



## Proposed Policy Statement on Biodiversity

By Cath Wallace and Shane Orchard

The government has produced a Proposed National Policy Statement (NPS) on Biodiversity. ECO welcomes the release of the indigenous Biodiversity NPS which has been under preparation for many years. Many of its provisions are good, with some useful principles and measures. The scope however is limited, partly by virtue of the effects basis of the RMA, and partly because the NZ Coastal Policy Statement and other such statements may have been regarded as already covering the territory. Some worries remain and the provisions will need careful scrutiny.

The Proposed NPS sets out objectives and eight policies to manage natural and physical resources so as to maintain (but not to restore or enhance) indigenous biological diversity under the Resource Management Act 1991 (RMA). It seeks to strengthen the contribution the RMA makes to halting the decline of biodiversity. As a tool, the NPS remains subject to Part 2 of the Act and its role is designed to be a relevant consideration for decision makers to weigh alongside other matters in achieving the sustainable management purpose of the Act.

### IN THIS ISSUE:

Proposed Policy Statement on Biodiversity	1
Lignite and the Climate	5
Feeble Gas Emissions Reduction Target	7
Emissions Trading Scheme Review	8
New ECO website design	9
Ministers Centralise Power	10
Mokihinui Update	12
Christchurch and the RMA	13
Ross Sea	14
IUCN-CEC Communications Workshops	14

## ECO Conference Alert!

### Resilient Environment, Resilient Communities

The 2011 ECO Annual Conference and AGM will be held in Auckland 1 – 3 July.

Friday, the first day of the Conference, is to be in the excellent Jubilee Hall, Parnell Community Building, close to downtown Auckland. From there we will bus to Carey Park Camp on Henderson Valley Road at the edge of the Waitakere Ranges, for the Saturday and Sunday programme.

The theme of the Conference reflects the need to look at developments strengthening or damaging New Zealand's resilience in this rapidly changing world. The programme will cover, as appropriate in Election Year, current directions in protecting the things New Zealanders value and prosper from – such as our treasured environment with its clean water and healthy soils, its biodiversity and special landscapes, – such as our participative democracy and access to information, – such as our opportunities to build a sustainable and equitable economy.

More details about the conference, including times, enrolment etc, will be available on our website soon.

## ECO Annual Street Appeal

ECO is looking for volunteers to help with our annual Street Appeal Day in Wellington on Thursday 24 March. If you would like to help please contact the ECO Office on 04 385 7545 or email [eco@eco.org.nz](mailto:eco@eco.org.nz) for more information.

**COLLECTORS NEEDED!**

This proposed NPS would apply to land owned by any person except that it does not apply to public conservation land nor to the coastal marine area (ie from mean high water springs to 12 nautical miles offshore). That is of concern if it means that conservation-owned land is not protected by biodiversity objectives in the event that it is not otherwise formally protected if resource consent applications are made over that land. The exclusion of the coastal marine area is also a concern.

The status of aquatic ecosystems is unspecified, but it seems to be restricted to exclude marine and coastal biodiversity, presumably because the NZ Coastal Policy Statement (NZCPS) has been issued. The Proposed Biodiversity NPS emphasizes Section 6(c) of the RMA but it could be re-fashioned to include a broader scope of non-terrestrial biodiversity such as the inhabitants of marine and coastal areas as well as land-dwelling species.

The main purposes of the Indigenous Biodiversity NPS are to:

- bring more clarity to the role of local authorities in biodiversity management under the RMA than may be apparent on the face of the Act itself;
- support the existing good work of local authorities to date and secure the gains made in terms of regional and local planning responses;
- encourage local authorities that operate below the level of best practice to enhance their efforts by introducing a “bottom-line” category of site whose values are to be recognised and protected through the RMA; and
- help decision-makers appropriately to balance the protection of biodiversity, the interests and values of tangata whenua, the rights and responsibilities of landowners and the broader national interests that may be at stake in future resource management decision-making.

The reference to national interests could signal a willingness to sacrifice biodiversity for so-called “national interest” purposes, such as fast tracked projects under the Environmental Protection Authority Act.



*NZ wood pigeons are vital forest seed dispersal agents*

Section 6(c) of the RMA requires consideration of “the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna”. The proposed NPS is a set of (minimum) criteria for the identification of ‘areas of significant vegetation’ and ‘significant habitat of indigenous fauna’. Under this NPS local authorities would be required to identify ‘areas of significant vegetation’ and ‘significant habitat of indigenous fauna’, and these include:

- naturally uncommon ecosystem types, for which a list is provided;
- indigenous vegetation or habitats associated with sand dunes;
- indigenous vegetation or habitats associated with wetlands;
- land environments, defined by Land Environments of New Zealand at Level IV (2003), that have 20 per cent or less remaining in indigenous vegetation cover; and
- habitats of threatened and at risk species.

What the NPS doesn’t say is how those areas can be protected if within city limits, given the removal of protection from urban ecosystems by the current government and its replacement with single identified tree protection rules only.

Based on the significance test, local authorities must then manage the effects of activities through district

and relevant regional plans (or be satisfied that the effects are managed by methods outside of district or regional plans). This is to ensure 'no net loss' of biodiversity of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Offsetting harm to indigenous biodiversity with benefits elsewhere is provided for in the NPS. This is problematic, given it may allow destruction of biodiversity to be then offset by some action to "protect" somewhere else not under threat anyway. The Proposed NPS specifies that local authorities will need to take full account of residual adverse effects in decision-making processes under this NPS, and that in practice there are limits to what can be offset because some vegetation, habitats and ecosystems are vulnerable or irreplaceable. In such circumstances offsetting would not be a possible for meeting the policies of the NPS, and the NPS provides further guidance on this matter to assist interpretation. This is a useful restriction on the use of offsetting, but the whole provision requires scrutiny.

The proposed NPS also addresses outcomes for the maintenance of biodiversity outside of identified areas of significant indigenous vegetation and significant habitats of indigenous fauna. These include a general intention to encourage the retention of as many elements as possible and to reduce as many adverse effects as possible, but also to outline some more specific goals.

Amongst the latter are:

- the use of naturally occurring, locally sourced indigenous species in plantings;
- the establishment of additional indigenous riparian vegetation as a means of increasing connectivity and enhancing freshwater habitat for indigenous species; and
- ensuring human-made structures do not adversely impact on indigenous species by interfering with their natural migratory movements. That could be important in that, for instance, it might influence the siting of installations such as power stations or wind turbines.

The need to recognise and provide for the role of tangata whenua as kaitiaki is recognised under Policy 7 of the proposed NPS. Practical aspects include that tangata whenua values and interests are to be incorporated into the management of biodiversity. When considering environmental outcomes, this will have a significant influence.

The WAI 262 Report by the Waitangi Tribunal regarding claims to biodiversity and conservation governance, is due to be issued in the week of 2 May 2011. The Proposed NPS has been drafted without the benefit of that much delayed report. Sadly, the deadline for submissions is exactly the same week that the WAI 262 report is to be issued, so there will be no chance for submitters to integrate thinking about these before submissions are due. The government has indicated that it will consider the WAI 262 report before it determines what to do about the NPS.

Member groups and others will need to give the Proposed NPS careful scrutiny, and make submissions. There are some positive aspects to the Proposed NPS and it will be important to support these. An example is its focus on indigenous biodiversity, not biodiversity in general.

On the down side, issues of concern that have already been identified by ECO and others include:

### Limited Scope:

- 1 The limited geographic scope of the Proposed NPS, in particular, its terra-centric scope, with the exclusion of the coastal marine area, which is a large chunk of the RMA's scope (which includes the territorial sea to 12 nautical miles).



*Wetlands may not be covered by the NPS on biodiversity, yet are one of the most depleted of NZ's ecosystems*

- 2 A useful but lop-sided emphasis on native vegetation, with rather muted attention to native fauna, and little attention to the fungal and microbial systems.
- 3 The ambiguity regarding its application to freshwater ecosystems and other aquatic elements of biodiversity.
- 4 The exclusion of public conservation land.

### Lack of Ambition

The ambition of the biodiversity NPS is limited to the “maintenance” of biodiversity, a much lesser goal than the “restoring the dawn chorus” goal that DOC had, or say, the enhancement of native biodiversity. Restoration is desirable, and pest control, fencing and other such are means to it, but may well not be covered by this NPS. Enhancement can be achieved by the re-introduction of species and habitats, but again is beyond the ambition of this NPS.

Since the basis of the NPS is the RMA, it thus sets out to control adverse effects, rather than encourage or require actions to protect biodiversity. As such it is passive- reactive rather than pro-active. Encouragement of councils and land owners may be possible, but it is not a primary focus.

### Process

The Proposed Indigenous Biodiversity NPS is not automatically to be given effect by councils immediately. Rather, it is to be a gradual process. One can appreciate the difficulties of requiring all councils to change their Plans simultaneously, but gradual adoption will leave open scope for strategic behaviour in which biodiversity not already protected may be destroyed preemptively.

### Off-setting

The government has bowed to pressure from economic interests in allowing offsets. This permits damage in one place on condition that it is “offset” elsewhere. It is a potentially dangerous provision because in reality it can often mean that one area or part of biodiversity can be wrecked in return for

“protecting” an area that was never under threat anyway. The drafters of the Proposed NPS have provided Schedule 2 to the NPS that is designed to provide some tests and principles to limit the scope of such offsetting. That is welcome, and some of the principles are good.

Finally, the Environment Minister Nick Smith has decided that the proposal will not be sent to a Board of Inquiry for scrutiny. That is unfortunate, since such deliberative processes as hearings can allow ideas to be tested and debated, whereas Smith is simply inviting submissions to be sent to officials at the Ministry for the Environment and they will then report to him. He will decide then what to do. This approach leads to politicization of the NPS and policy instability with changes of government – such a process has little merit for the long-term security of biodiversity.

ECO welcomes comments and analysis from member bodies and others with an interest. Send these to [eco@eco.org.nz](mailto:eco@eco.org.nz), with Biodiversity NPS in the subject line. Have your say by 5.00pm 2 May 2011.

The Policy and related documents, including a form and format for submissions as well as explanations can be found at [www.mfe.govt.nz/npsbiodiversity](http://www.mfe.govt.nz/npsbiodiversity). Submissions and inquiries to Anna Carter at MfE can be sent to: [biodiversity@mfe.govt.nz](mailto:biodiversity@mfe.govt.nz) or Biodiversity NPS, P O Box 10 362, Wellington 6143



*The coastal marine area is excluded from the Proposed NPS on biodiversity*

## Lignite and the Climate

by Cath Wallace

In November 2010, the Parliamentary Commissioner for the Environment (PCE) issued a report: *Lignite and Climate Change: The high cost of low grade coal* ([www.pce.parliament.nz](http://www.pce.parliament.nz)).

The PCE points out that there are four proposals for developing the big lignite deposits in Otago and Southland, primarily by Solid Energy, a government owned company (though the government has signalled it wants to sell part of it).

The proposals noted by the PCE (2010, p14) include a plant producing about 2 billion litres of diesel per year, using at least 12 million tonnes of lignite per year and another producing 3 billion litres using 12-17 million tonnes of lignite annually. A further project would produce by 2016 1.2 tonnes of the nitrogenous fertiliser, urea, using 2 million tonnes of lignite annually.

Solid Energy also aspires to produce 1 million tonnes of lignite briquettes for export by 2014. The briquetting process would squeeze out most of the moisture otherwise in lignite, generating emissions of 1.75 tonnes CO<sub>2</sub> equivalent (CO<sub>2</sub>e). By comparison, using wood pellets instead for electricity generation would emit only 0.2 tonnes CO<sub>2</sub>e.

Finally it has been proposed that lignite could be used to fire the thermal power station at Tiwai Point aluminium smelter.

The production of urea would be a double whammy against the climate since the use of nitrogenous fertiliser would further affect the climate with the release of nitrogen dioxide once applied, and this is much more potent per tonne than CO<sub>2</sub>. Water quality is also damaged by nitrogenous fertilisers.

### NZ's Greenhouse Emissions and the costs of lignite.

The PCE noted the huge gap of 24-30 million tonnes between NZ's obligations to reduce our greenhouse gas emissions and the actual trajectory of increase of emissions that we are on. The lignite projects would horrendously increase our emissions – and that in turn will cost New Zealand money we could use for many other purposes, as well as costing dearly against New Zealand's reputation around the world.

The PCE notes that even without the lignite projects, and with efforts to reduce emissions with the (feeble)



*Lignite mining*

Emissions Trading Scheme price on emissions from farming, and by accounting for forests that do sequester carbon, “New Zealand emissions will continue to rise, at least until 2019. Net emissions are projected to grow 40% between 2010 and 2020, taking New Zealand's annual emissions rate to 30% above the 1990 level” (p 18).

This would leave a 24-30 million tonnes of CO<sub>2</sub>e gap between our commitments and our performance, and incur a cost we would have to meet. It would cost New Zealand \$1.2-6.0 billion just in 2020, depending on whether the price of carbon is \$50 or up to \$200 per tonne (PCE, 2010; 18).

Steve Goldthorpe, energy analyst, posted this useful explanation to the Coal Action Network about the emissions from lignite:

*“Only about half of a typical tonne of South Island lignite is combustible fuel, which might burn to give 1.2 tonnes of CO<sub>2</sub>. The rest is water and dirt. Some South Island lignite is so wet and dirty that it would yield less than one tonne of CO<sub>2</sub> per tonne of material dug up and burned.*”

*In contrast, the high value export quality black coal mined on the West coast might yield 2.8 tonnes of CO<sub>2</sub> per tonne if burned and it could have up to three times the energy content per tonne compared with the poorest quality lignite.”*

Goldthorpe notes that Don Elder of Solid Energy refers to lignite as “coal”, which it is not. Genuine coals and lignite quality varies hugely. He suggests that the real factor is in the realm of one to three.

*“If the low quality minerals called South Island lignite are left in the ground for a few hundred million years, they might turn into high quality coal that is*

*then worth digging up to use sparingly as a source of valuable materials. That would be a better use of the resource.”*

(Reproduced with permission of Steve Goldthorpe Energy Analyst Ltd, Steve.Goldthorpe@xtra.co.nz.)

So what are the alternatives to using lignite? The first and most obvious is to not let the Tiwai Point smelter continue to drain NZ's energy resources, but of course there would be a cost of lost jobs, but few uses of the energy would produce so few jobs per \$m invested as does the highly capital and energy intensive Tiwai Point Smelter, so after the immediate disinvestment and the reallocation of the hydro power, there would be more jobs, not fewer.

Second, for most of the applications of lignite, including the thermal power station, wood could be used instead. Since growing trees absorb carbon, this would not add to the GHG emissions in the way that using a fossil fuel like lignite would, but the PCE concludes that insufficient wood can be found where the lignite is – but of course if diesel is to be made, it need not be where the lignite is.

The point though is that the more we go down the fossil fuels path, the more we displace other renewable technologies.

Urea use itself is also highly damaging both to water quality and the climate. Burning lignite for power is likely to have big impacts on air quality, with attendant respiratory disease. Diesel made from lignite using the Fischer-Tropsch process would produce about 5.8kg of CO<sub>2</sub>e per litre, compared with 3.1kg/litre from conventional diesel, or 0.3kg /litre from diesel manufactured from wood. The PCE calculates that a single lignite-diesel Fischer-Tropsch plant producing 35,000 barrels of diesel/day would generate 5.5m/tonnes CO<sub>2</sub>e per year, and that at the lower assumed price of carbon of \$50/tonnes, this would cost New Zealand \$300m more than conventional diesel (PCE, 2010; 28-29). Compared to say, bio-diesel, the lignite-derived diesel would be hugely more expensive still.

Solid Energy is trialling forestry wood production both for fuel pellets for which there is already an established market, and for carbon sequestration to try to offset some of the emissions from the products it seeks

*ECOLink March 2011*

to produce. The problem is that there is a limit to the amount of land that can be covered in forest, and forests either may be harvested in which case much of the carbon is released again, or they become mature and cease to provide a net carbon sink.

Carbon capture and storage (CCS) has been promoted as a solution by Solid Energy, but the PCE concludes that there is nowhere that could be proven both feasible and reliable in the south, and that anyway, the technology remains speculative, uncertain, unreliable and highly risky. This is underscored by the discovery by farmers in one of the major CCS stores where the supposedly permanently stored CO<sub>2</sub> is bubbling up in farmers' paddocks like so much soda water.

The impact on NZ's greenhouse gas emissions of lignite mining and the manufacturing or export of diesel, urea or briquettes or thermal power production using lignite would be profound and expensive. The PCE shows that “a single lignite-diesel plant would increase NZ's national greenhouse gas emissions bill by 20%” (p39).

The PCE's report provides far more detail than can be provided here, but it is clear that there is a considerable risk to New Zealand and the climate from the lignite projects, and that the government will feel inclined to allow lignite-based activity to be subsidised by the allocation of free emissions units. The Commission recommends against such subsidised allowances of emissions credits: “it makes no sense that the ETS rules would lead to taxpayers subsidising, even at a modest level, new investment in outdated dirty technology” (p42). Thus she recommends to Parliament that only industries that reduce NZ's net greenhouse gas emissions be given carbon credits, and that new industries based on large amounts of lignite should not be given free carbon credits. Criteria should be developed for the issue of free carbon credits.

Solid Energy is a state owned company so it is possible for the SOE minister to simply direct the company to desist from its plans to use lignite and to redirect its efforts to wood pellet production. This would be the equivalent of directors reorienting a private company. Ministers redirected Timberlands in 2002 away from logging native forests, to exotic forestry. The Key government could and should direct Solid Energy to leave the lignite in the ground. We and the climate would be far better off if it did.

## Feeble 2050 Greenhouse Gas Emissions Reductions Target

by Cath Wallace

The Minister for the Environment has announced that the government proposes to notify in the New Zealand Gazette a long-term emissions reduction target for New Zealand. Submissions closed on 28 Feb 2011.

The Minister proposes a 50% reduction in emissions by 2050. On the Ministry website, the government has admitted that “the 2050 emissions reduction target, which follows the current Kyoto Protocol approach, is on the basis of net emissions in the future, relative to gross emissions in 1990” (emphasis in the original) MfE.

Such a goal is very weak on several grounds. The first and most obvious – and Simon Terry and Geoff Bertram spotted this – is the comparison of gross emissions with net emissions. These are not comparisons of like with like, which they should be.

As can be seen from MfE’s graph below, the 2050 target of “emissions reductions” to 50% on 1990 levels, is really a substantial increase in emissions when net emissions are compared to net emissions rather than gross emissions.

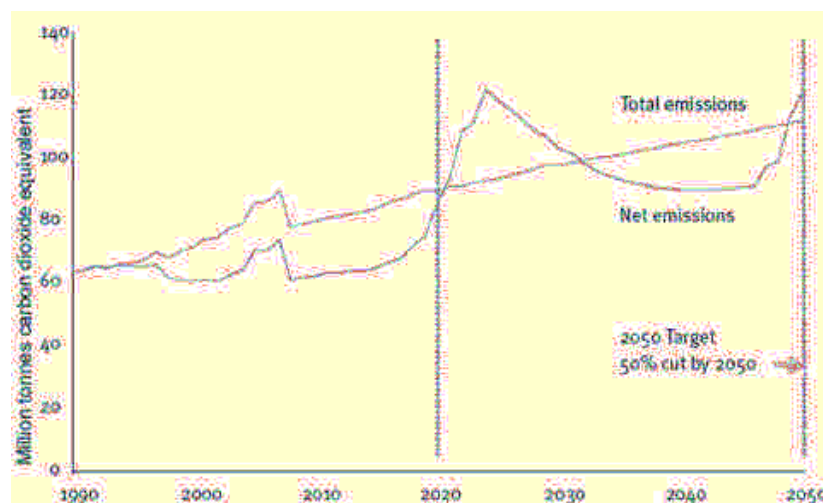
Secondly, the reductions goal is hugely inadequate. Reductions of 80%-100% are needed and recommended by the IPCC scientists – and those recommendations are probably too conservative, given the mountain of peer reviewed evidence of climate change

published since the publications according to which those recommendations were developed.

The target is feeble too because it does not set milestones that the current government can be held to account on. 2050 is so far ahead in political terms that it is meaningless in terms of political accountability. So too is the 2020 conditional target that New Zealand tabled under the Copenhagen Accord, of net national emissions reduction of 10-20% lower than 1990 levels by 2020. This is not in fact a commitment to reduction, but a conditional commitment to “take responsibility for” emissions reductions to that amount. That means that we may buy carbon credits from others for their greenhouse gas emissions reductions, rather than actually reducing our emissions. Like the 2050 target, it fails to set intermediate milestones and so this government’s performance cannot be tracked against it.

Most of all, the level of atmospheric warming and subsequent losses of ecosystems and species, and the harms from climatic events and global change that would be consistent with New Zealand’s inadequate reduction levels would allow huge damage to the planet. New Zealand, like the rest of the world, needs to not just reduce emissions but actually to sink more greenhouse gases than are produced, to reduce atmospheric concentrations of CO<sub>2</sub>e so that atmospheric temperature increases are limited to 1.5 degrees C.

**MfE: Figure 2: New Zealand’s total and net greenhouse gas emissions and removals (historical and projected), under business as usual 1990-2050 [ie, no lignite]**



Source: Ministry for the Environment,

<http://www.mfe.govt.nz/publications/climate/nz-2050-emissions-target/> (accessed 27/2/2011)

## Emissions Trading Scheme Review

by Cath Wallace

The Ministry for the Environment reports: “The Climate Change Response Act 2002 that set up New Zealand’s Emissions Trading Scheme (ETS) requires a review of the ETS to be completed before the end of 2011. A review panel, led by David Caygill, and terms of reference were announced by Climate Change Minister Dr Nick Smith in December 2010. The panel will start work in February 2011 and report back to the Minister by June 2011.” The Terms of Reference are at MfE: [www.mfe.govt.nz/news/ets-review-2011.html](http://www.mfe.govt.nz/news/ets-review-2011.html) accessed 27/2/2011.

The Minister for the Environment, Dr Nick Smith, stressed in his statement that the review is not whether there is to be an ETS, but rather about its design and operation, and what else should follow the first commitment period of 2008-2012. The Terms of Reference include this: “The review is an opportunity to assess the operation and effectiveness of the NZ ETS including how the NZ ETS should evolve beyond 2012 in the context of uncertainty over the outcome of international climate change negotiations and domestic action by key trading partners.”

There is huge scope for such review, and Dr Geoff Bertram and Simon Terry of the Sustainability Council have closely examined it (The Carbon Challenge, 2010), and like others, found the ETS sorely wanting. It is clear that the ETS’s main effect is massive wealth distribution away from taxpayers, households and the small to medium enterprises, towards some large businesses. Its effects on greenhouse gas emissions reduction will be minimal. For instance, Bertram and Terry show that farmers account for 49% of NZ’s greenhouse gas emissions but will pay for just 3%.

The Minister announced the panel but its composition is hardly reassuring that the Review will strengthen rather than weaken the ETS, since it contains some people associated with some of the very sectors with much to gain from the present design.

The Minister announced the panel as follows:

“The review is to be chaired by David Caygill who brings a huge amount of public policy experience as a former finance minister, trade and industry minister

*ECOLink March 2011*



*Large-scale farmers will have vested interests in the emissions trading scheme*

and Chair of the Electricity Commission. Other members of the panel include:

- Julia Hoare, a chartered accountant at PricewaterhouseCoopers specialising in carbon markets, and an adviser to the special select committee on the ETS;
- Chris Karamea Insley, a company director with specialist knowledge of forestry, a Scion board member, with tikanga Maori knowledge, fishing interests and a sound understanding of the Treaty of Waitangi;
- Tom Lambie, a dairy farmer and former President of Federated Farmers, currently Chancellor of Lincoln University;
- David Russell, former Chief Executive of the Consumers’ Institute;
- Geoff Thompson, a lawyer and consultant at Duncan Cotterill, with specialist knowledge of forestry aspects of the ETS;
- Dr John Wood, Pro-Chancellor of the University of Canterbury, former Ambassador to the United States, Japan, Germany and Iran, and now a small scale sheep and beef farmer.”

The team omits economists and contains representatives of strong vested interests, such as Federated Farmers.



The Review is required by the Act to take place in 2011, and the matters to be considered are also in the Act. The Terms of Reference give further guidance to the Review Team including the following:

*Focus:*

*In considering the matters set out in section 160(5) [of the Act], and in preparing its report, the review panel will focus on the high-level design of the NZ ETS, giving particular attention to the following issues:*

- a. *Priority issues and questions for key NZ ETS design settings arising from possible international frameworks post 2012, and considerations that government might apply in developing a response to these priority issues and question;*
- b. *whether the NZ ETS should continue to scale up to a full obligation and whether new sectors should incur surrender obligations on current legislated timetables after 2012, taking into account the domestic actions of key competitors, or what conditions should be met before proceeding with further sectors entering into the ETS;*
- c. *the inclusion of synthetic greenhouse gases within the NZ ETS, taking into account alternative approaches to reducing such emissions.”*

This “focus” signals various areas for weakening and back sliding, particularly in points b and c.

For the full Terms of Reference of the panel, see: [http://beehive.govt.nz/sites/all/files/ETSReview\\_Terms\\_of\\_Reference.pdf](http://beehive.govt.nz/sites/all/files/ETSReview_Terms_of_Reference.pdf)

The Review Panel has asked to meet ECO and other organisations and will also be opening up to submissions from various parties, but it is not clear at this stage that they will call for submissions from the public.

ECO welcomes feedback and analysis from member bodies as to the submissions that ECO should make in this process.

## New ECO website design: good news for environmental news and information

The ECO website has been extensively revised so that ECO can now edit the website with ease to present current information. We will also have a forum for open discussions with the Members and Friends of ECO.

ECO is grateful for support from the Positive Futures Trust which made the new website design possible.

Do visit the new-look website:

**[www.eco.org.nz](http://www.eco.org.nz)**

and see several new features:

- The ECO conference news – this will be updated with programme and speaker details.
- A calendar of environmental events – view this by the week or month, and add events you are interested in to your own Google Calendar for a reminder.
- See news contributed by member groups, and receive news feeds. Click the Really Simple Syndication (RSS) orange button and make a link for access on your web browser book-marks bar to check on ECO news items.

Also - a forum to exchange ideas has been set up:

Members and Friends will be able to see topics, and reply to these. You can add files or images to support ideas, and contact other members through the forum by email.

Your email address can remain hidden, and you can communicate publicly or privately. If you have information to share on a new subject, then add a new “thread”. All ECO Members will have a login name and code so that they may participate. There are some rules for the forum, as we wish to keep the proceedings as civil and factual as possible, so all postings will be moderated.

We welcome your comments and any suggestions about the website, as we can now make modifications to suit you, with comparative ease.

## Ministers Centralise Power

by Cath Wallace

Kiwis like to think that we are immune from serious abuses by governments, but this complacency could be misplaced. Democratic safeguards are under attack, as evidenced by a series of government measures, behaviours and omissions. Roughshod tactics may feel “efficient” to Ministers, but they corrode the trust of the people in government and can lead to poorly made and unstable policy because lack of due process means the next government may simply change it.

John Key and the Cabinet presumably have approved many of the actions, but Gerry Brownlee seems to figure particularly in the decision making. He is Leader of the House and also the Minister of Energy and Resources.

Examples of the how the democratic process has been overridden include the following:

The suspension of the democratically elected Canterbury Regional Council at the end of March 2010, and the deferral of new Regional Council elections in Canterbury until 2013, despite the scheduled new elections in November 2010. The government then substituted its own appointees to the Regional Council. All this was done under urgency in Parliament, with no opportunity for Parliamentary Select Committee or public scrutiny. Ministers Nick Smith (Environment) and Rodney Hide (Local Government) spearheaded the change. The Environment Canterbury Temporary Commissioners Improved Water Management Act also included suspension of the RMA process and hearings in relation to the Water Conservation Order for the Hurunui River. The change was greeted by National Business Review as a “victory for irrigation interests” (NBR 30 March 2010).

The September 4 2010 earthquake in Christchurch triggered the next and much more comprehensive suspension of the rule of law and the imposition of unchallengeable ministerial power. The Canterbury Earthquake Response and Recovery Act 2010 was passed on 14 September 2010. An Order in Council is required but is to be made on the recommendation of the Minister (Gerry Brownlee) and allows him to suspend the rule of law for most laws in NZ, even though there are already emergency powers in most relevant legislation.

The Act says, in section 6:

- (3) *The recommendation of the relevant Minister may not be challenged, reviewed, quashed, or called into question in any court.*
- (4) *An Order in Council made under subsection (1) may grant an exemption from, or modify, or extend any provision of any enactment, including (but not limited to)—” An extensive list of laws follows. The suspension of the rule of law applies for the purposes of the Act until March 2012, and throughout New Zealand, although initially intended for the purposes of Canterbury recovery and rebuilding.*

Legislation relating to workers in the film industry was next, with the fast-tracked amendment under urgency, again with no scrutiny. The Employment Relations Act amendment appears to be a pretext to ensure workers would be treated as contractors, not employees, and as such, unable to strike, to be unionised, or to have holiday pay or sick pay. Unionisation appears to have been used as a pretext, since a deal had been done but details suppressed that removed the principal ostensible objection. The Observer in the UK noted these changes and the massive subsidy in the form of tax breaks, more than 15% and an extra \$20million as the result of Time-Warner’s “startling corporate bullying”. We call it startling government sleight of hand and abuse of power, not to mention obsequiousness.

The Rugby World Cup 2011 (Empowering) Act 2010 was passed to fast-track permissions for the activities connected with the Rugby World Cup, including permits for facilities and for the sale of liquor in respect of the Rugby World Cup matches in 2011. This is a matter of passion for some, and of economic interest for others, but it hardly constitutes a reason to override or fast-track due process. The scope of the fast-tracking is wide and covers approvals thus:

‘approval’:

- (a) means any type of approval that could be granted, given, or authorised by or under an enactment; and
- (b) includes a consent, licence, right, authorisation, permit, dispensation, exemption, waiver, and any other type of approval” but

does not cover liquor licences which are dealt with separately in the Act.

This Act exempts from change a few Acts, but appoints a special authority and allows fast-tracking for major maritime events and aspects of the Building Act and Transport Acts, while others can be redirected to the Authority or to fast-tracking. It is a purpose of the Act to avoid permanent damage to the environment, but this of course could allow a lot of non-permanent damage.

ECOLink previously drew attention to the cutting back of public participation and consultation, the bypassing of normal policy advice sources in government agencies and the use of Ministerially hand-picked so-called “technical advisory groups”, often picked for their vested interests and often with conspicuous exclusion of real technical experts, with no regard to balance of interests.

One theme of the government’s way of doing things is the centralisation of Ministerial power. This is evidenced in the Aquaculture Legislation Amendment Bill (No 3). As drafted it provides for the suspension of the aquaculture planning and provisions for aquaculture in the regional coastal plans of Environment Waikato and the Tasman District Council. The Aquaculture Legislation Amendment Bill No 3 would also empower the Minister of Fisheries to override the Regional Coastal Plans not only of these Councils but of other councils too, despite these having been through due process under the RMA. The Minister can simply demand changes.

In the same vein, the Environmental Protection Authority Bill provides a recommendation but the Minister for the Environment can simply choose not to take the course advised by the Authority (clause 82), whom the Minister appoints. There are other aspects through which the Minister can exercise powers in this Bill, under what have been dubbed “I am God” clauses which provide little accountability to the Minister. (clause 82). Don’t be deceived, by the way, the Environmental Protection Authority Bill sets up an Authority, but environmental protection is not one of its purposes. The objective is instead for the EPA to undertake its functions in a way that:



*Evidence of centralisation of power is in the Aquaculture Legislation Amendment Bill (No. 3)*

- (a) contributes to the efficient, effective, and transparent management of New Zealand’s environment and natural and physical resources; and
- (b) enables New Zealand to meet its international obligations.

The Marine and Coastal Area Bill – the Seabed and Foreshore replacement – was and is hugely controversial, not only because it is about sharing power and natural resources, but also because of the processes that it includes that can displace normal planning processes and provide routes to claims that can go direct to Ministers rather than going through due process. But it is not only what is in the Bill that is controversial but the way the government suddenly called an end to the Select Committee deliberation on the Bill, two weeks early, with the result that the Select Committee could not finish its work, even after hearing many submissions and considering amendments.

Any one of these developments would seem unfortunate. As a collection, one must worry that the government has scant regard for Parliament, for the public or for due process and is intent on centralising and consolidating power. We have reason to worry about that.

‘The price of freedom is eternal vigilance.’

*Thomas Jefferson*  
 ECOLink March 2011

## MOKIHINUI UPDATE: Time for Meridian to withdraw its application?

By Jenny Baker

Meridian Energy received resource consent for the Mokihinui dam in April 2010 when the hearings committee found the issues difficult and the commissioners were split 2:1.

The Department of Conservation is opposing the resource consents, joined by Forest & Bird and others. The Appeal is expected to be heard in 2012.

Meridian plans to build an 85 metre high dam on the West Coast's largest river. More than 330 hectares of river gorge and forest will disappear under a 14 kilometre long artificial lake.

"This will be the greatest inundation of conservation land for a hydro scheme that New Zealand has ever seen. It is a tragedy for the native blue ducks, giant land snails, long fin eels and other creatures that live in or beside the Mokihinui. They will be wiped out by Meridian Energy's massive hydro dam flooding their homes." says Debs Martin, Forest & Bird Top of the South Field Officer.

Meridian will also need the approval of the Minister of Conservation, Hon. Kate Wilkinson to build the dam because the river is on public conservation land. Meridian has offered to swap other land for that needed for the Mokihinui project. This land would need to be of equivalent (or greater) ecological value and the Department of Conservation has indicated that it would decline such an offer due to the irreplaceable value of the river. Documents obtained under the Official Information Act have revealed that DOC was intending to turn down Meridian and believed "the public conservation land within the Mokihinui River has such high value that it is most unlikely to be suitable for exchange at all."

Earlier this month Forest & Bird launched a campaign to give New Zealanders the chance to urge Meridian Energy to withdraw its proposal. Forest & Bird is asking New Zealanders to send a Forest & Bird e-card to publically-owned Meridian asking the company to live up to its stated environmentally-friendly ideals by leaving the Mokihinui intact.

Despite Meridian being a recent sponsor of Project Crimson, the Mokihinui project would drown the very rata forests it pledged to protect.



*A giant postcard was delivered by Forest & Bird representatives on February 2 to kick off the campaign. They were joined by MPs including Chris Hipkins, Peter Dunne and Kevin Hague*

"We are asking Meridian to do the right thing and enhance its reputation as a generator of renewable energy by leaving this non-renewable river in its wild state," Forest & Bird General Manager Mike Britton said.

Although water may be renewable under certain conditions a wild river is definitely not.

The argument of proponents for the project is that the Mokihinui project is required to provide a growing demand for power on the West Coast. Such a demand,



*Mokihinui River - Photo: Quentin Duthie*

## Christchurch and the RMA

by Fred Murray

perceived or real, could be very adequately satisfied by newly approved and more environmentally-friendly hydro projects. Solid Energy withdrew its appeal in October 2010 to Hydro Developments Limited's Stockton scheme. This project aims to generate power using polluted water from the acid drainage of the Stockton coal mining area and will actually enhance the water quality of the Ngakawau River.

Together with Westpower's Amethyst scheme (south of Hokitika) and Trust Power's Arnold scheme (near Greymouth) this would provide three consented and largely unopposed energy projects located in already-modified landscapes, unlike Meridian's competing proposal in a pristine wilderness.

Forest & Bird's conservation advocate, Quentin Duthie says,

"West Coast peak demand is 90MW at present, and is projected to grow to 111MW by 2020. The West Coast annual consumption is 317GWh (year of March 2009).

With a potential new supply of 46MW (190-220GWh) from the Arnold Scheme, 8MW (35GWh) from The Amethyst Scheme and 25MW (240GWh) from the Stockton, the West Coast would all but meet peak demand and exceed annual consumption to 2020. This means that the West Coast would export more power than it would import, without needing to dam the Mokihinui.

Destructive dams are old technology and are no longer acceptable on our irreplaceable wild rivers."

Together with efficiency, conservation and co-generation initiatives to reduce demand we could look to a 21st century solution: localized, small-scale and genuinely renewable.

### What you can do:

Write to Meridian Chief Executive Tim Lusk and Conservation Minister Kate Wilkinson and ask them to stop the dam going ahead.

Write to newspapers, and MPs about the Mokihinui.

Send an e-card from the Forest & Bird website:  
<http://www.forestandbird.org.nz/saving-our-environment/freshwater-/wild-rivers-/send-e-card-meridian>

Human impotence in the face of natural forces has been graphically emphasised by the earthquake in Christchurch last month, and, from a planning perspective, reactions have been interesting.

This government's philosophy has been that the RMA represents a bottleneck to economic progress, leading to the dumbing down of the Act, and exemplified by the EPA Bill. The purpose of the EPA Bill is "to more effectively, efficiently and transparently manage the regulation of New Zealand's environment and natural and physical resources", seemingly without much vision beyond the next election.

But when responding to the result of natural forces, Earthquake Recovery Minister Gerry Brownlee said during an interview that when we rebuild it needs to be done with a view to the future, and a Christchurch City Councillor was quoted in the Christchurch Press as saying that the RMA needed to be strengthened to make sure people could not build in inappropriate places. Canterbury Employers' Chamber of Commerce chair Peter Townshend says that rebuilding needs to be done in the context of a 150 year time scale.

If only such enthusiasm for the long-term view was applied to environmental issues other than post-earthquake rebuilding!

And the sting in the tail is that the Canterbury Earthquake Commission chair, Murray Sherwin, believes that extensive government powers are needed to facilitate rebuilding so that construction work can be fast-tracked! Gerry Brownlee's talk about wanting to see all the old dungers knocked down raised hackles across the city, and led once more to the Prime Minister trying to calm down the anxiety raised by thoughtless comments.

The earthquake has produced a critical situation where spur of the moment decisions may be taken without regard to environmental sustainability or to heritage values. It is essential that government's powers, and use of those powers in relation to demolition and rebuilding, are critically scrutinised.

Cities are built from their communities and hinterland. Wouldn't it be great if the Government took a seriously long-term view of Christchurch and its environs? And then applied the same philosophy to the RMA?

## Ross Sea A special place requiring special protection

The Ross Sea is a special place which is at risk from the impacts of fishing and the impacts of climate change and ocean acidification.

ECO is supporting the work of the Last Oceans Trust and the Antarctic and Southern Ocean Coalition to promote the protection of this special area. It is described as “the last ocean” as it is widely recognised to be the only large ocean region on earth where the ecosystem is structured by natural rather than human forces. It has a rich biodiversity and is so far a relatively undisturbed place.

Although the Ross Sea slope and shelf and associated waters comprise just 2 percent of the Southern Ocean, they are home to an estimated:

- 38 percent of the world Adelie penguin population;

- 26 percent of the world Emperor penguin population;
- 30 percent of the world Antarctic petrel population;
- 6 percent of the world Antarctic minke whale population;
- 45 percent of the world South Pacific Weddell seal population.

Over 40 species are found nowhere else.

It is time this area is given full protection and made a no-take marine reserve. This call has been endorsed by hundreds of scientists from around the world. For more information see: [www.asoc.org](http://www.asoc.org) or [www.lastocean.com](http://www.lastocean.com)

## ECO organises IUCN-CEC Communication workshops

by Diana Shand

ECO is proud to be one of eight New Zealand members of IUCN (International Union for Conservation of Nature), the oldest and largest global conservation and environment network (see [www.iucn.org/](http://www.iucn.org/)). Our co-chair Cath Wallace has served as a Regional Councillor with IUCN (1988-96) and Executive Member Diana Shand is the current councillor (2004-2012). There are many activities and resources available from such a link and in January ECO seized the opportunity to bring one of these to its own members.

This opportunity arose from the very exciting conference run by IUCN’s Commission for Environment, Economic and Social Policy Conference (CEESP) held in Whakatane in January. Participants came from all over the world including major figures from the Commission for Education and Communication (CEC). Diana Shand, a member of the ECO executive and a current Oceania IUCN Regional Councillor saw the chance to share some of the collected expertise more widely around New Zealand. And thanks to ECO picking up the baton to help organise two important workshops on communication at very short notice – the opportunity was realised.

The outcome of some intensive work in a very short period was two informative workshops – yes, in the middle of the holiday period, but congratulations to ECO members who availed themselves of this great opportunity. Participants followed some great workshop techniques, learned of the excellent resources available through CEC, and discussed some very real issues relevant to their particular fields. We were duly impressed by the superb leadership of the workshops and their very valuable content. Read the story and the report through the link -

<http://www.iucn.org/about/union/commissions/cec/?6925/About-CEC-in-New-Zealand>

The workshops were made possible with the help of the CEC, WWF, and Forest and Bird.





**ENVIRONMENT AND CONSERVATION  
ORGANISATIONS OF NEW ZEALAND**  
ECO • PO Box 11057 • Wellington

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_ Postcode \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

- Please place me on your e-mail list for notices and information or contact us by e-mail [eco@eco.org.nz](mailto:eco@eco.org.nz)

**Groups - Join ECO:**

- Please send information on becoming a member of ECO Membership is by application for groups involved in the protection of the environment. Subscriptions for member organisations are determined by the size of the organisation:
- 1 - 100 members: \$85 p.a.
  - 101 - 1000 members: \$130 p.a.
  - 1001 - 4999 members: \$440 p.a.
  - 5000 + members: \$1000 p.a.
  - Student Groups: \$35 p.a. (all GST inclusive)

**Individuals - support ECO by:**

- subscribing as a 'Friend of ECO'  
-\$45 P.A. (GST inc.) 'Friends of ECO' receive this quarterly newsletter, mailings and invitations to ECO gatherings.
- subscribing as a sustaining 'Friend of ECO'  
-\$125 P.A. (GST inclusive).
- subscribing as a corporate 'Friend of ECO'  
-\$500 P.A. (GST inclusive).
- subscribing as a student or unwaged 'Friend of ECO'  
-\$25 P.A. (GST inclusive).
- making a regular automatic payment  
-send me a form and details today.
- contributing services or goods:

- \_\_\_\_\_
- making a donation (*donations over \$5 are tax deductible*)

\$20     \$50     \$100     \$200

Other amount \$ \_\_\_\_\_

TOTAL ENCLOSED: \$ \_\_\_\_\_

**VISA PAYMENT**

Cardholder name: \_\_\_\_\_

Expiry date: \_\_\_\_\_

VISA card number: \_\_\_\_\_

**Notice is hereby given of the ECO AGM:**

The Annual General Meeting of the Environment and Conservation Organisations of NZ Inc. will be held on Saturday 2 July, at the ECO Annual Conference, to be held at: Carey Park camp, Henderson Valley Road, Waitakere.

**Other dates for your diary:**

World Water Day: 22 March

Earth Day: 22 April

Earth Hour: 28 March

Environment Day: 5 June

**Disclaimer:** While every effort is made to ensure the accuracy of information contained in this publication, ECO, its executive and editorial staff accept no liability for any errors or omissions. Views and opinions expressed in this publication do not necessarily represent the policy options and views of ECO, its executive or its member organisations.

**PUBLISHED BY ENVIRONMENT  
AND CONSERVATION  
ORGANISATIONS OF NEW ZEALAND**

ECO, PO Box 11-057, Wellington  
Phone/fax 04 385-7545  
e-mail: [eco@eco.org.nz](mailto:eco@eco.org.nz)  
2nd floor, 126 Vivian Street, Wellington  
Website: [www.eco.org.nz](http://www.eco.org.nz)  
ISSN: 1174-0671  
Printed on 100% Recycled Paper

Editing: Elizabeth Lee  
Layout: Debby Rosin

## ECO MEMBER ORGANISATIONS

Action for the Environment  
Appropriate Technology for Living Association  
Auckland Civic Trust  
Bay of Islands Coastal Watchdog  
Bay of Islands Maritime Park Inc.  
Baywatch Hawkes Bay Environment Group  
Buller Conservation Group  
Clean Stream Waiheke  
Coromandel Watchdog of Hauraki  
Cycling Advocates Network  
Dunedin Environment Centre  
East Harbour Environmental Association  
Eastern Bay of Islands Preservation Society  
Engineers for Social Responsibility  
Environmental Futures  
Friends of Golden Bay  
Friends of Lewis Pass and Hurunui Catchment  
Friends of Nelson Haven and Tasman Bay  
Greenpeace NZ  
Guardians of Pauatahanui Inlet  
Initial Volco  
Island Bay Marine Education Centre  
Kaipatiki Project

Lincoln Environment Group  
Massey Environmental Group  
Monarch Butterfly New Zealand Trust  
National Council of Women of NZ  
Nelson Environment Centre  
North Canterbury Branch Forest & Bird  
Orari River Protection Group  
Organics Aotearoa New Zealand  
RESPONSE Trust  
Save the Otago Peninsula  
Soil and Health Association of NZ  
South Coast Environment Society  
Surfbreak Protection Society  
Sustainable Otago Christchurch  
Sustainable Whanganui Trust  
Te Aroha Earthwatch  
Thames Coast Preservation and Protection Society  
The Sandy Walker Group  
Wellington Botanical Society  
Wellington Tramping and Mountaineering Club  
Wildlife Society, NZVA  
Yellow Eyed Penguin Trust

# JOIN US!!!



Sent by ECO  
PO Box 11057  
Wellington  
Aotearoa/New Zealand

New Zealand  
Permit No. 221318

