

House of Representatives

Supplementary Order Paper

Tuesday, 14 August 2012

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill

Proposed amendment

Grant Robertson, in Committee, to move the following amendment:

Clause 10

Replace *clause 10* (line 30 on page 19 to line 24 on page 20) with:

10 Purpose

- (1) The purpose of the Act is to protect and preserve the environment while providing for sustainable economic development in the exclusive economic zone and in or on the extended continental shelf by—
 - (a) requiring decision-makers to recognise and provide for the international obligations identified in **section 11** and take the matters in **sections 33(3) and 59(3)** into account in making decisions under **sections 27, 30, and 61**; and
 - (b) requiring the decision-makers to apply the information principles in **sections 33A and 60A**; and
 - (c) requiring the adverse effects of activities on the environment to be avoided, remedied, or mitigated.
- (2) In addition to the matters in **subsection (1)**, this Act—
 - (a) recognises that—
 - (i) some activities that are undertaken in the exclusive economic zone or on the continental shelf may have effects on the environment and on existing interests that are not addressed under other legislation; and
 - (ii) some activities are regulated under legislation in a way that incidentally avoids, remedies, or miti-

- gates the adverse effects of those activities on the environment; and
- (b) regulates the activities described in **paragraph (a)(i)** and their effects on the environment and existing interests.
-

Explanatory note

As drafted, this Bill fails to adequately protect the environment. The Bill currently seeks “a balance” between the environment and economic development. This approach is inconsistent with our obligations under the United Nations Convention on the Law of the Sea (UNCLOS), which provides a right to exploit resources conditional on a duty to protect and preserve the marine environment. This Supplementary Order Paper replaces *clause 10* to ensure the purpose of the Bill puts preservation of the environment as the principle obligation. This amendment brings the clause in line with UNCLOS to “protect and preserve” the environment. It also brings the purpose of the Bill in line with the Resource Management Act 1991 by referring to the well-understood concept of “sustainable economic development”. Further, it also substitutes “cautious approach” for the widely recognised “precautionary approach”.
