

Institute throws major effort into submissions on West Coast Bill

Major effort over the past two months has had to go into submissions to the Local Government and Environment Parliamentary Committee on the Forests (West Coast Accord) Bill.

The primary purpose of the Bill has been to enable Government exit from timber contracts under the West Coast Accord without having to pay compensation. The course chosen has been to annul the West Coast Accord which has been upheld in both the High Court and Court of Appeal as a legally binding commercial contract guaranteeing in perpetuity a continuing supply of indigenous timber.

It seems somewhat peculiar that Crown deprivation (without compensation) of landholder rights, which have provided security of tenure for the past millenium, has particularly been applied by New Zealand Governments over the past decade to use of indigenous forests, viz. 1991 Forests Act Amendment and 2000 Forests (West Coast Accord) Bill. Gareth Morgan of the "National Business Review" has identified it as "unadulterated legislative thuggery".

The Institute, in its oral submission to the Select Committee in Hokitika on 13 July, made clear that the Bill:

1. denies New Zealand's international leadership in indigenous forest management
 - 1.1 signals a lack of Government commitment to international accords and protocols promoting sustainable management of natural resources globally and nationally
 - 1.2 signals Government's lack of appreciation for modern ecological, silvicultural and ecotheological understanding of requirements to avert the global ecological crisis
2. sends a negative message to private owners
 - 2.1 says that Government has no commitment to an open public consultation process and that the RMA can be over-ridden at Government whim
 - 2.2 says that SILNA and other private owners of indigenous forest are at risk
 - 2.3 says that the socio-economic disadvantages of the West Coast are of no concern to Government
3. puts at risk achievements in forest management
 - 3.1 proposed transfer to conservation estate forfeits achievement of international criteria for sustainability
 - 3.2 proposed transfer to non-productive use takes away incentives to protect and enhance valuable research records.

The Institute stated what it wanted done with the Bill:

1. accepting that the Government has an ideological reason for stopping sustainable harvesting of West Coast Crown beech forests, the Institute recommends:
 - 1.1 that the beech forests designated for production under the West Coast Accord be placed under a three year logging moratorium requiring review of the benefits and disadvantages of having them sustainably managed, whilst ensuring that research is both maintained and increased;
 - 1.2 that the gazetted sustained yield harvesting of Okarito and Saltwater forests be confirmed;
 - 1.3 that the balance of the forests designated for production under the West Coast Accord be managed for sustained yield harvesting as set out in covenant 4 of the Accord;
 - 1.4 that the administration of the West Coast Accord production forests be reviewed to buy in SILNA and Ngai Tahu involvement and education in order to encourage sustainable management of Maori indigenous forests; and,
 - 1.5 that the West Coast Accord be amended to achieve the above (as well as confirming the provisions for reserves and conservation estate) and not be annulled;
2. accepting that the Government wishes to stop any litigation arising from stopping sustainable harvesting of West Coast Crown beech forests, the Institute recommends:
 - 2.1 that the Bill be altered to,
 - (1) be named the West Coast Forests Litigation Bill
 - (2) accommodate recommendations 1.1 - 1.5 above
 - (3) protect the Crown against litigation on the West Coast beech scheme not proceeding at this point in time
 - 2.2 that a thorough evaluation be carried out on the socio-economic benefits of sustainably managing the West Coast Crown indigenous forests and full consultation be undertaken with the appropriate West Coast local authority(ies).

Peter Allan
Convener