

From Peter Dunne MP and John Blincoe MP
Labour Spokespeople for the Environment
and Conservation



RESOURCE MANAGEMENT REPORT

FROM PARLIAMENT

Dear Friends,

The Resource Management Act is now law.

Over the last 8 months, the Labour Opposition has been fighting to keep the Resource Management Bill on course. We believe that we have largely succeeded. We emerged with comprehensive and integrated legislation governing the use and management of our invaluable natural and physical resources.

The overriding purpose of sustainable management and the essential structure of our Bill survived. They survived the Government's Review Group, the Supplementary Order Paper with the changes the Government wished to make, the Select Committee proceedings, and the dissensions in the Government caucus.

However, a raft of amendments we moved in the House to improve the Supplementary Order paper were not accepted by the Government. This has resulted in an Act less green than we would have liked.

Our main areas of concern are National's shift in emphasis on the purpose and principles sections, and the separation out of the Crown Owned Minerals part of the Bill.

However, we can't help celebrating the fact that New Zealand now has advanced, integrated planning legislation based on sustainability. New Zealand has notched up a Labour-inspired world first:

Message from Labour Leader Mike Moore

The passing of the Resource Management Bill is a triumph for the New Zealand environment, and for the environmental and conservation groups who have worked so hard for us.

In Parliament, Labour's Environment Spokesperson Peter Dunne and Conservation Spokesperson John Blincoe have done a superb job in assisting the Bill through and in putting up solid, well researched amendments. They were well supported by the experience and enthusiasm of other Labour colleagues.

Our challenge now is to build a strong environmental policy based on the concept of sustainability.

We will work through the ideas properly with interested groups so that in 1993 we are ready to again be the greenest Government in the world. We want to integrate our economic and environmental objectives to ensure that they do not work against each other.

In this I know we will enjoy your co-operation, assistance and ideas.

Labour will monitor the new law to note any weaknesses in it.

The passage from concept to Bill, and then to Act, was a long one, which drew on the strengths of many people. In particular, Geoffrey Palmer and Phillip Woollaston had the vision, stamina and expertise to respond to the challenge.

That this challenge was laid down in the first place was due to the hard graft and consciousness-raising of the green movement over many years. Your hard work and submissions on the Bill are testimony to your commitment, and for that the country is indebted to you.

We are very aware of the hard work that will continue to be done by many individuals and groups up and down the country, as sustainable management is put into practice.

But in the meantime, CONGRATULATIONS !!!

IMPROVEMENTS ACHIEVED

The improvements we achieved during the select committee hearings included:

- reinstating the general duty to avoid adverse effects on the environment (clause 16) ;
- making more practical the duty to consider alternative methods of carrying out functions (clause 30);
- reinstating the 20 day time limit for making submissions on planning applications (clause 83);
- getting rid of the Government's original ill-conceived scheme for a coastal tendering system.

AMENDMENTS REJECTED BY THE GOVERNMENT

The amendments we moved to the Bill and which were rejected by the Government were:

PURPOSE AND PRINCIPLES

Clause 4 - Purpose of Act

Labour moved to re-instate the formula in the original Supplementary Order Paper, where sustainability was the main object, qualified by present needs.

Under pro-development pressure, the Government shifted back to the Review Group's formula, where present needs are qualified by sustainability.

Clause 5 - Matters of National Importance

Labour moved amendments:

- for the preservation of the natural character of the coastal environment and the protection of outstanding natural features and landscapes from unnecessary, not merely inappropriate, subdivision;
- to elevate the protection of the habitat of trout and salmon to a matter of national importance, to ensure the optimum cleanliness and health of some of our best bodies of water;
- to make public access to the public estate (mainly Department of Conservation estate) a matter of national importance;
- to elevate the maintenance and enhancement of the quality of the environment to a matter of national importance. As it stands, clause 5 protects only nature conservancy and

amenity values. This amendment would have given full recognition to the broader aspects of the integrity of the environment - air quality, pollution etc.

Clause 6 - Other Important Matters

Labour moved amendments:

- to insert "mauri" at the head of the list;
- to include a positive duty to maintain the intrinsic values of ecosystems;
- to maintain and enhance the bio-diversity of indigenous species;
- to protect versatile soils;
- to manage renewable resources so as not to endanger their ability to yield long-term benefits;
- to manage non-renewable resources so as to see an orderly and practical transition to adequate substitutes.

TREATY OF WAITANGI

The debate surrounding resource management once again brought into focus the Treaty of Waitangi. Labour Maori MPs have always emphasized the Treaty of Waitangi. It has been their kaupapa to remind Parliament that the Treaty is the social contract which is the genesis of our nation. Maori submissions sought inclusion of a clause similar to section 9 of the State Owned Enterprises Act, that "nothing in this Act shall be inconsistent with the principles of the Treaty of Waitangi."

Many Maori will be disappointed that this did not happen.

Labour moved amendments which we thought even a National Government should accept:

- to delete the reference in the Treaty clauses to "the principles" of the Treaty, so that the reference is directly to the Treaty;
- to make the Treaty clause in the Crown Owned Minerals Bill consistent with that in the Resource Management Bill. The Government deliberately made the Treaty section in the Crown Owned Minerals Bill weaker;
- to prevent the Planning Tribunal from making declarations on the meaning of the Treaty clause. In the present state of Treaty jurisprudence, we consider this inappropriate.

ENERGY

Labour moved in clause 22 to require the Minister for the Environment, in conjunction with the Minister of Energy, to prepare a national energy policy. Such a policy was recommended by the Review Group and the Parliamentary Commissioner for the Environment.

The preparation of a national energy policy is particularly important in light of the removal of the requirement of sustainable management from the use of fossil fuels, thereby allowing them to be exploited without regard to future generations.

GRANTS AND LOANS

Labour moved to allow the Minister to make grants to Maori groups or incorporated environmental groups taking civil proceedings under the Act. This was to go some way towards remedying the Government's recent unfortunate decision to remove from the Labour Government's Legal Services Bill assistance to such groups.

MINING

Labour moved:

- for the Minister to consult with the NZ Conservation Authority on all applications for mining access to the DOC estate, not merely those for National Parks;
- that the Secretary of Justice appoint mining access arbitrators, to prevent the conflict of interest that will arise with the Secretary of Commerce appointing them;
- that existing mining applicants who choose to proceed under the Mining Act not enjoy that Act's land access provisions (which favour miners even more than National's new law). This amendment would have given them a strong incentive to proceed under the new law.

OTHER GOVERNMENT DECISIONS WE OPPOSED

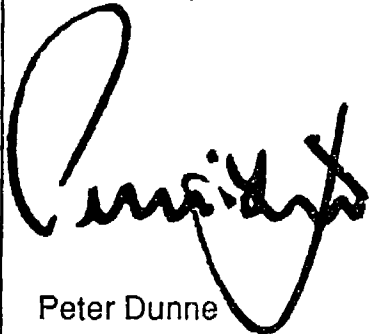
Labour opposed the following Government decisions:

- to have a separate Crown Owned Minerals Act, and not to apply sustainable management to the allocation of those minerals;
- to give miners easier access to private land than Labour's Bill as reported back last August;
- to persist with a coastal tendering system in the Bill, albeit toned down considerably from its original ill-conceived version. We thought that the revised system should first be the subject of consultation with coastal users, particularly marine farmers. There was time for this to happen;
- to retain reference (in clause 89) to a consent authority not taking into account the effects of trade competition on trade competitors. This was originally in the almost universally criticised proposed clause 6A. The Government went against the Select Committee's advice that it should be deleted completely;
- to delete from the definition of "contaminant" specific references to radioactivity and electro-magnetic radiation. This deletion was made against the advice of the Parliamentary Commissioner for the Environment.

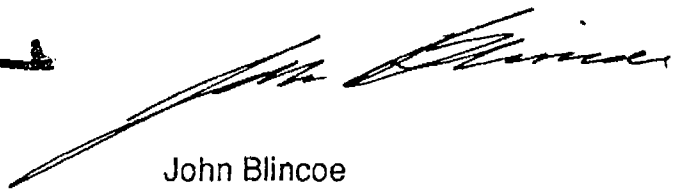
The Resource Management Act itself is not perfect.

However, we feel it is a major contribution to the change in attitude required for the long term future of this country, our planet, and we who inhabit it.

Now it is up to all of us to make the Act work.



Peter Dunne
Spokesperson for the Environment



John Blincoe
Spokesperson on Conservation