Infographic 3: Marine aquaculture legislative history

This infographic forms part of the McGuinness Institute's OneOceanNZ project. For references see www.mcguinnessinstitute.org/publications/infographics

1971

September

Marine Reserves Act 1971

This Act is administered by the Department of Conservation.

- In September 2000 the Department of Conservation released a discussion document on a new Bill. It had its first reading in Parliament on 7 June 2002.
- A report was prepared for the Local Government and Environment select committee on 12 December 2012. The first reading was then terminated.

1971 October

Marine Farming Act 1971

This Act was administered by the Ministry of Fisheries.

Consolidated and amended the law regarding the establishment and development of an industry for the farming of sea fish, shellfish, oysters and marine vegetation in New Zealand waters.

1981 July

Policy for ocean ranching of quinnat (king) salmon approved by Minister of Fisheries

Aquaculture objective:

• To encourage rational development of an ocean ranching quinnat salmon fishery.1

1983

27 September

Marine Farming Amendment Act 1983

- The definition of a 'fish' under the Marine Farming Act 1971 extended to include salmon 2
- Permitted sea cage farming of salmon with a licence or lease from the Crown (lease or licence maximum duration of 14 years).³

1991

22 July

Resource Management Act 1991

- Restated and reformed the law relating to the use of land, air and water.4
- Repealed most of the provisions of the Marine Farming Act 1971.⁵
- Deemed existing leases and licences to be coastal permits and allowed them to continue under the same terms and conditions.5
- Coastal permits to be a maximum duration of 35 years.⁶
- Removed the right of renewal on expiry.⁷

1993 7 July

Resource Management Amendment Act 1993

• Required marine farmers to obtain both a coastal permit from local authorities to occupy coastal space and a marine farm licence from the Minister of Fisheries.8

2002 25 March

Resource Management (Aquaculture

- Suspended the granting of coastal permits for aquaculture activities.
- Opportunity for regional coastal plans and proposed regional coastal plans to provide for aquaculture management areas where aquaculture activities can be undertaken only as a controlled or discretionary activity, and areas where aquaculture activities are prohibited.

2010

3 December

New Zealand Coastal Policy Statement

Replaced the NZCPS 1994.¹⁵

Moratorium) Amendment Act 2002

- Allowed for consequential amendments to fisheries legislation.¹¹

See case study in Infographic 4: NZKS salmon farms

Final draft 20230901, Version 1

2020 27 July

Disclaimer: Please do not use this information for investment decisions. Feedback: Please email suggestions to enquiries@mcguinnessinstitute.org

> **Resource Management (National Environmental Standards for Marine** Aquaculture) Regulations 2020 (NESMA)

- These regulations only apply to the replacement of coastal permits for existing marine farms. New marine farms formed after the commencement of these regulations, such as Blue Endeavour, rely on the decision-maker to take account of all effects.¹⁹
- In March 2021, the following guides were published by Fisheries New Zealand
 - (i) User Guide
 - (ii) Plan Alignment Guide
 - (iii) Consenting Guide

2010

2020

980

1994

5 May

New Zealand Coastal Policy Statement 1994

• Created in accordance with a requirement under the RMA 1991.9

1999

14 October

Animal Welfare Act 1999

Required an owner of an animal (including

- To ensure that the physical, health, and behavioural needs of the animal are met
- To ensure that an ill or injured animal receives treatment that alleviates any unreasonable or unnecessary pain or distress it is suffering.¹⁰

2004 18 March

Resource Management (Aquaculture Moratorium Extension) Amendment Act 2004

• Extended the 2002 moratorium to 31 December 2004.12

2004

21 December

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004 (ARA)

- Repealed the Marine Farming Act 1971 and parts of the Fisheries Amendment Act of 2004.13
- Amended the Resource Management Act 1991.14
- Deemed all existing leases and licences to be a 'coastal permit' under the RMA (ARA, s 10).

1 October

Resource Management Amendment Act (No. 2) 2011

2011

- Designed to reduce costs, delays and uncertainty; promote investment in aquaculture development; and enable integrated decision-making.¹⁶
- Coastal permits for aquaculture are to have a minimum term of 20 years (unless a shorter term is requested by the applicant or is required to manage effects). In the absence of a date specified, coastal permits lapse after three years if they are not implemented.¹⁷
- Removed the requirement for an aquaculture management area (AMA).¹⁸

2022 15 November

Natural and Built Environment Bill proposed

Aquaculture objectives:

- More certain and efficient space allocation and consenting processes.
- Promoted investment confidence providing for new opportunities (such as open ocean aquaculture).
- Enabled the aquaculture industry to adapt more readily to climate change, cumulative effects and biosecurity issues.²⁰

2023 27 June

Natural and Built Environment Report

Select Committee report due.²¹

- RMA (including secondary legislation)
- Natural and Built Environment Bill

Key

Legislation

- Marine/animal specific