Hauraki Gulf Forum
(Drafted by Graeme McGregor)

The Hauraki Gulf Forum resolved in 2014 that experts external to the Forum be tasked with evaluating governance models in-depth and report back with clear options for future governance. The Beverly report has been tabled and extends the earlier report of Bradley.

The Forum has further resolved that “Constituent parties respond to the recommendations from the ‘Hauraki Gulf Forum - Governance review and recommendations’ report at the next meeting of the Hauraki Gulf Forum following consultation with their respective bodies”. The next Forum meeting is 12 September 2016.

The following is an initial response by MPI officials. The Minister for Primary Industries has yet to be briefed on proposals to change the governance of the HGF or receive MPI advice.

MPI considers science and information processes to be critical to the effective functioning of the Hauraki Gulf Forum, but this matter has been overlooked in the report on future governance options. Specifically, we think that documents and recommendations used or produced by the Forum must be based on peer reviewed expert-based information. This is of particular importance to authorities such as MPI with statutory responsibility since decisions must be based on best available information.

The first 4 recommendations (a-d) in the report are made on the assumption of contextual changes arising from Sea Change and Treaty settlements. However, MPI is concerned about anticipating outcomes for discussions that are still in progress. MPI considers full understanding of these important matters is critical ahead of decision-making.

We note that the purpose of the Forum is outlined in Section 15 of the Hauraki Gulf Marine Park Act 2000 (the Act):

- Integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand;
- Facilitate communication, cooperation, and coordination on matters relating to the statutory functions of the constituent parties in relation of the Hauraki Gulf, its islands and catchments and the Forum; and

The purpose of the Act is mirrored in the current representative model of governance and these arrangements are a natural fit to these provisions.

Recommendations e and f are based on assertions that Resource Management Act (RMA) models are preferable to the current representative model of governance. Appointing high calibre members is cited as key to RMA governance model success and the reduced number of members is said to enable more strategic and influential decision-making.

We note the concerns about a loss of representativeness and democratic outcomes arising from adopting the RMA model.

MPI considers that these matters should be thought through carefully. MPI would like to see a full range of options considered for example the benefits of a bottom- up model via representative groups rather than top down via influential leaders as promoted by the RMA model.

The report concludes membership under the RMA model need not have strong connections with any particular sector, community (or stakeholder group). But the report states "One or more members could be a leader from, for example, the fishing or farming sectors".

MPI consider that an effective sole fishing representative on the HGF would require strong connections to central government, the Hauraki Gulf and good relations with all the various fishing sectors. A person with these relationships established will be almost impossible to find - perhaps an ex Minister of Fisheries.

Recommendations (h) and (i) concern providing greater statutory authority as a consequence of reforming the governance arrangements as recommended.

Again we think that these recommendations are premature and should be considered in sequence following careful consideration of matters discussed above, whether the purpose of the Act should be changed and then what mechanisms would best meet the purpose.