

NEW ZEALAND MARINE SCIENCES SOCIETY

TE HUNGA MĀTAI MOANA O AOTEAROA



28 April 2016

Local Government and Environment Committee
Parliament Building
Wellington, 6160.

Submission to the Local Government and Environment Committee :

Kermadec Ocean Sanctuary Bill

This submission is made on behalf of the membership of the New Zealand Marine Sciences Society (NZMSS). It is made in good faith in my role as Vice-President of the NZMSS and in accordance with the Code of Ethics and Rules of the Royal Society of New Zealand.

NZMSS generally supports the proposed Bill. Our detailed submission is attached. The Society wishes to be heard in respect of this submission.

Please contact me at the email address provided below for any further information regarding this submission.

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NZMSS Submission on Kermadec Ocean Sanctuary Bill

The New Zealand Marine Sciences Society

The New Zealand Marine Sciences Society, known as “NZMSS”, was formed in 1960 as a constituent of the Royal Society of New Zealand, to encourage and assist marine science and related research across a wide range of disciplines in New Zealand and to foster communication among those with an interest in marine science.

NZMSS is a professional science body and a non-profit organization that provides access to and within the marine science community. We identify emerging issues through annual conferences, annual reviews, a listserv and our website <http://nzmsp.org/>. NZMSS membership covers all aspects of scientific interest in the marine environment and extends to the uptake of science in marine policy, resource management, conservation and the marine business sector. We speak for members of the Society on matters of interest on marine research in New Zealand and we engage with other scientific societies as appropriate. Our current membership comprises over 200 members.

Our submission is consistent with the Royal Society of New Zealand Code of Ethics and Rules, in particular principles 2.1 Integrity and professionalism, 4.1 Compliance with the law and relevant standards, and 10.1 Protection of the environment (www.royalsociety.org.nz/organisation/about/code).

Submission

General position

In general, NZMSS supports the Kermadec Ocean Sanctuary Bill. When the no-take marine reserve was established around the Kermadec island group in 1990, one of the key shortcomings of the marine reserve was the restriction of the seaward boundary to the 12nm limit (as per the Marine Reserves Act, 1971). As a result, important marine areas which linked Raoul Island, Macauley, Cheeseman and Curtis islands and L’Esperance and L’Havre rocks, were left out of the marine reserve. Further, the Kermadec Trench was not represented in the reserve, while other significant sea bed features (e.g. sea mounts), together with their biodiversity, also lay outside the 12nm boundary and were thus not afforded protection. We therefore support the thrust of the Bill, which provides full and comprehensive protection for all marine life, together with pelagic and sea bed habitats, to the limits of the EEZ.

The Society further supports the recognition given in the Bill that marine scientific research may be undertaken, by way of an authorisation. The advancement of knowledge and understanding of this significant area can only be achieved through appropriate scientific research being undertaken.

Comments on clauses in the Bill

- Clause 5 Transitional provisions (Schedule 1 – Effect on marine scientific research):

NZMSS requests that the transitional period for scientific research as a “permitted activity” under the EEZCS Act, 2012 be extended from the one-year transitional period, as prescribed in the Bill, to a period of at least two years. For example, some research expeditions can take several years to operationalise before the research is actually undertaken and the one-year transitional period may not be sufficient to enable completion of the research.

- Clause 14 Pre-application engagement with Kermadec iwi authorities:

In 14(1)(b) it is stated the Kermadec iwi authorities must be given “... a reasonable opportunity to provide their views on the proposal.”

NZMSS requests there be some specification included with regards a timeframe within which the Kermadec iwi may provide their views.

- Clause 15 Application for authorisation for marine scientific research:

Clause 15 (1)(c) states that the application must state whether or not the purposes of the marine scientific research are consistent with the Kermadec conservation management strategy. However, the strategy may take some time before it is approved and therefore operable.

NZMSS considers that an application for an authorisation for marine scientific research in the Kermadec area outside the marine reserve should not be held up until the strategy is approved.

- Clause 17 EPA must seek further advice on application to inform consideration:

NZMSS considers it important that at least one of the individuals the EPA seeks advice from should have a relevant marine science background and is independent of the applicant, the EPA and the Director-General (of the DOC). Our view is that the independent scientific advice is crucial to appropriate scientific research being authorised in the Kermadec region. Accordingly, NZMSS requests that clause 17(b) is amended to the effect that EPA must seek independent advice from any other person with the relevant marine scientific expertise.

- Clause 20 Matters to be specified in authorisation:

NZMSS is concerned at the short term (two years) of the authorisation. Some marine research expeditions can take several years to organise and complete. Finding collaborators and sufficient funding for these expeditions requires considerable lead-in time and commitment to resources. For example, many of the previous expeditions to the Kermadec region have involved multi-agency and international collaborations. Obtaining equipment (e.g. ROV's) and scheduling research vessels also take time. Funding for some research programmes (e.g. MBIE funding) envisages research of up to five years' duration.

We consider that the term of an authorisation should be made for the period of the research specified and should take into account the lead-in period, if this is likely to

be significant. There should also be provision made to extend the period of an authorisation, on reasonable grounds.

- Clause 24 Appointment of members of Kermadec Conservation Board:

The Kermadec area is of immense interest and importance to the marine scientific community. This is exemplified by the large amount of marine scientific research that has already been undertaken to understand the biodiversity, habitats and structure and functioning of the region's marine ecosystems. The scientific interest extends to the international marine science community, also.

Given the significant marine science interest in the Kermadec region, NZMSS considers that the Kermadec Conservation Board should specify that one member represents marine scientific interests.

Additional matters

- Inclusion of a science plan

As stated above, the Kermadec area is of great interest to the marine science community, both in New Zealand and internationally. NZMSS is of the view that the Bill should make provision for a science plan to be made. Such a plan will provide a platform for key research programmes and activities to be undertaken. These will have the goal of improving our knowledge of the Kermadec region, considered to be globally unique, as well as nationally unique. Ongoing marine research there will enable a better understanding of the area's vulnerability to change and its connectivities to other areas within the EEZ and the Extended Continental Shelf.

Summary

NZMSS generally supports the Kermadec Ocean Sanctuary Bill and requests the following amendments, changes and inclusions:

- The transitional period for scientific research as a "permitted activity" under the EEZCS Act is extended to a period of at least two years.
- A timeframe within which the Kermadec iwi may provide their views is specified in the pre-application engagement process.
- Applications for authorisation for marine scientific research in the Kermadec area outside the marine reserve should not be held up until the conservation management strategy is approved
- The EPA must seek independent advice from one or more persons with the relevant marine scientific expertise
- The term of an authorisation should be for the period of the research specified in the application and should take into account the lead-in period, if this is likely to be significant.
Provision should be made to extend the period of an authorisation, on reasonable grounds.
- The Kermadec Conservation Board should specify at least one member representative of marine scientific interests.
- Provision should be made for a science plan.