

Inventory

Implementation of Articles III.4 and III.5 of the Convention

New Zealand		
Party since 1 October 2000		
National Reports submitted: COP12 (2017), COP11 (2014), COP10 (2011), COP9 (2008)		
Relevant Legislation		
	<ul style="list-style-type: none">• Wildlife Act 1953.• Marine Reserves Act 1971.• Reserves Act 1977.• National Parks Act, 1980.• Marine Mammals Protection Act 1978.• Marine Mammals Protection Regulations 1992.• Kaikōura (Te Tai ō Marokura) Marine Management Act 2014.• Conservation Act 1987.• Trade in Endangered Species Act 1989.• Animal Welfare Act 1999.• Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.• Fisheries Act 1996.• Fisheries (Commercial Fishing) Regulations 2001.• Maritime Transport Act 1994.• Resource Management (Marine Pollution) Regulations 1998.• The Waste Minimisation Act 2008.• The Resource Management Act 1991.• The Local Government Act 2002.• The Litter Act 1979.	
Article III.5		
	Laws that Implement the Take Prohibition	
	Aquatic Mammals	Taking of all Appendix I aquatic mammals is prohibited, but relevant law is not identified.
	Terrestrial Mammals	Unknown
	Birds	Taking of all Appendix I birds is prohibited, but relevant law is not identified.
	Reptiles	Taking of all Appendix I reptiles is prohibited, but relevant law is not identified.
	Fish	Taking of all Appendix I fish is prohibited, but relevant law is not identified.

			<ul style="list-style-type: none"> There is no generic protection for Appendix I species in New Zealand legislation, however, all Appendix I species known to occur in New Zealand waters are protected. White and basking sharks are protected within New Zealand waters under the Wildlife Act 1953 and the Fisheries Act 1996 and are protected from New Zealand flagged vessels fishing on the High Seas under the Fisheries Act 1996. <i>Manta birostris</i> and <i>Mobula japanica</i> are protected within New Zealand waters under the Wildlife Act 1953.
	Exceptions to the Take Prohibition		
		Aquatic Mammals	<p>Exceptions have been granted, but no law is identified to determine the scope of permissible exceptions. New Zealand notes that the incidental take of marine mammals in fishing operations is not an offence, provided that the fishing gear was not illegally deployed, any required mitigation measures had been adopted, and that the take is reported in a timely fashion.</p> <p>The Marine Mammal Protection Act 1978 mentions the possibility of permits for “capture for display purposes”. Any application for such a permit would be assessed within the context of the overall purpose of the Act (the protection, conservation and management of marine mammals) as well as general conservation policy and the relevant conservation management strategies.</p>
		Terrestrial Mammals	Unknown
		Birds	Exceptions have been granted, but no law is identified to determine the scope of permissible exceptions. New Zealand notes that incidental take in fishing operations is not an offence, provided that any required mitigation measures have been deployed and that the take is reported in timely fashion.
		Reptiles	Exceptions have been granted, but no law is identified to determine the scope of permissible exceptions. New Zealand notes that incidental take in fishing operations is not an offence, provided that any required mitigation measures have been deployed and that the take is reported in timely fashion.
		Fish	Exceptions have been granted, but no law is identified to determine the scope of permissible exceptions. New Zealand notes that the incidental take of great white shark, basking shark, manta rays and spine-tailed devil rays in the course of legitimate commercial fishing operations is not an offence, provided the animal is released immediately and the required reporting procedures are followed. No part of any protected species may be kept.
Article III.4			
	Laws to conserve and, where feasible and appropriate, restore habitats of CMS Appendix I species		

		<p>New Zealand has designated a variety of protected areas, including marine reserves and sanctuaries. These include some that protect Appendix I species, including Hikurangi Marine Reserve: a marine reserve that encompasses the Kaikōura canyon area and connects to the coast south of the Kaikōura township; and Te Rohe o Te Whānau Puha / Kaikōura Whale Sanctuary: a whale sanctuary to protect whales and their habitat from the potential risks from seismic survey activities. For others, insufficient information is provided to determine whether any Appendix I species inhabit these areas, and insufficient information is provided to identify the content of any obligations arising from the various protected area designations.</p>
	<p>Laws that prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species</p>	
	Windmills (birds and bats)	<ul style="list-style-type: none"> • Migratory bird protection in the wind farm context in New Zealand relies upon environmental impact assessment under Schedule 4 of the Resource Management Act 1991. • Wind turbines are not proposed for establishment in any critical habitat for Appendix I species, and consideration is given in the permissions process to environmental effects, including any effects on migratory species (e.g., flight pathways). • In 2009 New Zealand produced a summary of the threat ranking, distribution and movements of native and migrant bird species of New Zealand, and the potential impacts that wind farms may have on them (displacement, habitat loss and collision fatalities).
	Cell towers (birds and bats)	Unknown
	Dams (fish)	Unknown
	Road construction (mammals)	Unknown
	Train tracks (mammals)	Unknown
	Fishing gear/bycatch (marine mammals, sea turtles, fish)	<ul style="list-style-type: none"> • There are fishery-specific regulations for mitigation of seabird bycatch, including the requirement for vessels in certain fisheries to have seabird scaring devices. Standards for these devices are becoming more specific. • The Ministry for Primary Industries has published the National Plan of Action – Seabirds (2013) to reduce the incidental catch of seabirds in New Zealand Fisheries. The NPOA – Seabirds also outlines research and development of bycatch mitigation techniques to inform improvement of best practice

			<p>approaches. However, insufficient information is provided to identify the content of any obligations.</p> <ul style="list-style-type: none"> • Specific measures are in place to manage the effects of potentially threatening processes on a number of marine mammal species including: <ul style="list-style-type: none"> • An industry code of practice designed to reduce bycatch of marine mammals in all New Zealand deepwater fisheries; and • Increased observer coverage in set net and trawl fisheries, including areas where set netting is prohibited without an observer on board. • Commercial fishers are required to report any bycatch events, which is independently investigated by government observer programmes. • Extensive bans on commercial and recreational set (gill) netting were introduced in 2012. The bans were applied in inshore waters of South Island and northwest North Island. Where gill netting does occur, protocols have been established for scientific observers to record and sample bycatch of all protected species.
		Shipping mammals) (marine	<p>A liaison group has been established to review ship strike of whales in the approaches to Auckland Harbour. The Hauraki Gulf Transit Protocol for Commercial Shipping was implemented in 2013 as a voluntary protocol that identifies sensitive areas for route planning, recommends a reduced ship speed of 10 knots, and encourages reporting and warning vessels of whale sightings in order to avoid collisions. This has resulted in a substantial decrease in speed of vessels in the area, and an associated reduction in the number of ship-struck whales. Previously there were an average of 2-3 whales killed annually, whereas there has not been a shipstruck whale reported since September 2014.</p>
	Laws that prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of or controlling or eliminating, already introduced species.		
			<ul style="list-style-type: none"> • Mammalian pest eradication programmes have been implemented on offshore islands and other sites that are important breeding areas for Appendix I species and pest surveillance/biosecurity programmes are in place to avoid new introductions of pests to the islands. • Seabed mineral mining and tidal energy projects are subject to resource consent processes.

	<ul style="list-style-type: none"> • Expert disentanglement teams have been established to respond to entangled whales on the North and South Islands of New Zealand. • Whale-watching operations are subject to the provisions of the Marine Mammals Protection Regulations (MMPR) 1992. All commercial operations are required to have a permit under the MMPR. Insufficient information is provided to identify the content of any other obligations. • Waste disposal within 12 nautical miles is regulated under the Resource Management Act 1991 and the Marine Pollution Regulations 1998. Waste disposal beyond the 12 nautical mile limit in New Zealand's exclusive economic zone is administered by Maritime New Zealand under the Maritime Transport Act 1994. New rules restricting the disposal of garbage (or marine debris) from ships, pleasure craft and offshore installations come into force on 1 January 2013 Marine Protection Rule Parts 170 and 200 were amended to give effect to Annex V of MARPOL. • The changes tightened limits on disposal of garbage at sea and apply operational requirements (such as the use of placards, garbage management plans and record books) to a wider range of ships and offshore installations. Plastic, ropes, fishing gear and plastic garbage bags, plastic-derived incinerator ashes, cooking oil, dunnage, lining and packing material that floats, papers, glass, metal, bottles, crockery and similar refuse are banned for disposal at sea. Dumping water containing cleaning agents or additives that are harmful to the marine environment is also prohibited. • Lost fishing gear must be reported if it poses a significant threat to the marine environment or a navigation hazard. • The New Zealand government has been working closely with the fishing industry to improve garbage management on New Zealand-flagged fishing vessels. The potential for snagging and ghost fishing is assessed when applications for disposing structural waste at sea are evaluated. Drift netting (one of the main ghost fishing culprits) has been illegal in New Zealand fisheries waters since 1991. New Zealand government fisheries observers on board vessels record when gear is lost (or where it has become unusable but is retained on board for later disposal on land). Observers also record all instances where fishing gear is caught during fishing activity. Further, the Fisheries (Commercial Fishing) Regulations 2001 include requirements to have clearly marked surface floats on all static fishing gear, meaning the owner(s) can be clearly identified • The Waste Minimisation Act 2008 (WMA), which encourages actions to reduce the quantity of waste generated and disposed of, aims to lessen the environmental harm from waste and provide wider social,
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		<p>economic and cultural benefits. The WMA introduced a levy of \$10 per tonne on all waste sent to landfill. Half of the levy money collected is provided to local councils to spend on waste minimisation activities in their area and the other half is used to fund waste minimisation activities, including those that address litter, through the Government's Waste Minimisation Fund.</p> <ul style="list-style-type: none"> • New Zealand has implemented awareness raising campaigns regarding marine mammals and reptiles. • New Zealand has developed and maintained an animal disease reporting and investigation system for over 30 years and has never detected an occurrence of notifiable avian influenza. • The New Zealand National Wildlife Health Database is used to share wildlife disease testing results and detect new diseases so that action can be taken action to protect our wildlife if required. Data is contributed by anyone who wants to provide disease testing results. Data can be accessed only by registered users who agree to the confidentiality terms of the database. • The National Exotic Pest and Disease Notification system provides for the reporting and investigation of unusual disease events in all animals, including wildlife. Summaries of information in the databases are reported on every six months. • In addition to New Zealand's general reporting system and targeted surveillance in commercial poultry, ongoing wild bird testing for alien invasive viruses has been performed since 1975. Testing is carried out on New Zealand resident wild birds (e.g., ducks and wrybills) and migratory birds such as godwits, red knots and ruddy turnstones. Although migratory wild birds are a route for the introduction of AI viruses into a country, New Zealand is at low risk. This is because New Zealand has no migratory ducks and geese, the birds most likely to act as carriers of AI viruses. • The impact of any significant developments on migratory species is assessed through processes established under the Resource Management Act and other specific legislation where relevant.
Reservations, territorial inclusions, and territorial exclusions		
	Reservations	None
	Territorial Scope	"New Zealand". Thus, the Convention is presumed to apply to all territory, including any overseas territories and semi-autonomous zones.