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Media Release

EDS welcomes key changes to *Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill* but says further improvements needed



The Environmental Defence Society (EDS) welcomed the announcement by Hon Amy Adams, Minister for the Environment, at the EDS Conference last week that the Government would be amending the purpose of the EEZ Bill. EDS has reviewed the amendments proposed in the Supplementary Order Paper (SOP) over the weekend. The Bill is scheduled for its committee stages tomorrow (Tuesday).

“We warmly endorse the inclusion of the concept of sustainable management in the purpose clause. The Minister has accepted that ‘balancing’ environmental protection and economic development is inappropriate,” said EDS Chairman Gary Taylor.

“This also provides closer alignment with the RMA, which applies inshore of the 12 nautical mile limit.

“However, we remain concerned that the Bill does not provide an environmental bottom line. Decision-makers are only required to *take into account* matters such as the importance of protecting rare and vulnerable ecosystems and the habitats of threatened species when making regulations or deciding an application for marine consents.

“There is no equivalent of sections 6 and 7 of the RMA which inform the purpose of sustainable management and require decision-makers to *recognise and provide for* matters such as the *protection* of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

“Instead we have an unprioritised menu of matters the EPA can think about and then ignore. The RMA and the EEZ Act will be quite different and the interpretation of the Act will remain uncertain with considerable litigation risk for applicants who would prefer certainty. The addition of a principles clause would address this flaw and create stronger law.

“We also believe that the Bill is still inconsistent with our obligations under the Law of the Sea which gives New Zealand limited rights over the EEZ and extended continental shelf, in spite of internal government advice to the contrary.

“We note that there remains a gap in the management of offshore well design. Regulations made under the Health and Safety in Employment Act 1992 manage the risks of well design as it relates to the health and safety of people but not the health and safety of the environment. It is essential that we get environmentally safe well design.

“We welcome the increase in the maximum penalty for offences from \$600,000 to \$10 million,” Gary Taylor concluded.