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Mana Tohu Mātauranga o Aotearoa  
New Zealand Qualifications Authority

## Level 3 Education for Sustainability 2024

90831 Analyse the impact that policies have on a sustainable future

# EXEMPLAR

Achievement

TOTAL 04

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Specific information for individual external achievement standards

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Title: Analyse the impact that policies have on a sustainable future

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I have to chosen to look at two policies that provide protection for marine mammals that are in New Zealand water. My two chosen policies are the Marine Mammals Protection Act 1978 and the Marine Protected Area Policy. I think that these two policies are significant to my research as I want to know how New Zealand takes procedures to ensure that our marine mammals and ecosystem is protected and keeping commercial fishing away from certain areas.

The **Marines Mammals Protection Act 1978** was passed in New Zealand to protect, conserve and provide management for marine mammals in New Zealand and its fisheries waters. The Act is to protect marine mammals by applying for permits, setting conditions for permits, reporting actions taken with marine mammals, establishing marine mammal sanctuaries and assigning jobs for Marine Mammal Officers. The Act also outlines offences and penalties if anyone has violated the Act, or made false statements and any harm to the marine mammals.

### **Penalties for infringement offences under Marine Mammals Protection Act 1978**

r 20A

Schedule 1: inserted, on 3 February 2020, by regulation 78 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

| Section   | Description of offence                                                                                                                         | Infringement fee<br>(\$) | Maximum fine<br>(\$) |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------|
| 27A(1)(a) | Taking, possessing, exporting, importing, having on board any vessel, vehicle, aircraft, or hovercraft, or having control of any marine mammal | 400                      | 800                  |
| 27A(1)(b) | Failing to give Director-General information that person is required to give                                                                   | 400                      | 800                  |
| 27A(1)(c) | Placing or leaving any structure or trap or chemical or other substance in any place where marine mammal is or is likely to be                 | 800                      | 1,600                |
| 27A(1)(d) | Using any vehicle, vessel, aircraft, or hovercraft to herd or harass any marine mammal                                                         | 800                      | 1,600                |
| 27A(1)(e) | Contravening any notice, direction, restriction, requirement, or condition given, made, or imposed                                             | 600                      | 800                  |

This image shows the fines that someone is faced with if they decide to infringe the policies that are in place and shows how much they are fined for each policy they break. Although this is on the Marine Mammals Protection Regulation 1992.

The **Marine Protected Area Policy** talks about the New Zealand government's approach to creating a network of MPAs to protect marine life and fishery areas around New Zealand. The key objectives of the MPA Policy is to protect marine biodiversity, adopt a scientific approach for marine habitats and the ecosystem, create an inclusive planning process and have a protection target of 10%. The point of the MPA Policy is to protect marine biodiversity by creating a network of MPAs by using different protection tools such as marine reserves and other regulated areas. MPA introduces an inclusive planning process involving regional forums with stakeholders. Some of these stakeholders include Tangata Whenua, marine users, and environmental groups. Proposed MPAs must meet a protection standard by restricting activities that could harm the marine life and their ecosystems in the ocean such as coral. The government wants to develop a coordinated network of marine protected areas by using many different ways to further sustain the impact such as implementing areas that are off limits because the amount of marine life and ecosystem diversity that is in that area, or having boats stray away from areas that have few remaining marine life.

The Marine Mammals Protection Act 1978 was a replacement for the Whaling Industry Act 1935 and the Whaling Industry Regulations 1964. The Minister of Conservation was able to issue permits, establish sanctuaries and make regulations for the marine mammals. This entire development was because of growing concerns globally over the exploitation of marine mammals in the 1970s. Since then, New Zealand joined the International Whaling Commission in 1976 which shifted towards conserving marine mammals in the New Zealand territory. The Act establishes rules to protect marine mammals with the New Zealand water. Some of these marine mammals that are being protected and conserved are dolphins, seals and sea lions. In the Act, it states that harassing or taking marine mammals without a permit is prohibited but there are exceptions for Tangata Whenua and their traditional ways. After New Zealand slowly began shifting towards persevering marine conservation, some of the Tangata Whenua helped with the legislation. Using a PESTEL framework, there are many points for each factor. One political factor would be that the Act was passed by the New Zealand government, which showed that the government was committed to protecting and preserving the marine environment. An economic factor would be that the act established a permit system that regulated commercial marine mammal tourism. Another economic factor was that the act aimed to balance conservation with economic activities. This included fishing and tourism for marine mammals. A social factor would be that the act recognised cultural significance for Tangata Whenua and allowed them to make exceptions in the act for traditional harvests. A technological factor would be that it enabled the monitoring of marine mammal populations by using photo identification. An environmental factor would be that it provided a framework for establishing marine mammals' protection in their habitat. Lastly, a legal factor is that it replaced the whaling legislation which was out of date and provided a legal framework for marine mammal conservation.

The Marine Protected Areas Policy was led by the Ministry of Fisheries and the Department of Conservation and began because of New Zealand's objectives to protect marine biodiversity. This policy aimed to establish processes of creating a network of MPAs around NZ and replacing a less effective approach. It was also designed to be an inclusive and transparent process for marine users, regional councils and Tangata Whenua. The planning process was science-based. This meant using consistent habitat and ecosystem classification to identify gaps in the MPA network and providing protection for certain areas (*Marine Protected*). The Marine Protected Areas Policy is focused on a science-driven process to expand New Zealand's network of marine protected areas. Using a PESTEL framework, there are many points about each factor. One political factor is that the policy involved consulting with regional councils, Tangata Whenua and marine users. An economic factor would be that it minimises the impacts of new MPAs on marine industries that focus on tourism operations. A social factor would be that it aims to protect marine biodiversity which is equally important to Tangata Whenua as they have cultural practises. A technological factor would be that it enables research and

monitoring to study marine ecosystems. One environmental factor would be that it addressed threats to marine life such as overfishing and pollution. A legal factor would be that consists of a framework that utilises existing laws such as the Marine Reserves Act and Fisheries Act.

Many benefits come with The Marine Mammals Protection Act 1978 which benefits conservation and management. One of the key benefits is that it controls the marine population. Another benefit is that it stops illegal trade and stops imports or sales of marine mammals and their parts. The Act also provides protection for all marine mammals which include whales, seals and sea lions in the New Zealand waters. There are some complications of the MMP Act 1978. One complication would be the arguments between the boats that do commercial fishing and wanting to protect marine mammals. Trying to reduce commercial fishing around local areas may be difficult as those who are operating in commercial fishing because those areas that are off-limits are also areas that have lots of species that will earn the fisheries money. One example of this is the sea lion species is close to bycatching rates in squid trawl around Auckland. Many restrictions have been implemented on boats to protect the marine biodiversity and ecosystem. These are set in hopes of increasing marine life and better the ecosystem and stops further damage to both of these. The reason why the policy only allows certain types of fishing is because the areas where fishing is allowed are not harmful to marine mammals and are not illegal ways of fishing.

There are many restrictions that have been implemented on boats with boundaries to protect the marine biodiversity and ecosystem. The activities that have been prohibited are no commercial fishing, recreational fishing or other that remove/kill marine life. There are only certain types of fishing that are allowed while some like trawling are banned because it is not the traditional way. Some fishing gear is also banned, there are restrictions on the amount of fish you can also catch. The policy enables setting restrictions on fishing methods that could be a threat to marine mammals. The policy has prohibited gillnets or other gear that may entangle marine mammals. The policy also tries to minimise impacts on marine mammals that involve underwater noise, vessel traffic and seismic surveys. Regulating boat traffic and anchoring in areas such as creating no entry zones, no anchoring or no transit zones to prevent boats from ruining what's under as it may be a high activity area for marine life. By implementing these strategies to conserve marine life and ecosystems, it make a big impact and heal the ecosystems that have been damaged if people continue to follow the rules and give time for the marine population to grow by leaving the areas that have been damaged the most.

The Marine Mammals Protection Act 1987 has many social and environmental aspects. The many environmental aspects that come with this act is that it highly focuses on conserving and protecting marine mammals and the ecosystem in New Zealand territory. This also means that it prohibits people from taking, killing, injuring or harassing any marine mammal without a permit which gives protection for all marine species. The act also aims to point out threats to marine mammals such as pollution, bycatching, disturbance and bycatch around the areas. Lastly, it makes it easier for research and monitoring to be conducted for marine mammals to help with conservation efforts. With the social aspects, before the Act was in place, there was a growing concern globally because the public came to notice a declining number of marine mammals which drove New Zealand to take action. This also recognised the indigenous Māori people and their culture which includes traditional harvest which were implemented in the Act. Many of the public began creating NPOs to help raise awareness about marine mammal protection. Lastly, the Act provides opportunities for marine tourism which focuses on viewing marine mammals through a permitting system that also looks into the economic aspects.

The Marine Protected Area Policy consists of social and environmental aspects for sustainability as the extent of the restrictions are mainly determined by conservation objectives of each MPA. In the social aspect, keeping people away from marine life to protect it will be highly beneficial and in a few years, there will be a visible difference between how damaged it was then compared to now as humans are the biggest cause of pollution and as humans have boats to travel around the ocean, they release nitrogen oxide from fuels on the boat and other factors such as fuel leakage and waste may flow into the ocean which then pollutes the ecosystem and harms marine life. By pulling away a big factor which is humans, the marine ecosystem will be protected and undamaged. This then goes into the environmental aspect of the policy. Because boats and humans are a big aspect of pollution in the ocean, limiting where they're able to go will highly affect the number of pollution in the off-limits area for the ecosystem and marine mammals that are in danger.

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## Achievement

**Subject:** Education for Sustainability

**Standard:** 90831

**Total score:** 04

| Task | Grade score | Marker commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| One  | A4          | <p>The candidate has provided enough evidence to meet the requirements for Achievement. The connection between policies and sustainability aspects has been explained. Some evaluation was included, which meant that the response met the A4 criteria.</p> <p>However, the policies were not assessed in enough detail, concerning their intended outcomes, to reach Merit. References to Māori concepts and values relating to the natural environment were implied rather than explicitly stated. The response could have been improved by making stronger connections to sustainability aspects and improving the overall structure.</p> |