

[In Confidence]

Office of the Minister of Conservation

Chair, Cabinet Legislation Committee

Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020

Proposal

1. This paper seeks authorisation for submission to the Executive Council of the Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020 (the Order).
2. The Order declares that the Minister of Conservation must notify the Ramsar Secretariat of the nomination of Wairarapa Moana Wetland as a Ramsar Wetland of International Importance.

Policy

3. The policy for this proposal was approved by Cabinet on 16 March 2020 [ENV-20-MIN-0009; CAB-20-MIN-0102 refers].
4. Wairarapa Moana Wetland is an exceptional wetland complex in the southern North Island. It is a strong candidate for designation as a Wetland of International Importance under the Ramsar Convention. It fulfils seven out of nine criteria for designation, such as its high number of threatened bird species, and the ecosystem services it supports.
5. The nomination proposal enjoys widespread community support, including the local iwi, council and neighbouring landowners. Widespread consultations were held in 2015, and again in 2019. No significant concerns were raised.
6. The majority of Wairarapa Moana Wetland is currently owned by the Crown. Under the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua, and Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua Treaty settlements it is intended that some land, including the bed of Lake Wairarapa, will be transferred to iwi and subsequently managed by a joint board [CAB-17-MIN-0268 refers]. The future owners of the majority of the wetland, Ngāti Kahungunu Ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust and Rangitāne Tū Mai Rā Trust, support the nomination.
7. Consultation with affected parties and agencies has established that any further restrictions or protections that arise from the designation of Wairarapa Moana Wetland under the Ramsar Convention will not result in any significant adverse impacts [ENV-20-MIN-0009; CAB-20-MIN-0102 refers]. Designation as a Ramsar Site would not alter existing management strategies within Wairarapa Moana, or any matters such as public access to, or current use of the Moana. Designation as a Wetland of International Importance will, however, enhance the site's mana, providing opportunities to promote visits and kaitiakitanga.

Domestic process for designating a Ramsar Wetland of International Importance in New Zealand

8. The domestic process to designate a wetland in New Zealand as a Ramsar Wetland of International Importance is set out in section 18AB(1) of the Conservation Act 1987. This provides that the Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, specify a wetland and the details of the area of the wetland, and declare that the Minister must notify the Ramsar Secretariat of the wetland and the details of the area of the wetland.
9. Under section 18AB(2) of the Conservation Act, the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa for review. This has been done and the Board has concurred with the name Wairarapa Moana Wetland on 27 March 2020.

International process

10. Once the Order in Council comes into effect, I must notify the Ramsar Secretariat of the wetland in accordance with the Ramsar Convention international process. The Ramsar Secretariat will review whether the site meets its criteria, and New Zealand, as the nominating country, will subsequently be advised of the outcome. Details of Listed Wetlands of International Importance are published on the Ramsar website.

Timing and 28-day rule

11. The Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020 would come into effect 28 days after the day it is notified in the *New Zealand Gazette*.
12. Once the Order has come into effect, the Minister of Conservation would then notify the Ramsar Secretariat seeking to have Wairarapa Moana Wetland listed as a Wetland of International Importance.

Compliance

13. The Order complies with the following:
 - 13.1. the principles of the Treaty of Waitangi;
 - 13.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 13.3. the principles and guidelines set out in the Privacy Act 1993;
 - 13.4. relevant international standards and obligations;
 - 13.5. the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

14. I know of no reason why the Regulations Review Committee might wish to draw this Order to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel

15. The Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

16. The Regulatory Quality Team at the Treasury determined that this Order is exempt from regulatory impact analysis requirements on the basis that it has no or only minor impacts on businesses, individuals or not-for-profit entities [ENV-20-SUB-0009 para 27].

Publicity

17. Once the Order in Council is in place and the nomination has been submitted to the Ramsar Secretariat, media and stakeholder statements are intended to be released.

Proactive release

18. I propose releasing this paper proactively in whole.

Consultation

19. The Ministry of Foreign Affairs and Trade, the Ministry for the Environment, Te Arawhiti, Te Puni Kōkiri, the Ministry for Primary Industries, Land Information New Zealand, and the Ministry of Business, Innovation and Employment have been consulted on the policy proposals and this paper. No agency has raised objections.
20. The Treasury was consulted on the policy proposals and the Department of Prime Minister and Cabinet was informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

1. Note that on 12 March 2020, the Cabinet Environment, Energy and Climate Committee agreed to the nomination of Wairarapa Moana Wetland as a Ramsar Wetland of International Importance [ENV-20-MIN-0009; CAB-20-MIN-0102];
2. Note that the Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020 would give effect to the decision referred to in recommendation 1 above;
3. Authorise the submission to the Executive Council of the Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020;
4. Note that the Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020 would come into effect 28 days after its notification in the Gazette;

5. Note that after the Conservation (Nomination of Wairarapa Moana Wetland as a Wetland of International Importance) Order 2020 comes into effect, the Minister of Conservation must then notify the Ramsar Secretariat, seeking to have Wairarapa Moana Wetland listed as a Wetland of International Importance.

Authorised for lodgement

Hon Eugenie Sage

Minister of Conservation

RELEASED BY THE MINISTER OF CONSERVATION