

19 October 2012

Media Release

EEZ REGULATIONS COULD BE UNLAWFUL



The Environmental Defence Society is alarmed by suggestions from the petroleum industry that exploratory petroleum drilling could be made a permitted activity by regulations being developed under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

EDS has written to the Minister for the Environment suggesting that such regulations would be *ultra vires*, unlawful and would render the entire Act a sham.

“The Act requires regulations to be made specifying which activities, in what locations, are to be permitted, discretionary, or prohibited. Anyone proposing to carry out a discretionary activity must prepare an environmental impact assessment and apply to the Environmental Protection Authority for a marine consent.

“In contrast, a permitted activity can proceed as of right with almost no oversight,” said EDS Chairman Gary Taylor.

“The Act requires decision-makers to consider environmental effects of drilling (and mining) and environmental risks such as a well blow-out and oil spill. Regulations should not allow permitted activities if the effects are likely to be significant. In EDS’s view the effects of exploratory petroleum drilling could be significant and therefore regulations permitting them would be unlawful.

“It is essential that every application for exploratory petroleum drilling is scrutinised to ensure environmental effects and risks are acceptable, that adequate mitigation techniques and equipment are available and that applications can be refused when the risks are too high.

“The Act is intended to fill a gap in the regulation of environmental effects of offshore activities and to provide strong oversight of risky activities such as petroleum exploration. If such activities are permitted without proper scrutiny, the integrity of the new legislation will be lost in the eyes of the New Zealand public.

“Adopting the self-serving suggestions of the petroleum industry would have significant consequences for the Government. The regulations could be subject to challenge in the courts and overturned. It would also call into question whether the Government is committed to protecting our marine environment.

“The Deepwater Horizon oil spill in the Gulf of Mexico was a permitted activity,” Gary Taylor concluded.

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