

27 November 2020

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Adverse Weather-affected Timber Recovery on Conservation Lands Bill**

1. We have considered whether the Adverse Weather-affected Timber Recovery on Conservation Lands Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act'). This is a member's Bill in the name of Maureen Pugh MP.
2. The Bill allows the Director-General of Conservation to authorise the removal of specified trees irreversibly damaged by an adverse weather event from within the conservation estate, outside of national parks.
3. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.
4. We note that the Bill appears to be closely based on the West Coast Wind-Blown Timber (Conservations Lands) Act 2014 ('the Act') which expired and was repealed on 1 July 2019.
5. There are some policy differences between the Act and the Bill. The Act was developed in response to trees that were irreversibly damaged by Cyclone Ita on the West Coast of the South Island with removal to be completed within a 5-year period and according to the Act's explanatory note (when introduced), the Act was developed in consultation with Te Runanga o Ngāi Tahu with particular regard given to their views.
6. This Bill applies to every conservation area and reserve that is owned by the Crown and administered by the Department of Conservation, other than nature or scientific reserves, ecological areas or national parks and it does not expire after a specified period of time as the Act did. Also, it does not appear that there has been any engagement with Māori in its development. This is noteworthy as, like the Act, the Bill overrides certain provisions of the Resource Management Act 1991 that require resource consent. This removes the requirement to notify specified persons under the Resource Management Act, including affected customary rights groups.



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