

VOLUNTARY NATIONAL CETACEAN CONSERVATION REPORT

Submitted to the Conservation Committee by the Government of New Zealand

1. Legal and other developments

Cetaceans in New Zealand are fully protected under the provisions of the Marine Mammals Protection Act 1978. The Marine Mammals Protection Regulations 1992 prescribe the behaviour of persons, vessels, aircraft and vehicles in the vicinity of marine mammals. While the accidental capture of marine mammals in fishing operations is not an offence *per se*, any such capture must be reported within 48 hours after the arrival of the vessel in port.

On 23 October 2008, 4 new marine mammal sanctuaries were created around the coasts of New Zealand - the Te Waewae Bay, Catlins Coast, Clifford and Cloudy Bay, and West Coast North Island sanctuaries. The boundaries of the existing Banks Peninsula Marine Mammal Sanctuary were also expanded.

The legislative instruments which achieved the above are as follows -

- The Marine Mammals Protection (Te Waewae Bay Sanctuary) Notice 2008;
- The Marine Mammals Protection (Catlins Coast Sanctuary) Notice 2008;
- The Marine Mammals Protection (Clifford & Cloudy Bay Sanctuary) Notice 2008;
- The Marine Mammals Protection (West Coast North Island Sanctuary) Notice 2008;
- The Marine Mammals Protection (Banks Peninsula Sanctuary) Amendment Notice 2008.

The instruments restrict seismic surveys in the whole of the sanctuaries (and mining in part of the West Coast North Island Sanctuary) to increase protection for Hector's and Maui's dolphins. Protection for the endemic Hector's and Maui's dolphins from fishing-related impacts was concurrently provided by regulations issued under the Fisheries Act 1996.

2. Information on whale watching operations

Whale and dolphin watching operations are an important part of New Zealand's attractions for overseas visitors, contributing over NZ\$120 million annually to the New Zealand economy. The Marine Mammals Protection Regulations 1992 are the primary tool for managing whale and dolphin watching operations.

In November 2009, NZAID supported a workshop in Vava'u, Tonga, to facilitate the development of Regulations for the management of whale watching operations in Tonga.

3. International Affiliations and Cooperation

New Zealand is party to a number of multi-lateral agreements related to cetaceans, including:

- International Convention for the Regulation of Whaling (ICRW);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- Convention on Migratory Species (CMS)

New Zealand is a signatory to the Memorandum of Understanding on the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, developed under the auspices of the Convention on Migratory Species. New Zealand hosted the Second Meeting of Parties in Auckland, in July 2009.

A New Zealand delegation attended a cetacean roundtable forum organised by the Australian Government in March 2010.

4. Research Projects

New Zealand supports the Southern Ocean Research Programme (SORP) initiated by Australia. In conjunction with Australia, New Zealand funded an expedition to the Ross Sea and Balleny Islands aboard the New Zealand vessel, the *R.V. Tangaroa*, the results of which have been reported to the Scientific Committee and to the Commission.

The NZ Government is also funding a range of projects aimed at determining the population numbers and trend, migratory pathways and important habitat areas (calving, resting, feeding and breeding) for a number of other species of whales and small cetaceans. Several other organisations in NZ are also conducting and funding cetacean research.

A summary of relevant research activities in 2009-10 is provided in the following table:

Whale species	Research focus
Various	Non-lethal data collection on Southern Ocean feeding grounds in the Antarctic Whale Expedition (Auckland University)
Humpback	Survey of northbound migration through Cook Strait (Department of Conservation - DOC)
Bryde's	Investigation into the sub-surface behaviour of Bryde's whales in the Hauraki Gulf (Auckland University)
Southern right	Opportunistic sightings and genetic sample collection around New Zealand coastline to determine if individuals seen around the main two islands of New Zealand are genetically or geographically isolated from sub-Antarctic populations (DOC) Genetic analysis of archived right whale tissue (Auckland University and Oregon State University, in association with DOC)
Inshore dolphins	Aerial surveys of Hector's and Maui's dolphins (DOC and Otago University) Observer programme on board inshore gill-net and trawl vessels to assess by-catch and distribution of Hector's and Maui's dolphins (Ministry of Fisheries and DOC) Ongoing monitoring of the bottlenose dolphin populations of Fiordland (DOC and Otago University) Necropsies of beach-cast common and Hector's dolphins to assess cause of death (DOC and Massey University) Population genetics of Maui's dolphin (Auckland University and Oregon State University) Habitat use monitoring of bottlenose dolphins in the Bay of Islands (Auckland University and DOC)

5. Ship Strike

New Zealand congratulates the ship strike working group on the continuing progress it has achieved. As has been previously reported to the Conservation Committee, there is an ongoing problem of ship strike in New Zealand, involving a semi-resident population of Bryde's whales in the Hauraki Gulf, near Auckland.

New Zealand was pleased to host the Chairman of the IWC's Ship Strike Working Group at a workshop held with stakeholders in Auckland in November 2009. The following action points were identified by participants:

- Consolidate the reporting process
- Develop an information/education package
- Improve the quality of reporting
- Develop a section on ship strike for inclusion in the DOC Standard Operating Procedure on Whale Strandings
- Improve necropsy and disposal of ship-struck whales
- Investigate possible mitigation options of particular relevance to the Hauraki Gulf
- Develop a targeted programme of research

A project attaching d-tags to Bryde's whales in the Hauraki Gulf commenced in April 2010 and is a collaboration between the University of Auckland (Rochelle Constantine), La Laguna University, (Natacha Aguilar Soto) and Mark Johnson. This research will help to understand the whales' sub-surface diving behaviour, speed of travel, behaviour when feeding and acoustic environment in these shallow (approx. 45m) waters in the busiest shipping region of New Zealand.

This research will provide information that will hopefully inform the mitigation of the vessel strike issue. The research will be completed in 2011 and is funded by the Auckland Regional Council (Coastal Enhancement Fund) and The Royal Society of New Zealand. Auckland University, the Auckland Regional Council and DOC will be keeping stakeholders informed about the potential relevance of this research for the mitigation of ship strike.