

EDS News October 2020

New date for EDS / RMLA political seminar

The *Election Special Seminar*, jointly hosted by EDS and RMLA, has been rescheduled and will now take place next week in Auckland and will also be livestreamed. This is an opportunity to really quiz key party spokespersons on environment and conservation policies. The format will be a panel discussion moderated by Gary Taylor.

The intention is to do a deep and expert dive into key resource management issues including system reform; oceans; freshwater; biodiversity; and climate change. We should get a really good understanding of what to expect from the next government.

When: Thursday 15 October, 4:00pm – 6:00pm
Where: Beca Auditorium, 21 Pitt Street, Auckland; and online
Who: Hon David Parker (L); Hon Scott Simpson (N); Hon Eugenie Sage (G); Simon Court (ACT); David Wilson (NZF); John Tamihere (MP).

Registration: Register to attend in person or watch the livestream via the links below:

In person registration [here](#).

Livestream registration [here](#)

EDS Young Lawyer Fund

As part of our Covid-19 response, EDS is establishing a dedicated **EDS Young Lawyer Fund** to support one young lawyer's salary for an initial period of 3 years. The appointee will generally have less than five years' experience post admission. The lawyer will be part of EDS's research and litigation team which focuses on the following key environmental issues:

- Robust and early improvements in freshwater quality
- Protecting and enhancing our outstanding landscapes
- Protecting indigenous biodiversity, on land and sea
- Oceans reform including more sustainable fishing methods
- Reforming the broad range of conservation laws
- Reforming the resource management system over the next term of government

The expectation is that when the appointee moves on, the experience with EDS will have encouraged a life-long commitment and interest in the practice of environmental law.

The quantum sought for the Fund is \$50,000. EDS has received an initial pledge of \$10,000 per annum for each of the next 3 years from one donor, Marta Fisch. Further support is now sought to create an expanded pool of funders. Pledges or donations are invited and can be made [here](#).

Climate Change and Business Conference 2020 next month



Notwithstanding the uncertainty that Covid-19 has wrought upon events this year, the EDS team has worked with sponsors to ensure the 2020 Climate Change + Business Conference goes ahead. Deferred once, this important event will now convene on **11-12 November 2020** at the **Aotea Centre** in Auckland, and will bring together business leaders, local and national Government officials, academics, NGOs, and industry innovators to discuss the way forward to address climate change, our other existential threat.

Our opening keynote speaker is Christiana Figueres, founder of Global Optimism, former head of the UN Climate Change Convention, and recently announced as the 10th Hillary Laureate. Speaking to *The Guardian* in February, she said:

*This is the decade in which, contrary to everything humanity has experienced before, we have everything in our power. We have the capital, the technology, the policies. And we have the scientific knowledge to understand that we have to half [sic] our emissions by 2030. So we are facing the most consequential fork in the road. If we continue as now, we are going to be irreparably going down a course of constant destruction, with much human pain and biodiversity loss. Or we can choose to go in the other direction, a path of reconstruction and regeneration, and at least diminish the negative impacts of climate change to something that is manageable. But we can only choose it this decade. Our parents did not have this choice, because they didn't have the capital, technologies and understanding. And for our children, it will be too late. **So this is the decade and we are the generation.***

This is particularly so as policy-makers and business leaders design and implement their Covid-19 recovery plans. So the **2020 Climate Change + Business Conference** will focus on whether we are seizing the opportunity to pursue a green recovery, and how to overcome sector-specific challenges to accelerate our low emissions transition. Please see the full programme at www.climateandbusiness.com and register to join the conversations in person or via livestream.

EDS v NZ Aluminium Smelters Ltd



We are part-way through Judge-assisted mediation on ***EDS v NZ Aluminium Smelters Ltd*** which concerns the storage of dangerous product in a flood-prone site at Matura.

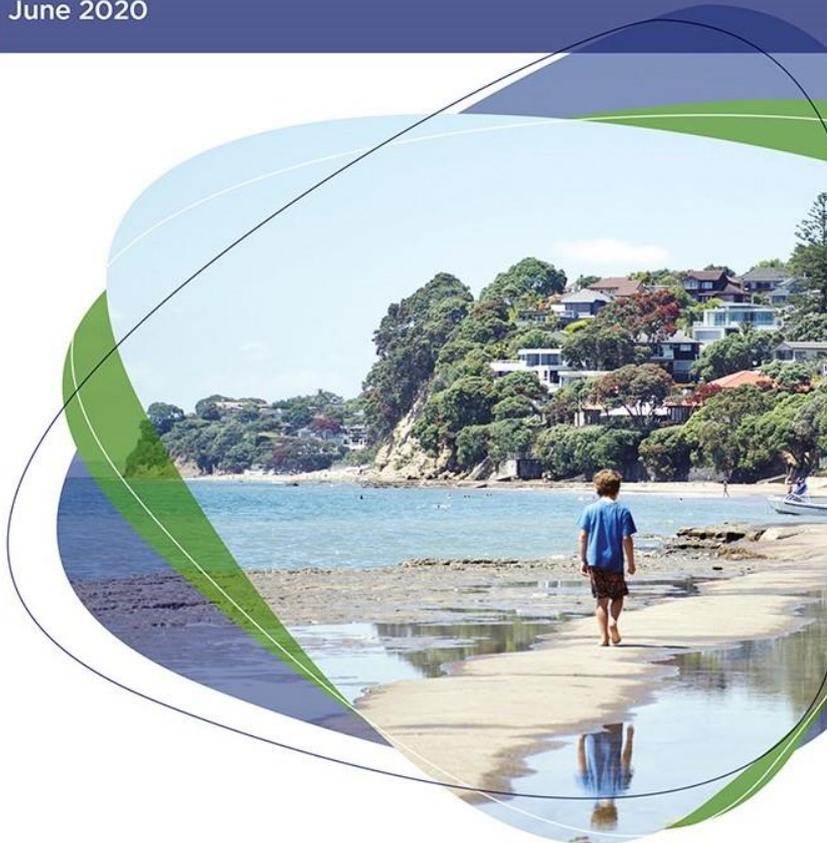
EDS contends that the smelter company has responsibility for that material under the Resource Management Act in spite of having contracted out the recycling of the product to a third party that subsequently went into liquidation. The material, variously known as dross or ouvea premix, produces toxic ammonia gas when it gets wet. We are seeking its urgent removal from the Matura site in order to protect the local community from a health hazard.

The issue has become more complex given that the majority owner, Rio Tinto, has given notice of its intention to close the smelter, while political parties have indicated a willingness to negotiate a basis for it to continue operating, at least in the medium term. There are good arguments for it to remain open because it is powered by hydro, whereas other smelters are powered by coal. However, it's also clear that Rio has a terrible environmental record. If it does close, remediation of its site will need to be a clear obligation given the company's unwillingness to face its environmental responsibilities elsewhere. New Zealand is not a third world country!

We expect there will be an outcome from the mediation announced next week.

NEW DIRECTIONS FOR RESOURCE MANAGEMENT IN NEW ZEALAND

Report of the Resource Management Review Panel
June 2020



Broader consensus has emerged on the need for fundamental resource management reform. This is especially satisfying to EDS, having led the research to establish the case for change. However, having let the genie out of the bottle, there's a lot of work needed over the next 3 years to ensure we get improved environmental outcomes from the new system. We think that the Randerson Panel's blueprint provides a sound platform for reform and we will be actively engaging in the process to make sure our new government doesn't go off the rails!

Review of Forestry NES

Amongst the plethora of election promises is one that stands out as being significant: the commitment by Labour to review the ***National Environmental Standard on Plantation Forestry*** within 6 months.

The way plantation forestry is undertaken in this country is shameful. Clearly the rules around forestry need a fundamental rethink and the practice of clear-felling needs revision as does a more careful process around identifying suitable land. Historically pines were seen as a way of stabilizing steep erodible land but now much of those forests are generating sediment and slash that is just not appropriate today.

It would also be helpful if the incentives for such plantings were re-examined. Native forests provide a wider range of benefits and sequester more carbon over time yet the incentives for *pinus radiata* under the ETS are much greater. This is perverse and must change. Let's hope there's a broad consensus for revisiting this vexed policy mix.
