



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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S03.03

**Submission to the Local Government and Environment Select Committee  
on the  
Marine Reserves Bill**

**Introduction**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 34 branches spread throughout the country to which women from some 150 societies are affiliated. This submission is written for members of the Environment Standing Committee.

As a submitter to both the Biodiversity Strategy (S99.29) and the review of the Marine Reserves Act (S00.81), NCWNZ is heartened to see that these consultations have culminated in this legislation. This organisation has been in full support of marine reserves since their inception and is pleased to have the opportunity to encourage their further development. NCWNZ has also been participating in the public processes around the development of the Oceans Policy, and anticipates strong links between this legislation and the Policy which has yet to be finalised.

**Executive Summary**

NCWNZ supports:

- the purpose of the Bill as in Section 7
- the principles of the Bill set out in Section 9
- the inclusion of Treaty of Waitangi considerations as in Section 11
- the majority of the permitted activities in Section 12
- the restriction of activities listed in Sections 13-17
- the proposed management processes laid out in Part 3, with an allowance made for funding operations
- the systems for initiating and working through proposals for marine reserves in Part 4, especially the final approval being given solely by the Minister of Conservation.

NCWNZ is opposed to:

- mining, exploration and prospecting being permitted activities in marine reserves.

**Specific Comments**

**Part 1. Purpose, principles, application, and interpretation**

**Section 7: Purpose of the Act.**

In its submission to the Marine Reserves review, NCWNZ supported strongly the use of the Marine Reserves Act to protect marine biodiversity, and the range of habitats as outlined in the Biodiversity Strategy. This organisation is in full agreement with the Purpose of the Act as set out in Section 7. It is important that representative areas be set aside, as well as those with exceptional qualities, for purposes of comparison, as exemplars, and as indicators of change. It is



particularly pleasing that greater recognition is given to non-coastal, deeper sea areas. With discoveries of new species being made regularly off shore it is crucial that these be protected for study rather than being damaged by uncontrolled human activity.

### **Section 9: Principles.**

NCWNZ supports the inclusion of a range of habitats and marine communities (p.11, line 28), and notes the factors that should influence the size of a reserve (p.11, line 31). Over the years there has been much debate within the scientific community over the size of a reserve needed for adequate species protection. While this issue is being resolved, NCWNZ hopes that caution will prevail and large rather than small reserves will be set aside. This is an example of using the principles outlined in Section 10, especially sub-sections 3 and 4, the making of decisions using uncertain or incomplete information.

### **Section 11. Treaty of Waitangi.**

NCWNZ regards the recognition of Maori cultural and spiritual values as important for on-going co-operation and working together for maximum conservation gain, and supports this section of the Bill.

## **Part 2. Use of Reserves**

### **Section 12: Permitted Activities.**

NCWNZ has always supported the use of marine reserves as an educational resource (p.12, line 35) in the belief that awareness is an important factor in promoting and maintaining biodiversity. Recreation (p.12, line 34) is also a recognised appropriate activity within a marine reserve and is important for people's health and well-being. Scientific research (p.13, line 3) is vital to the on-going management of areas both within and outside any reserve. Long term monitoring gives indication of change and enables projections and planning for the future, both within and without the Reserve.

NCWNZ opposes mining, exploration or prospecting in marine reserves (p.13, line 13-15). Marine reserves should be treated in the same way as National Parks and for the same reasons; as the Egmont National Park Management Plan says, "...prospecting, exploration and mining of minerals is an activity that is generally inconsistent with the values of a national park..." (Egmont National Park Management Plan p.105). By its very nature mining is disruptive to natural ecosystems and likely to be more so to marine systems. There is potential for waste created by the extraction process to be spread over a wider area and for this waste to be destructive of marine species by clogging gills and filter feeding appendages, and by reducing light penetration in water and thus the photosynthetic activity of algae and phytoplankton. While exploration and prospecting have a lesser potential for damage there can be incentives to move onto the extraction phase with its greater negative effects.

Despite the provisions of Part 6, Section 128, amendments to Crown Minerals Act 1991, NCWNZ has reservations about "minimum impact activities".

### **Sections 13-17: Restricted Activities.**

NCWNZ's previous submission stated that all marine reserves should be no-take, and continues to hold firmly to this view. This restriction is simple to understand and administer, while at the same time allowing for a limited catch for research purposes. NCWNZ also supports the other restrictions on activities so that marine ecosystems can function with minimum interference. The recognition of



the impact of activities such as dumping of waste, sewage or ballast provides for enhanced protection of areas. The prohibition on the introduction of marine life into a marine reserve (p.14,

line 10) could become increasingly important under circumstances such as a lapse in biosecurity measures, climate change effects, or the deliberate introduction of species as has been threatened recently (12 January 2003) on Kapiti Island.

### **Part 3. Management of marine reserves**

#### **Subpart 1: Managers and Advisory Bodies.**

In its earlier submission NCWNZ pointed out some of the problems involved with the previous management regime for marine reserves. It is pleasing to see that this issue has been addressed fully with a range of possible systems. NCWNZ regards public contribution as essential for the smooth running and community acceptance of reserves. The inclusion of tangata whenua in particular and local interests enables the community to have direct input into decision making. It is important that any management body set up is funded to a level to enable it to perform its role effectively.

### **Part 4. Establishment of Marine Reserves.**

#### ***Applications to establish marine reserves.***

NCWNZ supports the procedure given for the establishment of a marine reserve. It is encouraging that proposals can be made by members of the public (p.29, line 1), and presumably groups of people, as well as by government officials such as Department of Conservation officers. Consultation with iwi and other interested parties (Section 48) is essential to ensure inclusion and understanding of differing perspectives. It enables differences and problems to be worked through before they become insurmountable and cause ill-feeling and resentment. If such consultation starts at the beginning of any proposal for a reserve then there is likely to be greater community support and “ownership”, as well as ongoing commitment to the reserve, once gazetted.

NCWNZ notes that the time given for submissions on any proposed marine reserve is 60 working days (p.31, line 15) and supports this time frame. To ensure long term support it is important that people feel that any remaining concerns have been heard and this gives ample time for submissions to be prepared.

#### ***Decision on application.***

NCWNZ regards the limited time frame for the Minister to make a decision on an application (p.35, line32) as desirable. In the past such decisions have taken too long with applications waiting many months for final approval or not. It is gratifying to see that this situation has been addressed. One reason for the long delays in decisions has been the requirement for the Ministers of Fisheries, Transport, and Conservation to agree on any application. NCWNZ regards the change in this part of the process as a positive step to ensuring a smoother flow of applications within the system. Given the purpose of the Bill it is appropriate that the final decision should be made solely by the Minister of Conservation. However it is also appropriate that the Ministers of Fisheries and Transport should be consulted for impacts on their operations, and having an allocated time frame for their responses reduces inertia and allows an application to maintain momentum in processing. The other matters listed in Section 67 subsection 2 give a wide range of factors and address the



concerns that NCWNZ concerns raised, regarding customary access to kai moana for tangata whenua, in the Marine Reserves review submission.

**Conclusion**

NCWNZ is pleased to have had the opportunity to make a submission on this Bill, since there has been specific NCWNZ policy supporting the establishment of marine reserves since a resolution of 1992.

NCWNZ endorses the intention of the Bill to preserve marine bio-diversity and promote the well-being of marine eco-systems, by establishing protected areas where human activity will be restricted and the welfare of the natural denizens will be paramount.

We believe that the simplified procedure for making an application for a marine reserve, and the more streamlined processes through which any proposal will pass, will assist people who wish to make a positive contribution to the enhancement of conservation values in New Zealand. Thank you for your consideration of our comments.

Beryl Anderson  
**National President**

Barbara Arnold  
**Convener, Environment Standing Committee**



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