

EDS News: June 2022

The Breaking Wave: Oceans reform in Aotearoa New Zealand

The first stage of EDS's review of Aotearoa New Zealand's oceans management system has been completed and is being launched at a function in Wellington later this week with Minister of Conservation **Hon Kiritapu Allan** officiating.

When: Thursday 9 June 2022, 4:30pm-6:45pm

Where: Bell Gully, 171 Featherston Street, Wellington

To attend the launch please email katharina@eds.org.nz to secure your place.

The Breaking Wave: Oceans reform in Aotearoa New Zealand is the culmination of work undertaken by EDS over the past two years investigating what is wrong with the current system and what future reforms might look like. EDS's research concludes that our oceans management system is uncoordinated, outdated, conflict-ridden and no longer fit for purpose. Reform is urgently needed.

The first stage report does not make recommendations, but is designed to foster a national dialogue about the various reform options and how they might work together. It follows the approach adopted by EDS in its earlier work on resource management reform.

The full report and summary version will be available via the EDS website after the launch. Hard copies can be ordered (postage charge only) and PDFs can be downloaded free.

Stage 2 of the project commences in October and over the following 18 months will work up a preferred option for reform and a pathway to get there. Any reforms are likely be staged over time. Comments on *The Breaking Wave* are welcome and should be sent to the lead researcher **Dr Greg Severinsen** at greg@eds.org.nz

Port Otago v Environmental Defence Society & ors SC 6/2022

This case was heard before the Supreme Court over 2 days late last month. It concerned the Otago Regional Policy Statement and whether provisions of the New Zealand Coastal Policy Statement had to be given effect to in that plan. Port Otago was seeking to overturn the earlier decision of the same court in *Environmental Defence Society Inc v The King Salmon Co. Ltd*. The decision is likely to have significant precedent impact on the implementation of the Resource Management Act although that legislation is of course slated for repeal during this term of Parliament.

A transcript of the hearing is available to download [here](#).

Appearing for EDS were Douglas Allan, Madeleine Wright and Cordelia Woodhouse. A decision in the case is expected sometime in the next 6 months.

Resource Management Reforms on track

EDS understands that the resource management reforms are on track with the Natural and Built Environments Bill expected to be introduced towards the end of this year. EDS has been keeping close watch on the evolution of the bill and wants to see robust limits and targets included. The National Planning Framework will bring together national direction for councils on key domains and issues. It will be critically important. The first iteration of the Framework will include all existing national policy statements and national environmental standards. It will also likely contain new national policy statements on indigenous biodiversity and essential infrastructure. The renamed Spatial Planning Bill is expected to be introduced in parallel so we will be able to assess how these 2 acts will work with each other.

Climate Adaptation Project

EDS has commenced a project looking at the suite of issues that need to be addressed in the third of the 3 resource management reform acts, the Climate Change Adaptation Act. This legislation is on a slower track and will deal primarily with managed retreat. Our view is that managed retreat is not just about relocating at-risk settlements and who should pay but is also relevant when considering broader land use change needed in response to climatic changes. For example, there are opportunities there to turn adversity into a positive including by restoring or creating natural habitats such as wetlands on vacated land. This project is being led by Raewyn Peart and Dr Sasha Maher.

Wildlife Act review

The Government recently announced its intention to modernise conservation law and released a roadmap of work slated to take place over the next four years. One of the first areas earmarked for reform is the Wildlife Act 1953 which is widely recognised as no longer fit for purpose. EDS set out the case for reform of the Act in our *Conserving Nature* report, released in July last year, noting that Aotearoa New Zealand “remains significantly out of step with international practice in having no dedicated threatened species legislation.” To assist the process, EDS is currently undertaking an in-depth examination and review of the Wildlife Act, as part of our Conservation Law Reform project. The review is being led by Dr Deidre Koolen-Bourke and Shay Schlaepfer, and is canvassing options that would enhance biodiversity protection and bring the country into line with international best practice. A report outlining our findings and recommendations is expected to be released in late August.

Fisheries Amendment Bill progressing

EDS is currently drafting a submission on the proposed legislative changes set out in the Fisheries Amendment Bill. The Bill includes proposals to:

- amend the commercial fishing rules for landings, discards at sea and disposal on land;
- introduce a new graduated scheme of fisheries offences and penalties;
- create a new defence to enable the lawful return of fish to the sea to save protected species
- streamline the decision-making process for adjusting catch limits
- provide for the implementation of electronic monitoring technology via cameras.



While many of the proposed legislative changes are positive, EDS has concerns about some aspects. The Government recently confirmed its commitment to fit-out and operationalise cameras on up to 300 inshore commercial fishing vessels by the end of 2024. EDS supports the prompt rollout of onboard cameras, which will increase the capacity to monitor inshore fisheries and improve the accuracy of fishing records. However deep water trawl vessels and small inshore set net vessels have been excluded from the scope of the rollout. EDS will continue to advocate for the implementation of careful monitoring and risk mitigation tools across the entire commercial fishing fleet.