

Submission of Mātai Moana o Aotearoa / New Zealand Marine Sciences Society on the Conservation Amendment Bill

Environment Committee
New Zealand Parliament

Mātai Moana/New Zealand Marine Sciences Society

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Submission on the Conservation Amendment Bill

Introduction

Mātai Moana / New Zealand Marine Sciences Society (NZMSS) appreciates the opportunity to submit on the Conservation Amendment Bill.

Mātai Moana/NZMSS is the professional society representing marine scientists, researchers, practitioners and educators across Aotearoa New Zealand. Our members work across universities, Crown Research Institutes, iwi organisations, consultancies, government agencies and the private sector.

Mātai Moana/NZMSS supports efforts to modernise New Zealand's conservation legislation and improve coordination, strategic planning and administrative efficiency. We also recognise the need for conservation frameworks that are responsive to emerging environmental pressures, including climate change, cumulative effects, biodiversity decline, and increasing pressures on coastal and marine ecosystems.

However, Mātai Moana/NZMSS has significant concerns about provisions that would require decision-makers exercising powers under other conservation statutes to “act in accordance” with the proposed National Conservation Policy Statement (NCPS) and associated conservation planning instruments.

Mātai Moana/NZMSS notes the Government's recent announcement that the proposed provisions relating to the disposal and exchange of conservation land are to be removed from the Bill. We welcome this response to concerns raised by the conservation sector and consider it a positive step towards maintaining confidence in New Zealand's conservation framework. However, these changes do not address our principal concerns regarding the



proposed National Conservation Policy Statement (NCPS), the new conservation planning hierarchy, and the requirement for decision-makers under specialist conservation legislation to act in accordance with these planning instruments. We therefore consider that further amendments are necessary to ensure the statutory purposes and protections established under existing conservation legislation remain clear, independent and effective.

Concerns with the Proposed Planning Hierarchy

The Bill appears to establish a new planning hierarchy under the Conservation Act that would apply across a range of existing conservation legislation, including the Marine Reserves Act 1971, Marine Mammals Protection Act 1978, Wildlife Act 1953, National Parks Act 1980 and Reserves Act 1977.

The phrase "act in accordance with" generally creates a strong legal obligation requiring decisions to conform with the relevant policy instrument. As drafted, the Bill risks making the NCPS and conservation plans the dominant policy framework across these Acts.

Mātai Moana/NZMSS is concerned that this could:

- reduce the independence of specialist conservation legislation;
- create uncertainty about the primacy of existing statutory protection objectives;
- weaken preservation-focused decision-making by introducing broader policy considerations; and
- undermine the intent of legislation specifically designed to protect biodiversity and ecosystems.

While improved coordination across conservation legislation is desirable, it should not come at the expense of the clear statutory protections contained within existing Acts.

Marine Reserves Act

NZMSS is particularly concerned about the implications for the Marine Reserves Act 1971.

The purpose of the Act is to preserve marine life in its natural state as far as possible. It remains one of New Zealand's strongest legislative mechanisms for marine protection and provides an essential foundation for biodiversity conservation, ecosystem resilience, scientific research and long-term environmental monitoring.

Requiring decisions under the Marine Reserves Act to act in accordance with broader Conservation Act planning instruments risks creating tension between the preservation purpose of the Act and wider policy objectives that may not have the same protective focus.



The proposed replacement of the current General Policy framework with the NCPS is therefore more than an administrative change. It has the potential to alter the policy framework through which the Marine Reserves Act is implemented.

Mātai Moana/NZMSS strongly opposes any change that could weaken the intent or effectiveness of marine protection legislation. Given the ongoing decline of many marine ecosystems, these statutes represent a minimum baseline of protection that should be maintained and strengthened.

Relationship with the NZCPS and Resource Management Reform

Mātai Moana/NZMSS considers that the relationship between the proposed NCPS and the wider coastal management framework requires further consideration.

The New Zealand Coastal Policy Statement (NZCPS) currently provides the primary national policy direction for management of the coastal environment. It contains well-established provisions for protecting indigenous biodiversity, significant habitats and natural character within the coastal marine area.

At the same time, New Zealand is undergoing significant resource management reform. The introduction of a new Conservation Act planning hierarchy during this transition raises questions about how conservation planning instruments will interact with existing and future coastal planning frameworks.

Without greater clarity, there is potential for:

- duplication or conflict between the NZCPS and conservation planning instruments;
- uncertainty about the hierarchy of policy documents;
- increased complexity for decision-makers; and
- inconsistent environmental outcomes where different statutory frameworks apply to the same coastal ecosystems.

Mātai Moana/NZMSS recommends that the Bill explicitly clarify:

- how conservation planning instruments will interact with the NZCPS;
- how conflicts between instruments will be resolved; and
- how consistency will be maintained through resource management reform.

Conservation and resource management reforms should be developed in an integrated manner to avoid fragmentation of policy direction across the coastal and marine environment.



Relationship with Te Tiriti o Waitangi

Mātai Moana/NZMSS is concerned that the proposed conservation planning framework may inadvertently reduce the visibility or practical effect of Te Tiriti o Waitangi obligations that are currently embedded within individual conservation statutes. Many conservation decisions involve close collaboration with tangata whenua/mana whenua, recognising the role of iwi and hapū as kaitiaki and the importance of mātauranga Māori alongside scientific knowledge. While integrated planning has the potential to improve coordination, it should not diminish existing Treaty obligations or create uncertainty about how these obligations are to be recognised and given effect under specialist conservation legislation. The Society recommends that the Bill explicitly confirm that nothing in the National Conservation Policy Statement or conservation planning framework limits or overrides existing statutory Treaty obligations or the Crown's responsibilities under Te Tiriti o Waitangi.

Maintaining Existing Statutory Safeguards

Mātai Moana/NZMSS supports integrated conservation planning where it improves coordination and management outcomes.

However, integration should not weaken the protections established through specialist conservation legislation. Marine ecosystems are particularly vulnerable to cumulative effects and, once degraded, recovery can take decades or may not occur at all.

Mātai Moana/NZMSS therefore considers that:

- preservation-focused statutes should retain independent legal force;
- statutory purposes within specialist conservation legislation should remain paramount;
- the Bill should expressly preserve protective statutory purposes where conflicts arise; and
- any new planning framework should strengthen, rather than weaken, conservation outcomes.



Recommendations

Mātai Moana/NZMSS recommends that the Committee:

1. Reconsider provisions requiring decision-makers under other conservation statutes to “act in accordance with” the proposed NCPS and conservation planning instruments.
2. Clarify that the statutory purposes and protections contained within specialist conservation legislation, including the Marine Reserves Act 1971, remain paramount when exercising functions under those Acts.
3. Ensure that integrated planning mechanisms cannot reduce or compromise existing levels of ecological protection.
4. Include an explicit provision that nothing in the NCPS, conservation plans, or the wider conservation planning framework may derogate from or override the statutory purposes and protections established under specialist conservation legislation, including the Marine Reserves Act 1971, Wildlife Act 1953, Marine Mammals Protection Act 1978 and National Parks Act 1980.
5. Include explicit safeguards preventing conservation planning instruments from weakening preservation-focused protections in marine reserves and other protected areas.
6. Require periodic independent review of the operation and effectiveness of the National Conservation Policy Statement to ensure it strengthens, rather than diminishes, conservation outcomes and maintains consistency with the statutory purposes of specialist conservation legislation.
7. Undertake further consultation with the marine science, conservation and tangata whenua communities regarding the implications of the proposed planning hierarchy.



Conclusion

Mātai Moana/NZMSS supports efforts to improve the effectiveness and coordination of New Zealand's conservation system. However, these reforms must strengthen, rather than diminish, the statutory protections that underpin conservation outcomes, the Crown's obligations under Te Tiriti o Waitangi, and the integrity of specialist conservation legislation. The Society considers that marine protection statutes such as the Marine Reserves Act provide a critical baseline of protection for marine ecosystems and biodiversity. These protections should remain clear, independent and robust within any future conservation framework.

We encourage the Committee to amend the Bill to ensure that integrated planning enhances environmental protection while preserving the independent statutory purposes of existing conservation statutes.

Mātai Moana/NZMSS welcomes the opportunity to appear before the Committee to speak to this submission and to contribute the expertise of New Zealand's marine science community to the ongoing development of the Bill.



Pete Wilson

President

Mātai Moana New Zealand Marine Science Society