

ECO CONFERENCE 1988

22 - 24 JULY, 1988

TAUHARA CENTRE, TAUPO

TOPIC:

A TUWHARETOA PERSPECTIVE ON PARTNERSHIP
AND RESOURCE MANAGEMENT

George Asher: Tuwharetoa

EMBARGOED UNTIL DELIVERY

Speech by the Hon Philip Woollaston
Associate Minister for the Environment

At the ECO Conference 1988

On Friday, 22 July 1988

At 7.30 pm

At the Tauhara Centre

Taupo

Thank you for your invitation to address the Annual Conference of ECO. Today I want to bring you up to date on progress with Resource Management Law Reform and regional and local government reorganisation.

I also want to discuss with you the role that I think environment centres can play under the new regime and in such things as the Environment Grant Scheme.

Last week the Local Government Amendment Act was passed. This Act contains a Schedule which gives the Local Government Commission its brief for the reorganisation of local government in time for the 1989 local body elections.

The Act provided for three types of local authority -

- regional councils
- territorial authorities, and
- special purpose authorities.

It is not expected that there will be many special purpose bodies.

Regional councils will cover all of the country except for the Chatham Islands. They will be multi-purpose in nature.

Regional councils will have the functions and powers of a regional planning authority, catchment authority and maritime planning authority under the existing resource management laws.

The boundaries of every region are to conform as far as practicable to the boundaries of one or more water catchments. This will allow them to deal with the impacts on the environment comprehensively.

A regional council can be called a "Regional and Resource Management Council". This recognises that regional councils will have a major role in the management and regulation of natural and physical resources.

The new regions will be very different from the present regional and united councils. They will be directly elected and therefore more accountable to the electorate.

They will operate at a scale which allows the integrated management of our water, land and air. They will be able to employ the technical and other specialist expertise needed to do this.

The details of the resource management functions the regional councils will perform once our resource management laws have been reformed are still to be worked out. It is likely the new regional councils will be given additional functions.

There has already been considerable devolution of functions previously carried out by national agencies to local authorities.

This is particularly true in water management, soil conservation and land use planning. The transfer of responsibilities which occurred on 1 April of this year was the continuation of a process of devolution which had been going on for some time.

What does this mean for regionally based environment centres?

It means that they have an important role both now and in the future.

Our system of government does not provide all the answers, and never will. Non-governmental organisations have a valid role in keeping central, regional and local government up to the mark in their performance.

Regional environment centres are as important in this as are the single purpose nationally based organisations.

For many people environment centres can provide a more accessible and comfortable contact point on environmental issues. They can act as the focus for public awareness of and action on environmental issues in the regions.

I see the environment centres:

- Acting as environmental advice bureaux. Answering and if necessary redirecting enquiries on environmental issues.

- Encouraging public participation in decision making. One of the ways they may do this is to provide a forum for groups and individuals on particular environmental concerns.

- Acting as a possible distribution point and shop front for government environmental information and publications, as well as material from member and other organisations.

- Supporting the articulation, and sometimes coordination, of environmental and conservation concerns in their areas.

- Supporting environmental education. For example, through providing materials and speakers to schools and other groups.

- Operating as a contact point for the Resource Management Law Reform.

Environment centres could also play an important part in administering the environmental grants scheme.

Some funds are available for the administration of environment centres in recognition of the contribution they can make to achieving our aims for improving the quality of our environment.

In January I met with representatives of various environment centres and discussed, among other things, the role of environment centres and the future operation of the environmental grant scheme. That meeting appointed Paula Warren and Derek Shaw as representatives of the centres.

I have been talking to Paul and Derek about what tasks environment centres can take on and what government support might be available to them. I have been assured that there is active interest from most regions in administering the environmental grant scheme.

Also I see the centres as a valuable contact point for the Resource Management Law Reform exercise. The centres would be able to undertake work to support public participation in this review.

They could act as a local link for the Wellington based core group.

The third significant area of work for the centres will develop as the new regional councils are formed and take a more significant role in administering the resource management statutes which will result from the present review.

If the centres are to be able to carry out these tasks effectively, certain criteria will need to be met.

- They will need to provide (collectively) coverage of the whole of New Zealand.
- They will have to command a certain level of administrative capacity.

- They will need to be reasonably permanent, and so not totally dependant on voluntary donations for their survival.

For these reasons some administrative funding is to be made available to Environmental Centres by Government, providing the above criteria can be met.

While the total sum available will not be great, I hope it will provide sufficient "seed money" to firmly establish environment centres throughout New Zealand.

I hope that a mutually satisfactory base for a funding scheme can be reached in the near future, so that this years environmental grant scheme and Phase II of Resource Management Law Reform can gain maximum benefit from the input of the regions.

This need not, of course, preclude assistance to nationally based groups who have an equally important contribution to make on the review of our resource management statutes.

Clearly there will have to be some performance criteria for centres which receive funding, and some rules governing its expenditure.

These will be necessary to ensure that centres are accountable for the block grant that they receive. However, I think we can put in place a system which will achieve that accountability without imposing undue bureaucracy on them.

It is also important that the independence of the centres is maintained.

I understand that a workshop session at this conference will consider the role of regional environment centres. I hope it will discuss the proposals I have made.

My Executive Assistant, Sue Veart, will attend the workshop and be able to answer specific questions which might arise. I look forward to a report on the outcome of the session.

Before I bring you up to date on the Resource Management Law Reform project, I want to comment on the use of the term "resource management".

ECO's submission on the Resource Management Law Reform discussion document, and comments in a recent ECO newsletter berate the government for using anthropocentric language.

I must take issue with your statement that the use of the term "resource management" will bias the review.

New Zealand has two official languages, English and Maori. They were both invented by people. They are both necessarily "anthropocentric".

If we are going to write law we have to use a human language. The only purpose of law is to regulate human activities.

The law can take heed of non-human values. Both the Environment and Conservation Acts do. I expect that the revised 'resource management statutes' we are working towards will do so too.

But the framework of the law is essentially anthropocentric.

We can use the time available to engage in a semantic debate about the niceness of the language we use, or we can get on with the job of reforming our laws.

I think the environment has much more to gain from the latter than the former.

On a more positive note, I am pleased to receive reports of the involvement of ECO members, locally, regionally and nationally in the review. The core group has praised your contribution.

Our Resource Management Law Reform is well on track.

The Government has received a report from the core group on the outcome of Phase I of the review. The report of the core group will be used as the basis of a public discussion paper to be released in late July. This paper will focus on the issues to be addressed in Phase II.

Phase I has identified areas for further investigation. It has posed questions which Phase II will have to answer.

Phase II will be completed by the end of 1988. It will result in final decisions being made on the purposes and objectives of our resource management laws and the institutional and organisational arrangements to achieve them.

Those decisions will then be put into new law which will be ready for introduction in 1989.

There has been some concern expressed in the submissions that the review will not adequately recognise ecological limits. The Phase II guidelines will make it clear that ecological limits are to be taken into account.

Phase I of the review has provided us with further information on the strengths and weaknesses of our existing resource management systems and processes.

We need to retain the successful elements of existing laws and make changes where they do not work well.

One of the major weaknesses is the fact that our land, water and air resource management regimes are not well integrated. They should be. We are dealing with the one environment.

Better integration need not mean one all encompassing resource management statute. The review needs to address how that is to be achieved.

We have to define the role that the various levels of government have in resource management.

Where resource management functions are devolved to units of regional or local government, the level of government chosen should be appropriate to the community of interest affected by the decisions taken.

However, we recognise that it is desirable to avoid conflicts of interest between the resource management and regulatory functions and any service delivery of local government.

Where government - central, regional or local - is a resource user it should be treated the same as other similar resource users unless there is a good reason to the contrary.

We also need consistent processes and procedures for like resources and circumstances.

We cannot justify the differences in approach in our present resource management laws. They are a result of the uncoordinated way in which the individual Acts came into being.

One of the most difficult issues to address is the implications of the Treaty of Waitangi for our laws. How do we make sure that our resource management laws improve and do not worsen the position of the Maori?

How do we deal with the special relationship of the Maori to the environment?

At present there is a complex ownership pattern of our mineral and energy resources. A range of rights and procedures apply to different minerals which often have similar characteristics and effects on the environment.

Is this justified?

Can these minerals and energy resources be dealt with according to the principles as any land use? Would a revamped Planning Act cover the externalities or spillover effects of the use of these resources.

Examples of such spillover impacts are noise and smoke, the offsite impacts of soil erosion or the desire of the community to protect and conserve natural habitats, rare species or historical sites.

The same principles apply to all resource use, not just mineral developments.

Mechanisms like performance standards, negotiated covenants and betterment are possible approaches to handling particular resource use issues.

There is also the question of how far we go in allowing the communities to direct the nature and form of resource use in their areas.

The way we control pollution and hazardous substances needs to be considered alongside other resource management activities, especially land use planning.

Phase II of the Resource Management Law Reform Project will ensure this occurs.

The management of pollution and hazardous substances has been added to the terms of reference for the review. The valuable work already done on SCOPHAS will be drawn on by the core group.

There are also considerable problems with existing use rights for water.

Many are not clearly specified or have conditions which do not reflect the demands of the community today. What changes to the law would be required to fix these problems?

The implications of the Treaty of Waitangi for water allocation also need to be considered.

How do we recognise and provide for the interests of all instream users and interests? Should we also provide for water rights to be issued to those recreational users who use water without removing it from the river?

Some user pays principles already apply to water right holders. Is there the potential to apply these principles more widely?

The reviews of resource management law and coastal legislation need to be more closely aligned. They are after all dealing with the same resources - our water and foreshore areas.

The terms of reference and timetable for the coastal legislation review will be adapted so that they are compatible with those for the resource management law reform.

The same guidelines will apply to both. The same Cabinet committee will oversee both reviews.

Opportunities for public participation, including rights of appeal will also be considered as part of the Resource Management Law Reform. They need to be made more consistent.

There may be more scope for negotiation and mediation.

We also need to consider the issue of how you get the information which is essential for good participation.

This question is closely connected with looking at the ways in which environmental assessment can be reflected in resource management law.

In closing I thank you for your interest and involvement in resource management law reform. I am sure it will continue.

We need input from people who have had practical experience with our laws.

I also look forward to the outcome of your discussions on the environment centres.

I hope they will result in proposals to revitalise the environment centres quickly. I believe the centres have an important contribution to make in looking after our environment.