



## **ENVIRONMENTAL LEGISLATION FOR NEW ZEALANDERS IN ANTARCTICA**

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### **Introduction**

Activities planned or conducted by New Zealanders in Antarctica are potentially affected by six different pieces of New Zealand environmental legislation. This information provides a brief outline of the implications of each of these Acts for your activities in Antarctica. It is intended as a guide only and does not substitute the actual legislation and the requirements thereof. Consult the relevant Act and/or the contact person listed in this guide if you have any doubts or require further information. We recommend you also visit the Ministry of Foreign Affairs and Trade website.

<http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Antarctica/index.php>

### **Animal Welfare Act 1999**

Under the Act, nobody may carry out research, testing, or teaching involving the use of animals (including mammals, birds, fish and other animals as defined under the Act) unless they are by contract working under an approved code of ethical conduct. Most research institutions have an Animal Ethics Committee with an approved code. Further information is available from the Ministry of Agriculture and Forestry's website:

[www.maf.govt.nz/biosecurity/legislation/animal-welfare-act/](http://www.maf.govt.nz/biosecurity/legislation/animal-welfare-act/)

### **Antarctica (Environmental Protection) Act 1994**

The purpose of this Act is to promote the comprehensive protection of the Antarctic environment and the value of Antarctica as an area for scientific research. The Ministry of Foreign Affairs and Trade (MFAT) administers the Act. Under the Act, an Environmental Impact Assessment (EIA) must be completed and approved by the Minister of Foreign Affairs and Trade before any activity can be undertaken in Antarctica. The EIA can take the form of a Preliminary, Initial or Comprehensive Environmental Evaluation. In addition, the following activities are prohibited without a permit:

1. entering or carrying out activities in a protected area;

2. taking or attempting to take<sup>1</sup> any native bird or mammal;
3. removing or damaging native plants in quantities which significantly affect local distribution or abundance;
4. harmfully interfering<sup>2</sup> with native plants, mammals, birds or invertebrates;
5. introducing any species of animal, plant or micro-organism not native to that area;
6. importing non-sterile soil.

For further information and enquiries contact:

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Ministry of Foreign Affairs and Trade  
Private Bag 18901  
Wellington

Phone (04) 439 8000  
Fax (04) 439 8507  
Email Ane.Hunkin@mfat.govt.nz

### **Antarctic Marine Living Resources Act 1981**

The purpose of the Act is to give effect to the Convention on the Conservation of Antarctic Marine Living Resources. The Act applies to any organism of any species found within the area south of the Antarctic Convergence. Under the Act no marine organism, alive or dead, may be taken<sup>3</sup> from the area without a permit from the Minister of Fisheries. The Antarctic Policy Unit at the Ministry of Foreign Affairs and Trade coordinates this process with the Ministry of fisheries, and for Antarctica New Zealand-supported activities the application is part of the PEE process.

For further information and enquiries contact:

Ministry of Fisheries  
PO Box 1020  
Wellington

Telephone: +64 4 470 2600  
Facsimile: +64 4 470 2669

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<sup>1</sup> "take" means to kill, injure, capture, handle or molest, a native mammal or bird, or to remove or damage such quantities of native plants that their local distribution or abundance would be significantly affected. (Environmental Protocol Annex II, Article 1)

<sup>2</sup> "harmfully interfere" means flying or landing helicopters or other aircraft, using vehicles or vessels including hovercraft and small boats, or using explosives or firearms in a manner that disturbs concentrations of birds and seals; wilfully disturbing breeding or moulting birds or concentrations of birds and seals by persons on foot; significantly damaging concentrations of native terrestrial plants by landing aircraft, driving vehicles or walking on them, or by other means; and any activity that results in significant adverse modification of habitats of any species or population of native mammal, bird, plant or invertebrate. (Environmental Protocol Annex II, Article 3)

<sup>3</sup> "take" include s to take, catch, kill, injure, attract, poison, tranquillise, herd, harass, disturb, or possess: to brand, tag, mark, or do any similar thing; or to attempt to do any of these things (Antarctic Marine Living Resources Act 1981 section 2).

### **Biosecurity Act 1993**

The Biosecurity Act aims to exclude unwanted organisms from New Zealand. Under the Act, the importation of any plants, animals or plant or animal products requires an Import Health Permit. This applies also to media which could harbour organisms, e.g. water and soil.

For some samples, Import Health Standards may allow you to import without a permit. These include small amounts of clear water, sterile soil and preserved animal specimens. You can find Import Health Standards on the Ministry of Agriculture and Forestry (MAF)'s website or by contacting them directly.

For information and enquiries contact:

Import Management and Quarantine  
Ministry of Agriculture and Forestry  
PO Box 2526  
WELLINGTON

Phone (04) 474 4100  
Fax (04) 474 4244  
Web [www.maf.govt.nz](http://www.maf.govt.nz)

### **Hazardous Substances and New Organisms Act 1996**

The purpose of the Act is to protect the environment, and the health and safety of people and communities, by preventing or managing the adverse effects of hazardous substances and new organisms. Under the Act, approval is required to import a species that has not been brought into New Zealand since the Act came into force. The Act provides for rapid assessment of applications to import species that cannot survive in the New Zealand environment.

Soil and water samples being imported to New Zealand may contain micro-organisms. If the samples are being imported to study the micro-organisms, an Environmental Risk Assessment Authority (ERMA) approval must be sought. If, however, the samples are being imported for analysis to which the presence or absence of micro-organisms is irrelevant, no approval is required (although normal MAF controls apply).

The hazardous substances part of the Act requires that all chemicals and hazardous substances are registered and handled in accordance with specified controls. Substances are still being transferred to this new system, so the requirements of the substance's MSDS (Material Safety Data Sheet), which are readily available at many internet sites, are followed in the interim.

Further information can be accessed from ERMA's web site at: [www.ermanz.govt.nz](http://www.ermanz.govt.nz)

### **Marine Mammals Protection Act 1978**

The Act provides for the protection, conservation and management of marine mammals in New Zealand and its territorial waters, including within 12 nautical miles of the Ross Dependency and the internal waters of the Ross Sea.

Under the Act, a permit from the Minister of Conservation is required to hold in captivity or take<sup>4</sup> a marine mammal (seal, whale, dolphin, porpoise, dugong or manatee), whether alive or dead.

For further information and enquiries contact:

Steve Smith  
STSO- National marine mammal coordinator  
Marine Conservation Team  
Aquatic & Threats Unit  
Research & Development Group  
Department of Conservation

Conservation House - *Whare Kaupapa Atawhai*,  
PO Box 10-420, Wellington 6143, 18-32 Manners  
St, Wellington 6011, New Zealand  
DDI +64 4 471 3062  
[smsmith@doc.govt.nz](mailto:smsmith@doc.govt.nz)

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<sup>4</sup> "take" includes to take, catch, kill, injure, attract, poison, tranquillise, herd, harass, disturb or possess; to brand, tag mark or do any similar thing; to flense, render down or separate any part from a carcass; or to attempt any of these things (Marine Mammals Protection Act 1978 section 2).