

# **Subantarctic Islands Marine Reserves Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The overall purpose of this Bill is to create 3 new marine reserves: Moutere Mahue / Antipodes Island Marine Reserve, Moutere Hauriri / Bounty Islands Marine Reserve, and Moutere Ihupuku / Campbell Island Marine Reserve. Except as provided in the Bill, the provisions of the Marine Reserves Act 1971 will apply to the 3 marine reserves created by the Bill. The Bill also provides for a review of the Moutere Ihupuku / Campbell Island Marine Reserve 5 years after the commencement of the Bill to consider protecting the remainder of the Campbell Island territorial sea by including it in the marine reserve.

### **Regulatory impact statement**

The Department of Conservation and the Ministry of Fisheries produced a regulatory impact statement on 4 March 2011 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.doc.govt.nz/subantarctic-mpa-ris>

- <http://www.treasury.govt.nz/publications/information-releases/ris>

### **Clause by clause analysis**

*Clause 1* states the Bill's title.

*Clause 2* specifies the Bill's commencement date.

*Clause 3* defines terms used in the Bill.

*Clause 4* provides that the Bill binds the Crown.

*Clause 5* declares and names the Moutere Mahue / Antipodes Island Marine Reserve.

*Clause 6* declares and names the Moutere Hauriri / Bounty Islands Marine Reserve.

*Clause 7* declares and names the Moutere Ihupuku / Campbell Island Marine Reserve.

*Clause 8* requires the Department of Conservation, in consultation with the Ministry of Fisheries, to commission an independent review of the Moutere Ihupuku / Campbell Island Marine Reserve at least 5 years after the Bill's commencement. The review must consider the effects on conservation and fisheries matters of the proposed extension of the marine reserve. The Minister of Conservation may recommend the making of the Order in Council to extend the marine reserve only with the agreement of the Minister of Fisheries after the Ministers have received and considered the review. The marine reserve may be extended no later than 7 years after the Bill's commencement.

*Clause 9* provides that a marine reserve declared by the Bill is to be treated as if it were declared under the Marine Reserves Act 1971.

*Clause 10* provides for the official naming of the marine reserves as if under the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. The Minister of Conservation is granted the power to alter those names.

*Clause 11* deems certain commanding officers of the New Zealand Defence Force to be rangers under the Marine Reserves Act 1971 in respect of the marine reserves. The officers may give directions to persons under their command accordingly.

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*Hon Kate Wilkinson*

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Subantarctic Islands Marine Reserves Act **2011**.

- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Interpretation**  
In this Act, unless the context requires another meaning,— 5  
**area** has the meaning given by section 2 of the Marine Reserves Act 1971  
**marine reserve** has the meaning given by section 2 of the Marine Reserves Act 1971  
**Minister** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act 10  
**Minister of Fisheries** means the Minister who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Fisheries Act 1996 15  
**ranger** has the meaning given by section 2 of the Marine Reserves Act 1971.
- 4 Act binds the Crown**  
This Act binds the Crown.
- 5 Moutere Mahue / Antipodes Island Marine Reserve created** 20  
(1) The area shown as “A” on SO 442747 is declared to be a marine reserve.  
(2) The marine reserve is named the Moutere Mahue / Antipodes Island Marine Reserve. 25
- 6 Moutere Hauriri / Bounty Islands Marine Reserve created**  
(1) The area shown as “A” on SO 442748 is declared to be a marine reserve.  
(2) The marine reserve is named the Moutere Hauriri / Bounty Islands Marine Reserve. 30

- 7 Moutere Ihupuku / Campbell Island Marine Reserve created**
- (1) The area shown as “A” on SO 442749 is declared to be a marine reserve.
- (2) The marine reserve is named the Moutere Ihupuku / Campbell Island Marine Reserve. 5
- 8 Extension of Moutere Ihupuku / Campbell Island Marine Reserve**
- (1) The Department of Conservation (or its replacement) must, in consultation with the Ministry of Fisheries (or its replacement), commission an independent review of the Moutere Ihupuku / Campbell Island Marine Reserve on or after the 5th anniversary of the date of commencement of this Act. 10
- (2) The review must consider the effects on conservation and fisheries matters of the proposed inclusion in the Moutere Ihupuku / Campbell Island Marine Reserve of the area described in **subsection (6)**. 15
- (3) The Minister may recommend the making of an Order in Council under **subsection (5)** only with the agreement of the Minister of Fisheries after the Ministers have received and considered the review. 20
- (4) The Minister’s recommendation (if any) must include the date to be appointed by the Order in Council, which must be no later than the 7th anniversary of the date of commencement of this Act. 25
- (5) The Governor-General may, by Order in Council made on the recommendation of the Minister, appoint a date for **subsections (6) and (7)** to take effect. Those subsections take effect only on and from the appointed date (if any).
- (6) The area shown as “B” on SO 442749 is declared to be a marine reserve. 30
- (7) The area described in **subsection (6)**, together with the area described in **section 7(1)**, is named the Moutere Ihupuku / Campbell Island Marine Reserve.

## 9 Effect of declaration of marine reserves

A marine reserve declared by **section 5(1), 6(1), 7(1), or 8(6)** is to be treated as if it were declared by an Order in Council made under section 4(1) of the Marine Reserves Act 1971 in accordance with that Act.

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## 10 Naming of marine reserves

(1) The name assigned to a marine reserve by **section 5(2), 6(2), 7(2), or 8(7)**—

(a) is to be treated as if it had been assigned in accordance with subpart 3 of Part 2 of the NZGB Act; and

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(b) is therefore the official geographic name of the marine reserve under section 31 of the NZGB Act.

(2) The Minister must give notice of the name in the *Gazette*.

(3) The Board must—

(a) give notice of the name only in accordance with section 21(2)(b) of the NZGB Act; and

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(b) state in the notice the date on which the name took effect, which is the date on which the name was assigned by the relevant subsection of this Act.

(4) The Minister may alter the name of a marine reserve declared by this Act by giving notice of the name in the *Gazette*, despite anything in the NZGB Act.

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(5) The Board must then give notice of the name only in accordance with section 21(2)(b) of the NZGB Act.

(6) The name of a marine reserve notified under **subsection (4)**—

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(a) is to be treated as if it had been altered in accordance with subpart 3 of Part 2 of the NZGB Act; and

(b) is therefore the official geographic name of the marine reserve under section 31 of the NZGB Act.

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(7) In this section,—

**Board** means the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa continued by section 7 of the NZGB Act

**NZGB Act** means the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008.

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**11 Rangers deemed to be appointed from New Zealand Defence Force**

- (1) An officer in command of a vessel or an aircraft of the New Zealand Defence Force is deemed to be a ranger under the Marine Reserves Act 1971 as if he or she had been appointed in accordance with section 17 of that Act. 5
  - (2) However, the officer may exercise the powers, and perform the functions and duties, of a ranger only in respect of the marine reserves declared by this Act.
  - (3) The officer may direct a person under his or her command to exercise those powers, or perform those functions or duties, to any extent and for any period that the officer thinks necessary. 10
  - (4) The person may follow the directions as if he or she were a ranger.
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