



Centralized National Risk Assessment for NEW ZEALAND

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FSC's vision is that the world's forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.

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Risk assessments that have been finalized for New Zealand

Controlled Wood categories		Risk assessment completed?
1	Illegally harvested wood	YES
2	Wood harvested in violation of traditional and human rights	YES
3	Wood from forests where high conservation values are threatened by management activities	YES
4	Wood from forests being converted to plantations or non-forest use	YES
5	Wood from forests in which genetically modified trees are planted	YES

Risk designations in finalized risk assessments for New Zealand

Indicator	Risk designation (including functional scale when relevant)
Controlled wood category 1: Illegally harvested wood	
1.1	Low risk
1.2	N/A
1.3	Low Risk / Areas of exotic planted trees under one-hectare N/A
1.4	Low Risk / Areas of exotic planted trees under one-hectare N/A
1.5	Low Risk / Indigenous forest N/A
1.6	Low risk
1.7	Low risk
1.8	Low Risk / Areas of exotic planted trees under one-hectare N/A
1.9	Low risk
1.10	Low Risk / Areas of exotic planted trees under one-hectare N/A
1.11	Low risk
1.12	Low risk
1.13	Low risk
1.14	Low risk
1.15	Low risk
1.16	Low risk
1.17	Low risk
1.18	Low risk
1.19	Low risk
1.20	Low risk
1.21	N/A
Controlled wood category 2: Wood harvested in violation of traditional and human rights	
2.1	Low risk
2.2	Low risk
2.3	Low risk
Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities	
3.0	Low risk
3.1	Low risk
3.2	Low risk
3.3	Specified risk for priority 1 land environments not legally protected and the non-protected plantation and natural forest adjacent to these areas Low risk for the rest of the country
3.4	Low risk
3.5	Low risk
3.6	Low risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use	
4.1	Low Risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted	
5.1	Low Risk

Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview

New Zealand's forests cover 38% of the country's total land area. According to recent satellite imagery and reported in New Zealand's Third Country Report to the Montreal Process (MPI, 2015), the total forest area in NZ is about 10.1 million ha. This figure is broken into 8 million hectares of indigenous forests (6.833 million ha of "tall indigenous forest"; 1.234 million ha of "regenerating indigenous forest") and 2.1 million ha of exotic or plantation forest. Thus, indigenous forests cover about 30% of the country's total land area, and exotic plantation forests cover 7.8%.

Exotic species plantations forests

Of these most are FSC certified, roughly 1.22 million hectares (72% of the total plantations forests) (FOA Facts and Figure, 2017/18), and not relevant to this risk assessment. 29% of total plantations are small grower forestry plantations (including farm forestry plantations) (under 10,000 hectares), , with a total area of approximately 490,000 hectares (FOA Facts and Figures, 2017/18). Apart from a small number of owners in the PF Olsen Group Scheme, small growers are not FSC certified (PF Olsen, 2018). Limited harvesting of specialty species occurs, specialty end uses require sustainability, natural durability or decorative appearance. Both large- and small-scale plantation forests are subject to the regulations present in the NES-PF.

Indigenous forests and indigenous plantations

11,916 hectares of privately-owned indigenous forest has FSC certification (FSC Certificate Database, 2019), 2,0195.2 million hectares (76%) of indigenous forest is in public conservation land managed by the State through the Department of Conservation (DOC) (MIP, 2015), no forest management activities are undertaken in these forests. A further 206,000 hectares of indigenous forest is privately, or Māori owned but covenanted for conservation purposes. Of the remaining area, 1.734 million hectares is privately owned indigenous forest (including Māori land) (MPI, 2015). "Estimates of the area of indigenous plantations range from 100 to 2500 hectares. Most are small, and many may not have been established for the sole purpose of producing timber" (New Zealand's Third Country Report on Montreal Process Criteria and Indicators, MPI 2015, p. 46).

The harvesting, milling and exporting of indigenous timber is managed under the Forests Act 1949. Under the Act, native timber can only be taken from forests in a way that maintains forest cover and ecological balance.

Part 3A of the Act discourages unsustainable harvesting and clearance of private indigenous forests and provides for their sustainable management. It gives owners options for managing their forests to harvest and mill timber. It also places controls on the milling and exporting of indigenous timber.

Ministry of Primary Industries (MPI) takes responsibility for effectively monitoring and enforcing the Forests Act. Their roles include but are not limited to:

- monitoring and auditing milling and export activities

- maintaining indigenous forestry statistics
- ensuring compliance with export and sawmilling controls
- ensuring compliance with sustainable forest management provisions.
- The Forests Act only allows indigenous timber to be milled at registered sawmills. Milled timber must come from a source approved under the Forests Act.

Sawmills are regularly inspected by MPI (25 May 2019, Ministry of Primary Industries (MPI), Harvesting and Milling Indigenous Timber, 2017).

57,500 hectares was originally allocated under "SILNA" (South Island Landless Natives Act). These were originally indigenous forests allocated to Māori under 1906 legislation, but in 1999 a survey indicated that approximately 17,300 ha remained under indigenous forest cover. The 2002 SILNA policy package was designed to promote and improve environmental management of the remaining SILNA forests by either bringing them under the framework of sustainable forest management in the Forests Act 1949, and to covenant those forests with high ecological values, under the Nature Heritage Fund (SILNA Policy Review, 2010). The SFMP process imposed conditions on what was a compensation payment, and so 9,000 ha of those lands was exempt from the SFMP requirement but the export restrictions on indigenous forest produce remained. SILNA owners can sell the resulting timber on the domestic market. However, in the case of exports, SILNA forests are treated as any other privately-owned indigenous forests and are subject to Part IIIA of the Forests Act 1949 (Ministry for the Environment, Appendix 1: Legislative Framework, 2019).

Owners of indigenous forests on private land have several options if they wish to harvest and mill their trees:

- sustainable forest management (SFM) plans
- sustainable forest management (SFM) permits
- personal use approvals for the harvesting and milling of indigenous timber.

SFM permits can be applied to forests of any size but are best suited to small forests that may not justify the resources required to prepare a full SFM plan. SFM plans provide for the long-term management of a forest. They have a high level of complexity and usually need to be registered against an owner's interest in the land for at least 50 years. MPI is responsible for approving SFM plans.

An owner of indigenous forest may submit a draft SFM Plan to MPI for assessment and approval. MPI will only approve sustainable harvest rates.

Approved harvest rates may vary by forest and depend on:

- the area and type of forest
- the forest's location
- the growth and replacement rates of the species to be harvested.

MPI must consult with the Department of Conservation (DOC) on all draft SFM plans, SFM permit applications and personal use applications. Before harvesting can take place, operators must provide MPI with an annual logging plan.

An annual logging plan specifies:

- the species and volumes to be harvested in a given year
- proposed harvest methods

- the area from which the timber is to be harvested
- any special logging requirements – such as directional felling required to protect adjacent forestry topography, including all waterways and both existing and proposed tracks and landings.

Owners must keep records of all timber harvested.

SFM permits set harvest limits for indigenous forests, manage harvest activities to minimise ecological impacts, have a lower level of complexity than SFM plans, must show harvesting will be done in a sustainable manner and, are usually put in place for 10 years. MPI is responsible for approving SFM permits.

Any indigenous forest owner may submit an SFM permit application to MPI for approval.

SFM permits are valid for 10 years. They allow a forest owner to harvest and mill capped volumes of timber within the guidelines of their permit for the full 10 years.

Commercial harvesting in Government-owned (public) indigenous forests is not permitted under the Forests Act nor under the Conservation Act. Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In cases like this, the felling is subject to the Conservation Act and the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Anonymous Expert, Senior Ranger, Operations, DOC 2019)

Queen Elizabeth II (QEII) Trust is a form for indigenous forest management that exists in New Zealand. It is an independent charitable trust that partners with private landowners to protect natural and cultural heritage sites on their land with covenants. A covenant is an agreement between the trust and a landowner to protect land forever. The landowner continues to own and manage the protected land, and the covenant and protection stays on the land, even when the property is sold to a new owner

Commercial harvesting is also forbidden in private indigenous forest lands protected under Queen Elizabeth II covenants. These covenants are entered into between a landowner and the QEII Trust (a charitable organization set up under statute) to protect natural and cultural sites. The agreement is a private legal agreement between the landowner and the Trust, but the Trust is supported by the New Zealand Government.

Queen Elizabeth the Second Trusts (QEII Trusts) limit landowner's interaction their forests. Essentially these function as indigenous forests. The forests Act, Resource Management Act and the Conservation Act all apply. In addition to this, a QEII Trust forest is subject to the stipulations of the Queen Elizabeth the Second Trusts Act. What this means is that a QEII Trust landowner cannot engage in activities on their Trust land without the QEII trusts permission. Given the intention of the QEII Trusts is to maintain and enhance indigenous forests in perpetuity, this means that requests to harvest would be rejected (Queen Elizabeth II National Trust Website, Protecting Your Land, 2019) . Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In Cases like this, the felling is subject to the Conservation Act and with the QEII Trusts permission, the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Conservation Act 1987 as referred to by Anonymous Expert, Senior Ranger, Operations, DOC 2019)

Having conducted an exhaustive search, including the RMA, Forest Act 1949, the Queen Elizabeth II National Trust Act 1977 and the Queen Elizabeth II National Trust Website, the only information that could be found regarding permitted removal of trees refers to the removal of trees that have grown too close to powerlines and therefore need to be trimmed or removed (at the cost of the electricity company associated with the powerlines) for the purposes only of mitigating the risk of fire damage (Queen Elizabeth II National Trust Website, 2019.). Moreover, the fact that there is a comprehensive legal system, it has

ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.

QEII Trust partnerships have created a network of over 4400 protected areas throughout New Zealand, ranging from small backyard patches to huge swathes of high country. These covenants protect more than 180,000 ha of private land and play a hugely critical role as a refuge for some of New Zealand's rarest and most endangered biodiversity and ecosystems. (Queen Elizabeth II Trust Annual Report, 2018)

Legal framework

New Zealand has a strong legislative and regulatory framework, supported by an independent judicial system that governs timber harvesting. The Resource Management Act 1991 (RMA), which is the principle environmental protection legislation applied to commercial activities in the country for all forestry types under all kinds of ownership. At local government level, the Resource Management Act (RMA) 1991, requires Councils to prepare local Plans which regulate the environmental effects of all activities, including the environmental effects of forest harvesting. Some activities associated with harvesting require "Resource Consents" issued under the Resource Management Act by the relevant local Council. The Act also requires councils to monitor the environment and activities that have adverse effects on the environment.

Councils take different approaches to compliance and monitoring depending on their local priorities. Recent annual compliance reports and some wider studies on the use of prosecutions under the RMA shows that prosecutions make up only a small proportion (around one to three per cent) of all statutory compliance options (abatement notices, infringement notices, enforcement orders and prosecutions) under the RMA. Some councils prefer to take a softer approach to elicit changes in behavior. This presents difficulties in measuring the overall effect of non-compliance incidents on environmental outcomes.

Over 99.9% of New Zealand's timber harvest (Te Uru Rākau, 2017) is from exotic plantation forests. New Zealand's exotic plantation forests are mostly privately owned; with approximately 502,000ha are under freehold managed, and under leasehold there are 133,000ha Crown managed, 357,000 Maori managed (via incorporated trusts) and 78,000ha are managed under other Leasehold Agreements (FOA Facts and Figures, 2017/18). Harvesting of exotic plantation forests is a common and normal rural activity. As of 1 May 2018, the National Environmental Standards for Plantation Forestry came into effect under the RMA. The regulations apply to any plantation forest larger than one hectare that has been planted specifically for commercial purposes and harvest. This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries, but existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations (ME&MPI, 2017). As These areas exist outside of any conventional forestry harvesting activities and are instead governed by the Resource Management Act, specifically section 3 regarding land use. As long as no part of this section is violated in non-timber forest and horticulture activities then that activity is permitted. The NES-PF provides a consistent set of regulations for plantation forestry activities and management and harvesting planning are required within the 8 core plantation forestry activities. No permit or license is required for exotic plantation forest management, but some activities associated with harvesting require "Resource Consents" issued under the Resource Management Act (RMA) by the relevant local Council. According to MPI (2018), Councils are to undertake activities to ensure compliance and enforcement with the RMA and the NES-PF. The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and harvest. According to the RMA, forests under one hectare are not considered plantation forests and are not regulated by the RMA or the NES-PF. After an exhaustive search of legal requirements regarding the harvesting of timber from forests under one hectare, there is no evidence to suggest that regulations exist in these instances of forestry.

The NES-PF does not apply to trees grown for fruit, nut crops, shelter belts, or nurseries or any other such non-timber product. These areas exist outside of any conventional forestry harvesting activities, are not considered sources of timber nor are NTFPs relevant for controlled wood. Any other activities not governed by the NES-PF are governed by the Resource Management Act. As long as no part of this section is violated in non-timber forest and horticulture activities then that activity is permitted. All land owners and managers operate within a broader suite of commercial legislation - the Land Transfer Act 1952, the Crown Forests Assets Act 1989, the Companies Act 1993, the Commerce Act 1986 and the Crimes Act 1961.

The exotic plantation forests which were owned and managed by the Crown prior to 1987 are mostly now in a situation where the underlying land is "owned" by the Māori tribe which could prove a relationship to that land around 1840 (the year of the signing of the Treaty of Waitangi), and the cutting rights to the forest crop are owned by a forest management company. A further approximately 1 million ha of exotic plantation forest is owned by small-scale land owners (farmers) or investors and is scattered throughout the country. These forest blocks are treated as another farm asset and managed accordingly and are subject to the same legislative and regulatory controls as the large plantation forests.

For indigenous forest in general, the Sustainable Forest Management Plan and Permit system (prescribed by the Forest Act 1949) is the mechanism for managing indigenous forest land. The SFMP requires, amongst other things, a full inventory of each species present and prescribes an annual volume that may be harvested. From the private owned indigenous forest, 84,000 hectares subject to Sustainable Forest Management Plans or a Permit approved by the Ministry for Primary Industries (MPI) under the Forests Act 1949 (MPI, 2015). Sustainable Forest management permits are valid for only 10 years and allow a forest owner to harvest and mill capped volumes of timber within its guidelines. With a permit a forest manager has access to several options regarding harvest rates. Option 1; 250 cubic metres of podocarp, kauri or shade tolerant, exposure-sensitive, broadleaved hardwood species, and 500 cubic metres of beech or other light-demanding hardwood species. Option 2; 10% of the standing volume by species Sustainable Forest Management Plans are valid for at least 50 years and allow for long-term management of a forest. They include a high level of complexity and usually need to be registered against an owner's interest in the land. Harvest rates under a Sustainable Forest Plan vary by forest and depend on the area and type of forest, the forest's location and the growth and replacement rates of the species to be harvested (Ministry of Primary Industries (MPI), Harvesting and Milling Indigenous Timber, 2017). The SFMP process imposed conditions on what was a compensation payment, and so 9,000 ha of those lands was exempt from the SFMP requirement but the export restrictions on indigenous forest produce remained. SILNA owners can sell the resulting timber on the domestic market. However, in the case of exports, SILNA forests are treated as any other privately-owned indigenous forests and are subject to Part IIIA of the Forests Act 1949 (Ministry for the Environment, Appendix 1: Legislative Framework, 2019). MPI is the Government agency with the legal authority to review and approve Sustainable Forest Management Plans for private indigenous forests and to monitor indigenous forest harvesting and utilization from those forests. This is carried out through annual returns and periodic checks of each SFMP area against the Management Plan requirements.

Timber from planted (rather than self-sown) indigenous forests may be milled and exported under the Forests Act. Before doing so, you must still apply for a milling statement and provide notice of your intention to export.

It is recommended owners of indigenous plantations apply for a Planted indigenous forest certificate. A certificate will verify for millers and exporters that indigenous timber comes from an approved source – reducing the need to supply further evidence. (MPI, Growing and Harvesting, 2017)

Management (in this case harvesting) of indigenous forests under public ownership, or privately owned and subject to covenants, is not permitted. All privately-owned indigenous forests with voluntary QE II (Queen Elisabeth II) covenants are fully protected with a lien recorded on the Certificate of Title. Management of these forests are governed by Queen Elizabeth the Second National Trust Act 1977, Forests Act and Conservation Act.

A relatively small amount of timber is harvested from indigenous forests on private land (16,000 m³ per year) and is mostly consumed domestically. Apart from complying with the Sustainable Forest Management Plans (SFMP), private indigenous forest that have commercial forestry operations have the additional rigors of the RMA.

New Zealand does not issue concession licenses for forestry on public land. Concession licences are used for managing forestry on publicly owned land. Publicly owned forests are either set aside as conservation land or exotic plantation forests managed by Crown Forestry, a commercial trading organisation managing the Crown's commercial forestry assets. Essentially, commercial forestry in New Zealand is managed on a private organization basis, harvesting in these cases occurs on privately owned land where no concessions are required.

Crown Forest licenses do exist in New Zealand. These represent land that is in the process of being returned to Iwi (Maori communities) as a form of reparations. LINZ looks over these licenses. Once land is given back to an Iwi that land is considered the private property of that Iwi and is not subject to forest concessions. Any harvesting activity that occurs on this land is then subject to the same legislation as any harvesting activity would be in New Zealand (based on the type of forest being harvested).

Mills that saw indigenous logs must be registered with MPI and provide quarterly returns of indigenous logs produced each year. According to a 2017/2018 Sawmill Registration Report by the Ministry of Primary Industries (Anonymous Expert, MPI, Policy Analyst, 2019), 155 sawmills are officially registered to handle the processing of indigenous trees. Over this same time period (06/12/2017 – 06/12/2018) 100 of these registered sawmills were inspected. Of these 100 inspected sawmills, 96 were considered compliant. A 96% compliance rate is high by any standard and implies that overall there is a low risk of indigenous timber harvest volume rates being breached. New Zealand has a high score on all of the World Bank Worldwide Governance Indicators. The 2017 World Bank Worldwide Governance Indicators show that on a 100-score ranking New Zealand has scores of 95 for Government Effectiveness; 99 for Regulatory Quality; 98 for Rule of Law; and 100 for Control of Corruption. New Zealand is ranked number 1, with a score of 89 (out of 100) on the Corruption Perception Index 2017 by Transparency International.

New Zealand is not designated as a source of conflict timber according to controlled wood category 2 from this CNRA.

In regards to levies paid under the Commodity Levies (Harvested Wood Material) Order 2013, all products from plantation forests are covered (including indigenous plantation forests), with the exception of plantations grown for firewood sold for household consumption, and tree bark sold directly from the forest. There is no differentiation based on species, all harvested wood material is levied at the same rate per tonne at the time the levy becomes payable. Any levy payer who objects on conscientious or religious grounds to the manner of recovery by FGLT of an amount of levy money may pay the amount concerned to the Director-General of the Ministry (Commodity Levies (Harvested Wood Material) Order 2013, 2014).

References:

In developing this risk assessment for Category 1, the list of sources provided in FSC-PRO-60-002a, Section 3.3.3 has been consulted where applicable to New Zealand's national context. The following sources have been used:

- Government reports and assessments of compliance with related laws and regulations
- Stakeholder and expert consultation outcomes from CNRA development processes
- [Chatham House, undated. Illegal logging Portal: New Zealand.](#)
- [Transparency International, 2017. Corruption Perceptions Index 2017.](#)
- [World Bank, 2017. Worldwide Governance Indicators project.](#)

In addition, some information was also obtained from the following sources:

- [Ministry for Primary Industries \(MPI\), 2015. Sustainable Management of New Zealand's Forests: New Zealand's Third Country Report on the Montreal Process Criteria and Indicators.](#)
- [Ministry for Primary Industries \(MPI\), 2019. Forestry production and trade statistics detail the production, trade, and other forestry activities in New Zealand.](#)
- [Ministry for Primary Industries \(MPI\) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products.](#)
- [Ministry for Primary Industries \(MPI\), 2019. National Environmental Standards for Plantation Forestry.](#)
- [Ministry for Primary Industries \(MPI\), 2018. Guidance on transitioning to the NES-PF.](#)
- [Ministry of Primary Industries \(MPI\), Harvesting and Milling Indigenous Timber, 2017.](#)
- [Ministry of Primary Industries \(MPI\), Resource Management \(National Environmental Standards for Plantation Forestry\) Regulations 2017 User Guide, May 2018.](#)
- [Ministry for the Environment \(ME\) & Stats NZ, 2018. New Zealand's Environmental Reporting Series: Our land 2018.](#)
- [Ministry for the Environment \(ME\), 2018. Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. Wellington: Ministry for the Environment.](#)
- [Ministry for the Environment, Appendix 1: Legislative Framework, 2019.](#)
- [Ministry for the Environment \(ME\) & Ministry for Primary Industries \(MPI\), 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations.](#)
- [Department of Conservation, undated. SILNA forests.](#)
- [PF Olsen Group Certification Scheme, 2018.](#)
- [New Zealand Forest Owners Association, 2014. Facts and Figures from 2014.](#)
- [Forest Owners Association Facts and Figures Publication, 2017/18.](#)
- [Roche, 2008. Exotic forestry. Te Ara - the Encyclopedia of New Zealand.](#)
- [Te Uru Rākau, 2017. Roundwood Removals from NZ Forests.](#)
- [FSC Certificate Holder Database, 2019.](#)
- [Queen Elizabeth II Trust Annual Report, 2018.](#)
- [Queen Elizabeth the Second National Trust Act 1977.](#)
- [Queen Elizabeth II National Trust Website, 2019.](#)

- [Queen Elizabeth II National Trust Website, Protecting Your Land, 2019.](#)
- [Global Forest Watch, Managed Forest Concessions, 2019.](#)
- [LINZ, Crown Forest Land Database, 2019.](#)
- [Greater Wellington Regional Council, Concessions and Permits 2019.](#)
- [Environment Guide, Resource Consents and Processes, 2018.](#)
- [Review of the 2002 SILNA Policy Package, 2010.](#)
- [MBIE Website, When to Register for GST, 2019.](#)
- [PF Olsen Website, Forest Owners Commodity Levy, 2014.](#)
- [Commodity Levies \(Harvested Wood Material\) Order 2013, 2014.](#)
- [Forests Act 1949.](#)
- [Royal NZ Institute of Horticulture Act 1953.](#)
- [Conservation Act 1987.](#)
- [NZ Treaty of Waitangi Act 1975.](#)
- [Te Ture Whenua Māori Act 1993 \(Also known as the Maori Land Act 1993\).](#)
- [Māori Trustee Act 1953.](#)
- [Biosecurity Act 1993.](#)
- [Reserves Act 1977.](#)
- Expert consultation, 2019. Email communication on 26 February 2019 with FGLT Technical Manager
- Anonymous Expert, Senior Ranger, Operations, DOC 2019
- Anonymous Expert, MPI, Policy Analyst, 2019
- Anonymous Expert, Senior Analyst, MPI, 2019

Sources of legal timber in New Zealand

Forest classification type	Permit/license type	Main license requirements (Forest Management plan, harvest plan or similar)	Clarification
Indigenous forest and indigenous plantations - privately owned	Sustainable Forest Management Plan (SFMP) or related permit	Sustainable Forest Management Plan (SFMP) Harvest records Log docket Sawmill records	SFMP prescribes annual volumes allowed to be harvested, by species. This is further controlled through registration of sawmills able to saw indigenous logs, and tight controls on the ability to export sawn indigenous timbers. An SFMP must be developed in accordance with the Forest Act 1949. MPI audits the harvesting, milling and export of native timber. Sawmills processing native timber must be registered with MPI, and operators are required to provide regular production records. There is no evidence or examples of any prosecutions under the Forests Act which would indicate non-compliance with the legal requirements. When planting an indigenous forest, it is recommended owners of indigenous plantations apply for a Planted indigenous forest certificate. A certificate will verify for millers and exporters that indigenous timber comes from an approved source – reducing the need to supply further evidence
Indigenous forest - Māori owned	Sustainable Forest Management Plan (SFMP) or related permit	Sustainable Forest Management Plan (SFMP)	No harvesting allowed unless under SFMP. An SFMP must be developed in accordance with the Forest Act 1949.
Indigenous forest South Island Landless Natives Act 1906 (SILNA) Māori owned	Sustainable Forest Management Plan or related permit and Resource Consent (for export) Forest Management Plan and Resource Consent (for domestic)	Sustainable Forest Management Plan and sustainable harvest plan	SILNA lands are a unique subset of Māori ownership. SILNA lands are exempt from certain provisions of the Forests Act. Their exemption is in recognition of the history of their peoples and the compensation granted to them in 1906, however for conservation purposes or management purposes SILNA lands are governed and/or harvested under the Sustainable Forest Management (SFM) plan provisions of Part 3A of the Forests Act 1949 South Island Landless Natives Act land (SILNA) owners, the SFMP process imposed conditions on what was a compensation payment, and so 9,000 ha of those lands was

			exempt from the SFMP requirement but the export restrictions on indigenous forest produce remained. SILNA forests originally covered approximately 57,500 ha in 1906 scattered throughout the South Island. A 1999 survey indicated that approximately 17,300 ha remained under indigenous forest cover. This led the government to integrate the Forest Act 1949 into SILNA lands, for the purpose of sustainability. SILNA owners can sell the resulting timber on the domestic market. However, in the case of exports, SILNA forests are treated as any other privately-owned indigenous forests and are subject to Part IIIA of the Forests Act 1949 (Ministry for the Environment, Appendix 1: Legislative Framework, 2019).
Exotic plantation forest - large scale owners (Public and Private)	Resource Consent and/or Regional Plan (for areas of 1 hectare or above) For areas below one hectare: no requirements	Forest Management Plan / Management requirements under the NES PF regulations (for areas of 1 hectare or above) For areas below one hectare: no requirements	All large-scale exotic plantation forest owners are FSC certified and harvest in accordance with a Forest Management Plan to achieve and demonstrate long-term sustainability. Crown Forestry act as a 'large scale owner' (has the same legal requirements), and currently manage an estate of 12,771 ha as at 31 December 2016.
Exotic plantation forest - small scale owners	Resource Consent (for areas of 1 hectare or above) For areas below one hectare: no requirements	Forest Management plan / Management requirements under the NES PF regulations (for areas of 1 hectare or above) For areas below one hectare: no requirements	29% of total plantations are small grower forestry plantations, which apart from a small number of growers in the PF Olsen Group Scheme, none of which are FSC certified. Small scale owners may have just 1 ha area to harvest. Need to meet Environmental Codes and Resource Consent conditions, if any.

Note: Unless specified, the assessment refers to “private owner” to consider both, private owner and private owner Māori.

Risk assessment

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
Legal rights to harvest			
1.1 Land tenure and management rights	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Land Transfer Act, 1952. Public Act 1952 No 52. Assent 23 October 1952. Part 4 - Certificate of Title. Land Transfer Act 1952 Te Ture Whenua Māori Act 1993 -Māori Land Act 1993. Public Act 1993 No 4. Date of assent 21 March 1993. Part 1 Māori Land Court; Part 2 - Māori Appellate Court; Part 6 - Status of Land; Part 9 - Powers of Assembled Owners; Part 10 - Representation of Owners; Part 11 - Leases; Part 12 - Trusts; Part 13 - Incorporations. Te Ture Whenua Māori Act 1993 Land Act 1948. Public Act 1948 No 64. Date of assent 2 December 1948. Governs the administration of Crown Land, including Leases. Part 2 - Surveys; Part 3 - Purchase and development of land; Part 4 - Classification and Alienation of Crown Land; Part 5 - Leases and Licenses. Land Act 1948 Commerce Act 1986. Public Act 1986 No 5. Date of assent 28 April 1986. Part 2 - Restrictive Trade Practices, including Price Fixing and Resale Price Maintenance; Part 3 - Business Acquisitions; Part 6 - Enforcement, Remedies and Appeals. Commerce Act 1986 Companies Act, 1993. No 105, 28 September 1993. Parts 4 (Company name), 10 (Registration), 11 (Accounting records and financial reporting) Companies Act 1993 Crown Forests Assets Act, 1989. Public Act 1989 No 99. Date of assent 25 October 1989. Part 1 - Crown forest land; Part 2 - Crown forestry assets and Crown forestry licenses; Part 3 - Return of Crown forest land to Māori ownership and compensation; Part 4 - Amendments to 	<ul style="list-style-type: none"> New Zealand government, undated. Certificates of Title Australian government & New Zealand government, 2014. Country specific guideline for New Zealand. Transparency International, 2017. Corruption Perceptions Index 2017. World Bank, 2016. Doing Business 2016: Measuring Regulatory Quality and Efficiency. Washington DC: World Bank Group. World Bank, 2017. Worldwide Governance Indicators (WGI) project. The World Justice Project, 2018. New Zealand Profile. NZ Wood, 2002. Managing NZ's Indigenous Forested Lands for Timber Forests (West Coast Accord) Bill, 2000 	<p>Overview of Legal Requirements</p> <p>All land in NZ is covered by a Certificate of Title (CT), issued under the Land transfer Act, 1952. This document proves ownership of land and describes the rights and restrictions that apply to that land. These CT's have been in electronic form since 2002 and are publicly available to view on line at the official government website (New Zealand government, undated).</p> <p>Crown land or public land is owned by the Government in public ownership and is governed by the requirements of the Land Act, 1948. There is a ban on commercial harvesting Crown owned indigenous timber, based on a government decision to cease production by 31 March 2002 (NZ Wood, 2002). The Forests (West Coast Accord) Act 2000 cancelled the West Coast Accord which allowed for sustainable harvesting of indigenous species on Crown land, subsequently putting this land aside for conservation (Forests – West Coast Accord Bill, 2000). Under the Treaty of Waitangi Act, 1975, Crown land, especially that land in exotic plantation forest, may be used to satisfy the terms of a Treaty of Waitangi settlement agreed between the Crown and an identified Iwi (Native Māori tribes), to redress wrongs against that Iwi since 1840. The land transfer to Iwi ownership is governed by the Crown Forest Assets Act, 1989 and is identified on the CT. The growing forest is subject to a Crown Forest License (CFL).</p> <p>The Crown Forest Licenses were issued when State exotic plantation forests were sold in 1987 creating a cutting right to the tree crop. During this period, the land rental is paid to the Crown Forestry Rental Trust with accumulated rentals being paid to the successful claimant on Treaty of Waitangi settlement. If, after taking back the land as part of their Treaty Settlement, Iwi serve notice on the Licensee, then the</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
	<p>Treaty of Waitangi Act 1975. Crown Forests Assets Act 1989</p> <ul style="list-style-type: none"> Forestry Rights Registration Act, 1983. Public Act 1983 No 42. Date of assent 29 November 1983. Part 2A - Creation of forestry rights; Part 3 - Forestry rights for Profit; Part 4 - Forestry covenants; Part 5 - Plan requirements. Allows for the creation of a forest asset by investors on private land, with access guaranteed against the title. Forestry Rights Registration Act 1983 <p>Legal Authority</p> <ul style="list-style-type: none"> Ministry of Business, Innovation and Employment - MBIE (Former Ministry of Commerce) Land Information New Zealand (LINZ) Te Puni Kōkiri (TPK) for Māori land <p>Legally required documents or records</p> <ul style="list-style-type: none"> Certificate of Title (CT) to prove ownership of land (and forest) Signed lease document to prove legality of lease Company Annual Return to the Companies Office, to show company is operating legally Crown Forest License Forestry Right documentation, as well as the CT to show the existence of the Forestry Right 		<p>Licensee has 33 years to (progressively) exit and land will be surrendered back to Iwi as stands are harvested. Iwi are then free to manage the land in their own right (or enter into new arrangements with the existing Licensee or a new one), except where it may be protected by covenants or as otherwise stated under the Crown Forests Assets Act. Private land may be owned by 1 or more individuals or a company. Overseas owners must prove a net benefit to NZ in order to purchase land. A land owner may seek external investors to assist with a forestry project; these investors' tenure over the trees is protected by a "Right" issued under the Forestry Rights Registration Act, 1983. The management of the trees is subject to a separate Management Plan agreed between the land owner and forest investor. All companies, including forestry companies, must register under the Companies Act, 1993. They are allocated a company number by the Companies Office and a tax number by the IRD. Financial and taxation reporting requirements are specified. All individuals have a tax number. If their income is regular, they are taxed at the source of that income through the Pay As You Earn (PAYE) process, otherwise they are required to register for Provisional Tax where tax is paid in advance. Māori commercial forest structures may be one of either a Trust, a Lease or an Incorporation. All are subject to the same tax rules as other businesses. Crown Forestry, the forest management arm of the Ministry for Primary Industries (MPI), acts as a commercial business in all respects. It pays tax as a normal business.</p> <p>Description of risk</p> <p>In August 2012, New Zealand's Ministry for Primary Industries (MPI) produced a country-specific guideline for New Zealand which describes how New Zealand assures legality in its forest operations, including land tenure. The ownership of land, and any tenure rights on it, is very clear</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>and unambiguous. There is a central, electronic repository of all land ownership (Certificate of Title), and a formal process for buying and selling land. There are controls over foreign ownership of land. The boundaries of each land parcel are surveyed, pegged and clear.</p> <p>Māori have a well-organised system of communal ownership of Māori land, with a formal governance structure empowering elected Trustees to sign leases on behalf of their Iwi. The buying and selling of land is a common, legal and normal rural activity.</p> <p>The World Bank's 2016 Doing Business ranking for NZ in Registering Property category was 1st out of 189 countries (the OECD average rank was 43). In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>It has been also reviewed by another country authority the risk from sourcing illegal wood from New Zealand and found it to be low risk of illegal logging within New Zealand forests, pursuant to the Australian Illegal logging prohibition Act 2012 (Australian government & New Zealand government, 2014). Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
<p>1.2 Concession licenses</p>	<p>Applicable laws and regulations N/A</p> <p>Legal Authority N/A</p> <p>Legally required documents or records N/A</p>	<ul style="list-style-type: none"> • Global Forest Watch, Managed Forest Concessions, 2019 • LINZ, Crown Forest Land Database, 2019 • Greater Wellington Regional Council, Concessions and Permits 2019 • Anonymous MPI Expert, Policy Analyst, 2019 	<p>N/A</p> <p>New Zealand does not issue concession licenses for forestry on public land. Publicly owned forests are either set aside as conservation land or exotic plantation forests managed by Crown Forestry, a commercial trading organisation managing the Crown's commercial forestry assets. Essentially, commercial forestry in New Zealand is managed on a private organization basis, harvesting in these cases occurs on privately owned land where no concessions are required. (Anonymous MPI Expert, Policy Analyst, 2019)</p> <p>Crown Forest licenses do exist in New Zealand. These represent land that is in the process of being returned to Iwi (Maori communities) as a form of reparations. LINZ looks over these licenses. Once land is given back to an Iwi that land is considered the private property of that Iwi and is not subject to forest concessions. Any harvesting activity that occurs on this land is then subject to the same legislation as any harvesting activity would be in New Zealand (based on the type of forest being harvested). (Anonymous MPI Expert, Policy Analyst, 2019)</p> <p>There were no legal requirements found for transfer of management and harvesting rights on Iwi lands. Overall this risk is not applicable as New Zealand does not issue forest concession licenses.</p>
<p>1.3 Management and harvesting planning</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Forests Act 1949 • Conservation Act 1987 	<ul style="list-style-type: none"> • MPI. 2013. Report of New Zealand Forestry Industry • MPI, 2016. NES for Plantation Forestry – 	<p>Overview of Legal Requirements</p> <p>Commercial harvesting in Government-owned (public) indigenous forests is not permitted under the Forests Act nor under the Conservation Act. Exceptions to this occur where a</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
	<ul style="list-style-type: none"> • Resource Management Act 1991 (National Environmental Standards for Plantation Forestry) • Reserves Act 1977 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) • Regional and local Councils <p>Legally required documents or records</p> <ul style="list-style-type: none"> • SFMP document for privately-owned indigenous forests to be harvested • Resource consent if required 	<p>Evaluation of effectiveness of NES on Environmental Outcomes. Technical Paper No. 2017/04</p> <ul style="list-style-type: none"> • MPI, 2017. Harvesting and Milling Indigenous Timber • MPI, 2018a. Indigenous forestry. MPI. 2018b. National Environmental Standards for Plantation Forestry • MPI, 2018c. Guidance on transitioning to the NES-PF • MfE & MPI. 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations • MfE. 2016. Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991 • MfE. 2018. Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. Wellington: Ministry for the Environment 	<p>tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In cases like this, the felling is subject to the Conservation Act and the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Anonymous Expert, Senior Ranger, Operations, DOC 2019)</p> <p>Commercial harvesting is also forbidden in private indigenous forest lands protected under Queen Elizabeth covenants. These covenants are entered into between a landowner and the QEII Trust (a charitable organization set up under statute) to protect natural and cultural sites. The agreement is a private legal agreement between the landowner and the Trust, but the Trust is supported by the New Zealand Government. Having conducted an exhaustive search, including the RMA, Queen Elizabeth the Second Trusts limit landowner's interaction their forests. Essentially these forests are governed as any other indigenous forest would. The forests Act, Resource Management Act and the Conservation Act all apply. In addition to this, a QEII Trust forest is subject to the stipulations of the Queen Elizabeth the Second Trusts Act. What this means is that a QEII Trust landowner cannot engage in activities on their Trust land without the QEII trusts permission. Given the intention of the QEII Trusts is to maintain and enhance indigenous forests in perpetuity, this means that requests to harvest would be rejected (Queen Elizabeth II National Trust Website, Protecting Your Land, 2019). Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In Cases like this, the felling is subject to the Conservation Act and with the QEII Trusts permission, the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Conservation Act 1987 as referred to by Anonymous Expert, Senior Ranger, Operations, DOC 2019). For management and harvesting operations from privately-owned indigenous forests on private land a formal, an approved Sustainable Forest Management (SFM) Plan</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<ul style="list-style-type: none"> • MPI, 2016. NES for Plantation Forestry – Evaluation of effectiveness of NES on Environmental Outcomes. Technical Paper No. 2017/04 • Chatham House, undated. Illegal logging Portal: New Zealand • FSC Certificate Holder Database, 2019 • Environment Guide, Resource Consents and Processes, 2018 • The World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project 2018. New Zealand Profile • MPI, 2017. Sector Data and Analysis • Expert consultation, 2018. Email communication on 3-7th December 2018 with NZIF Registered Forestry Consultant • MPI Expert consultation, 2018. Annual logging reports provided by MPI • Anonymous Expert, Senior Ranger, Operations, DOC 2019 	<p>containing a sustainable harvest plan is required. The planning and monitoring details to be included are outlined in Schedule 2 of the Forest Act 1949. Landowners and forest managers seeking approvals for SFM plans and permits must comply with the indigenous forestry provisions (Part 3A) of the Forests Act 1949. This covers the sustainable management of indigenous forests and other harvesting options, and places controls on the milling and exporting of timber from indigenous forests. There are provisions for milling minor quantities of timber where a plan or permit is not in place, for example, naturally dead, wind thrown and salvaged timber, and timber approved for harvesting and milling for an owner’s personal use.</p> <p>Sustainable Forest management permits are valid for only 10 years and allow a forest owner to harvest and mill capped volumes of timber within its guidelines. With a permit a forest manager has access to several options regarding harvest rates. Option 1; 250 cubic metres of podocarp, kauri or shade tolerant, exposure-sensitive, broadleaved hardwood species, and 500 cubic metres of beech or other light-demanding hardwood species. Option 2; 10% of the standing volume by species and lifetime. Sustainable Forest Management Plans are valid for at least 50 years and allow for long-term management of a forest. They include a high level of complexity and usually need to be registered against and owner’s interest in the land. Harvest rates under a Sustainable Forest Plan vary by forest and depend on the area and type of forest, the forests location and the growth and replacement rates of the species to be harvested (Ministry of Primary Industries (MPI), Harvesting and Milling Indigenous Timber, 2017).</p> <p>The Forests Act 1949 is administered by the Ministry of Primary Industries (MPI, 2018b). It is a serious offence to mill indigenous timber at an unregistered sawmill or to mill without approval under the Forests Act. Penalties include fines of up to \$200,000 on conviction for breaching these requirements (MPI, 2018a).</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>The legal requirements for managing the environmental effects of activities (including harvest of exotic plantation forests) are covered by the Resource Management Act 1991 (RMA) and regional and local councils are responsible for planning for environmental management under the Act and enforcing those plans. Under the RMA, these plans are subject to scrutiny from the ministry of Conservation. These council plans must include the following details:</p> <p>(1) A regional council must prepare and change any regional plan in accordance with—</p> <ul style="list-style-type: none"> a) its functions under section 30; and b) the provisions of Part 2; and c) a direction given under section 25A (1); and d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and f) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and g) any regulations. <p>(2) In addition to the requirements of section 67(3) and (4), when preparing or changing any regional plan, the regional council shall have regard to—</p> <ul style="list-style-type: none"> a) any proposed regional policy statement in respect of the region; and b) the Crown’s interests in the coastal marine area; and c) any <ul style="list-style-type: none"> i. management plans and strategies prepared under other Acts; and ii. relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and iii. regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>other non-commercial Maori customary fishing); and to the extent that their content has a bearing on resource management issues of the region; and</p> <p>d) the extent to which the regional plan needs to be consistent with the regional policy statements and plans, or proposed regional policy statements and proposed plans, of adjacent regional councils; and</p> <p>e) to the extent to which the regional plan needs to be consistent with regulations made under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012; and</p> <p>(2A) When a regional council is preparing or changing a regional plan, it must deal with the following documents, if they are lodged with the council, in the manner specified, to the extent that their content has a bearing on the resource management issues of the region:</p> <p>(a) the council must take into account any relevant planning document recognised by an iwi authority; and</p> <p>(b) in relation to a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, the council must, in accordance with section 93 of that Act, —</p> <p>i. recognise and provide for the matters in that document, to the extent that they relate to the relevant customary marine title area; and</p> <p>ii. take into account the matters in that document, to the extent that they relate to a part of the common marine and coastal area outside the customary marine title area of the relevant group.</p> <p>(3) In preparing or changing any regional plan, a regional council must not have regard to trade competition or the effects of trade competition. These requirements come directly from the RMA.</p>

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			<p>As of 1 May 2018, the National Environmental Standards for Plantation Forestry (NES-PF) came into effect. These are regulations made under the Resource Management Act, and they replace most of the council rules relating to plantation forestry management. The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and harvest.</p> <p>This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries or any other such non-timber product. These areas exist outside of any conventional forestry harvesting activities and are instead governed by the Resource Management Act, specifically section 3 regarding land and water use. As long as no part of this section is violated in non-timber forest and horticulture activities then that activity is permitted. the NES-PF provides a consistent set of regulations for 8 core plantation forestry activities, which are:</p> <ul style="list-style-type: none"> • afforestation (planting new forest) • pruning and thinning to waste (selective felling of trees where the felled trees remain on site) • earthworks • river crossings • forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land) • harvesting • mechanical land preparation • replanting. <p>Existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations and in some cases, councils can make rules that are more stringent than the regulations to protect sensitive local environments (MfE & MPI, 2017). In addition to this, regional council plans are scrutinized by the Ministry of Conservation based on the requirements laid out by the RMA. This applies to both Indigenous and exotic plantations.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>The NES-PF requires foresters to prepare management plans for most earthworks, forest quarrying, and harvesting activities. The plans must identify environmental risks and how they'll be managed (MPI, 2018b). Where a forester cannot meet the standards, or where the activity carries high risk (e.g. harvesting on highly erosion prone land) he or she must apply to the local council for a resource consent to carry out the activity (MPI, 2018c).</p> <p>A Resource Consent applies to the property and is registered against the Certificate of Title when granted. It will be current for a finite period. It will set out the requirements for managing the environmental effects of the activity and it may do this by specifying particular standards or methods. (Environment Guide, Resource Consents and Processes, 2018)</p> <p>The RMA sets out specific duties for councils, these include a responsibility to implement the RMA, a duty to collect information on implementing the RMA, a duty to observe and enforce their policy statements, plans and national environmental standards (MfE, 2018). Statutory enforcement tools under the RMA are notices (which can require actions or fees), orders (which can require actions or court resolutions involving fines) and prosecutions (with a penalty fee or imprisonment) (MfE,2018).</p> <p>Description of risk</p> <p>Controls on the sale and use of indigenous sawn timbers are such that private owners of indigenous forests must undertake the formal planning process, including inventory, before having SFMP's reviewed prior to approval. SFMP's are not approved if the planning has not been carried out. Only a very small volume of indigenous logs is produced; 16,000 m³ in the year ended 31 March 2017. (Sector Data and Analysis, MPI 2017). Sawmills cannot and will not accept indigenous logs without citing the relevant approved SFMP. Sawmills are audited for compliance with these regulations</p>

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			<p>and violations are extremely rare. Any breaches of the regulation are subject to prosecution. Prosecutions do occur, for instance in August 2011 MPI prosecuted the largest over-harvest of indigenous timber documented since Part 3A of the Forests Act was enacted. The defendant had a Sustainable Forest Management permit issued by MPI to harvest 372.567 m³ but had harvested 587.695 m³ (113 trees). In this case the sawmiller was fined NZ\$ 36,398 and his company was fined NZ\$ 97,797 (MPI, 2013).</p> <p>Additionally, MPI also monitors annual logging plans (ALP) for compliance. According to MPI (MPI Expert consultation, 2018) an ALP is a document that identifies the area from which nominated volumes of named indigenous timber species are proposed to be harvested and the manner in which harvests will be conducted, including the felling of timber and the construction of roads, tracks or landings. An ALP must be submitted annually and approved by MPI before harvesting, and work for the harvesting of timber under any registered sustainable forest management (SFM) plan or permit may be carried out. ALP Reports produced between 2013 and 2018 indicate an average compliance rate of 90.24% and an average annual harvest of 22067.20 m³ of indigenous timber. Over this period of time 41 annual logging plans were inspected by MPI. This further indicates strong compliance with sustainable forest management plans and the laws surrounding them.</p> <p>For plantation forests, the NES-PF is a very new set of regulations and Councils are still working through how they will prioritise risk and carry out compliance with the regulations. The context evidences general compliance with RMA and a low likelihood of non-compliance with the NES-PF.</p> <p>The NES-PF were born as a voluntary multi-stakeholder effort and an inclusive consultation-led process of development of the regulations to maintain or improve the environmental outcomes associated with plantation forestry activities nationally and to increase certainty and efficiency in the management of plantation forest activities (ME, 2018b).</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Previous to these statutory standards, there were developed voluntary environmental Codes of Practice (E-CoP) by the NZ Forest Owner Association. The E-CoP still exist and are being followed (expert consultation, 2018). The overall objective of NES-PF is to ensure the same or improved environmental outcomes and consistency in the Regional Councils' approach to the forestry under RMA because previously the Councils had their own legal requirements, and these varied within regions. For example, previously forest managers with forests in 2 adjoining Council areas could operate under different rules & different consent requirements, and that has now largely disappeared (expert consultation, 2018).</p> <p>The permitted activity provisions of the NES-PF require appropriate, best-practice conventional plantation management practices to be applied and the NES-PF allows for additional stringency to be applied where it is required to protect sensitive local environments. The NES-PF limits the requirement for resource consent to the more severe end of the risk (of environmental effects) continuum (MPI, 2016). However, MPI expects a greater number of resource consents to be issued under the NES-PF than were issued by councils before it came into force.</p> <p>Notices of infringement, abatement and enforcement, and prosecutions under the RMA Act in general are frequently published (MfE & 2016). A Ministry for the Environment report stated that between July 2008 and September 2012 there were 3 prosecutions of forestry contractors under the RMA, this was 0.7% of the national total for prosecutions (MfE, 2016). The main action reported was against PF Olsen Ltd, when clearance work resulted in discharge of debris into a stream, with significant adverse effects. The Courts noted significant improvements in Olsens systems post-event. Olsens also spent \$250, 000 on remediation. After appeal the costs were set at \$72,800 in total (expert consultation, 2018).</p> <p>As there is a clear legal framework for management planning and there is no evidence that procedures for approval of</p>

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			<p>management plans would not be followed. “Illegal logging in New Zealand is not a significant problem” (Chatham House, undated).</p> <p>Approximately 74% of plantation forest is under FSC certification and non-compliance is generally not common to observe during the audits (FSC Certificate Holder Database, 2019).</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank’s Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Areas of exotic planted trees under one-hectare N/A. According to the RMA, forests under one hectare are not considered plantation forests and are not regulated by the RMA or the NES-PF.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
1.4 Harvesting permits	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Forests Act 1949 • Resource Management Act 1991 (Details to be included in the Management Plan) • Conservation Act 1987 • Queen Elizabeth the Second National Trust Act 1977 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) • Regional and local Councils <p>Legally required documents or records</p> <ul style="list-style-type: none"> • An approved Sustainable Forest Management Plan (SFMP) for harvesting of indigenous forests. • A Resource Consent where this is required by a District Council under the Resource Management Act 1991. • Sustainable Forest Management Plan or Permit • For privately owned indigenous forests then a Sustainable Forest Management Plan must include a Sustainable Harvest Plan 	<ul style="list-style-type: none"> • MPI, 2016. NES for Plantation Forestry – Evaluation of effectiveness of NES on Environmental Outcomes. Technical Paper No. 2017/04 • MPI, 2017. Harvesting and Milling Indigenous Timber • MPI. 2018b. National Environmental Standards for Plantation Forestry • MPI, 2018d. Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 User Guide, May 2018 • MfE&MPI, 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations • MfE. 2016. Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991 • MfE. 2018a. Best Practice Guidelines for Compliance, Monitoring and Enforcement under 	<p>Overview of Legal Requirements</p> <p>Harvest permits can only be issued for logging in privately-owned indigenous forests after a formal and comprehensive Sustainable Forest Management Plan (SFMP) has been prepared by the forest owner and approved by MPI, this plan must include a sustainable harvest plan. For detailed requirements of the 10 Chapters for each SFMP, please refer to Schedule 2 of the Forests Act, 1949. Landowners and forest managers seeking approvals for SFM plans and permits must comply with the indigenous forestry provisions (Part 3A) of the Forests Act 1949. This covers harvesting options. There are provisions for milling minor quantities of timber where a plan or permit is not in place, for example, naturally dead, wind thrown and salvaged timber, and timber approved for harvesting and milling for an owner's personal use. The Forests Act 1949 is administered by the Ministry for Primary Industries (MPI).</p> <p>Sustainable Forest Management permits are valid for only 10 years and allow a forest owner to harvest and mill capped volumes of timber within its guidelines. With a permit a forest manager has access to several options regarding harvest rates. Option 1; 250 m3 of podocarp, kauri or shade tolerant, exposure-sensitive, broadleaved hardwood species, and 500 cubic m3 of beech or other light-demanding hardwood species. Option 2; 10% of the standing volume by species Sustainable Forest Management Plans are valid for at least 50 years and allow for long-term management of a forest. They include a high level of complexity and usually need to be registered against and owner's interest in the land. Harvest rates under a Sustainable Forest Plan vary by forest and depend on the area and type of forest, the forests location and the growth and replacement rates of the species to be harvested (Ministry of Primary Industries (MPI), 2017 Harvesting and Milling Indigenous Timber).</p> <p>For exotic plantation forests, harvest activities are controlled under the Resource Management Act 1991, which is effects-based legislation implemented by regional and district</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>the Resource Management Act 1991. Wellington: Ministry for the Environment</p> <ul style="list-style-type: none"> • MfE. 2018b.About the National Environmental Standards for Plantation Forestry. • Standards.govt.nz, undated. NZS 4708 Sustainable Forest Management Standard • Queen Elizabeth II National Trust Website, 2019 • Queen Elizabeth II National Trust Website, 2019a. Protecting Your Land • Chatham House, undated. Illegal logging Portal: New Zealand • NZ Wood. undated. Sustainable forest management of native tree species in New Zealand • FSC Certificate Holder Database, 2019 • The World Bank 2018. Worldwide Governance Indicators (WGI) project. • The World Justice Project, 2018. New Zealand Profile. 	<p>councils. They are able to permit activities if the effects are minor (albeit with conditions that must be complied with) or require a resource consent to carry out an activity. A resource consent sets out the conditions under which the activity can be carried out and the issuing council is responsible for monitoring the consent. Until 1 May 2018 councils set out the rules for managing the environmental effects of forestry activities through regional and district plans.</p> <p>From 1 May 2018 National Environmental Standards for Plantation Forestry (NES-PF) control most plantation forestry activities, though councils are still responsible for monitoring and enforcing the activities. National Environmental Standards (NES) are regulations made under the Resource Management Act 1991 (RMA) and they set out technical standards, methods or requirements relating to matters under the RMA. They can provide consistent rules across the country by setting planning requirements for certain specified activities.</p> <p>The NES-PF prevails over district or regional plan rules except in certain cases where the NES-PF specifically allows more stringent plan rules where greater local oversight is required to protect particularly sensitive environments (MPI, 2018b).</p> <p>The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and timber harvest. This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries. These areas exist outside of any conventional forestry harvesting activities and are instead governed by the Resource Management Act, specifically section 3 regarding land and water use. As long as no part of this act is violated in non-timber forest and horticulture activities then that activity is permitted. Existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations, such as fire regulation and use of pesticides and herbicides (MfE&MPI, 2017). The NES-PF regulates 8 core plantation forestry activities, including</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<ul style="list-style-type: none"> • Transparency International, 2017. Corruption Perceptions Index 2017. • Expert consultation, 2018. Email communication on 3-7th December 2018 with NZIF Registered Forestry Consultant. • Anonymous Expert, Senior Ranger, Operations, DOC 2019 	<p>harvesting. Activities are permitted where the risk of environmental effects is low, but where risk is high (e.g. where forestry occurs on highly erosion prone land) foresters are required to apply for resource consent from their local council. Where a forester is unable to comply with the permitted activity standards he or she must seek resource consent. As above, a resource consent sets out the conditions under which the activity can be carried out and the issuing council is responsible for monitoring the consent.</p> <p>Where harvest is carried out as a permitted activity, foresters are required to develop a forest management plan which sets out how they will manage risks from harvesting (see Appendix 3 of the NES-PF for the matters that must be covered) as well as how they will comply with the permitted activity standards. They must submit this plan to the council if it is requested and they are legally obliged to comply with their plan. Councils use these plans as one element in risk-based monitoring of the activity</p> <p>Where the NES-PF states that an activity is permitted, a plan rule may only deal with effects of that activity that are different from the effects dealt with in the NES-PF (section 43A(5)(b)). For example, the effects on cultural and historic heritage are excluded from the NES-PF and plan rules continue to manage these effects.</p> <p>According to the Resource Management Regulations User Guide, harvesting is a regulated activity under Regulation 5(1)(f) of the NES-PF. The NES-PF ancillary activity regulations (Part 2, subpart 9) and general provisions (Part 2, subpart 10) must be complied with as relevant for harvesting. The harvesting flow diagram in section 5.6 of the Resource Management Regulations User Guide is a useful place to start when identifying whether or not a resource consent will be required for harvesting. All sites need to give notice and produce a harvest plan in accordance with Schedule 3 (RMA), to meet the permitted activity requirements. No consent is required if:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>the site is green or yellow or orange (in the soil erosion map), or less than 2 ha of red (soil erosion levels) is harvested in any 3-month period.</p> <p>and the other permitted activity regulations are met:</p> <ul style="list-style-type: none"> • A harvest plan that meets the Schedule 3 requirements. • The harvest plan clearly outlines on-site risks and how they will be managed through targeted measures, and that plan is followed. • Employ a competent contractor. <p>Below is a flow diagram from the Resource Management Regulations User Guide (MPI, 2018d) used to determine whether a resource consent is required:</p> <pre> graph TD S1[Step 1: Is the land proposed for afforestation in a green, yellow or orange ESC zone? (Regulation 9)] -- N --> Q1[Is the land in the red zone? AND Is the proposed afforestation of 2ha or less in any calendar year?] S1 -- Y --> S2[Step 2: Does the activity comply with Regulation 10 (notice)?] Q1 -- N --> R1[Regional Council Consent Required - Restricted Discretionary Activity (continue to Step 2)] Q1 -- Y --> S2 S2 -- N --> R2[Regional Council and/or Territorial Authority Consent Required - Controlled Activity (continue to Step 3)] S2 -- Y --> S3[Step 3: Does the activity comply with regulations 11 (wilding tree risk and control) and 12 (significant natural areas and outstanding natural features and landscapes)?] S3 -- N --> R3[Regional Council and/or Territorial Authority Consent Required - Restricted Discretionary Activity (continue to Step 4)] S3 -- Y --> S4[Step 4: Does the activity comply with regulation 14 (setbacks)?] S4 -- N --> Q2[Activity does not comply with Regulation 14(3)] S4 -- N --> Q3[Activity does not comply with regulations 14(1) and/or (2)] Q2 --> R4[Regional Council Consent Required - Restricted Discretionary Activity (continue to Step 5)] Q3 --> R5[Territorial Authority Consent Required - Restricted Discretionary Activity (continue to Step 5)] S4 -- Y --> S5[Step 5: Does the activity comply with Regulation 13 (visual amenity landscapes)?] S5 -- N --> R6[Territorial Authority Consent Required - Controlled Activity] S5 -- Y --> R7[If Steps 1-5 are complied with: ACTIVITY PERMITTED] </pre> <p>Once a Resource Consent is granted, harvesting is permitted within the grounds of that Resource Consent.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>The RMA sets out specific duties for councils, these include a responsibility to implement the RMA, a duty to collect information on implementing the RMA, a duty to observe and enforce their policy statements, plans and national environmental standards (MfE, 2018a). According to MPI, Councils are to undertake activities to ensure compliance and enforcement with the RMA and the NES-PF. Statutory enforcement tools are notices (which can require actions or fees), orders (which can require actions or court resolutions involving fines) and prosecutions (with a penalty fee or imprisonment) (MfE,2018a).</p> <p>Commercial harvesting in Government-owned (public) indigenous forests is not permitted under the Forests Act nor under the Conservation Act. Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In cases like this, the felling is subject to the Conservation Act and the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Anonymous Expert, Senior Ranger, Operations, DOC 2019)</p> <p>Commercial harvesting is also forbidden in private indigenous forest lands protected under Queen Elizabeth covenants. These covenants are entered into between a landowner and the QEII Trust (a charitable organization set up under statute) to protect natural and cultural sites. The agreement is a private legal agreement between the landowner and the Trust, but the Trust is supported by the New Zealand Government. Queen Elizabeth the Second Trusts limit landowner's interaction their forests. Essentially these forests are governed as any other indigenous forest would. The forests Act, Resource Management Act and the Conservation Act all apply. In addition to this, a QEII Trust forest is subject to the stipulations of the Queen Elizabeth the Second Trusts Act. What this means is that a QEII Trust landowner cannot engage in activities on their Trust land without the QEII trusts permission. Given the intention of the QEII Trusts is to</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>maintain and enhance indigenous forests in perpetuity, this means that requests to harvest would be rejected (Queen Elizabeth II National Trust Website, Protecting Your Land, 2019). Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In Cases like this, the felling is subject to the Conservation Act and with the QEII Trusts permission, the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Conservation Act 1987 as referred to by Anonymous Expert, Senior Ranger, Operations, DOC 2019)</p> <p>Having conducted an exhaustive search, including the RMA, Forest Act 1949, the Conservation Act 1987, the Queen Elizabeth II National Trust Act 1977 and the Queen Elizabeth II National Trust Website, the only information that could be found regarding permitted removal of trees refers to the removal of trees that have grown too close to powerlines and therefore need to be trimmed or removed (at the cost of the electricity company associated with the powerlines) for the purposes only of mitigating the risk of fire damage (Queen Elizabeth II National Trust Website, 2019).</p> <p>Description of Risk</p> <p>The NZ public takes conservation of indigenous forests very seriously and reports of indigenous forest harvesting, legal or not, are followed up by MPI staff. The most recent prosecution for over-harvest of indigenous timber was in August 2011. An extra 215 m3 harvested over the 588 m3 harvest entitlement resulted in significant personal and company fines.</p> <p>The requirements for detailed forest inventory in Chapter 6 of the SFMP are such that it would be difficult to manipulate data. MPI staff run their own checks of inventory data. The base requirement is for a non-diminishing annual yield in perpetuity. No violations of these requirements are known as there are effective controls in place to prevent this.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>For plantation forests, the NES-PF is very recent regulation. In some regions it replaces fairly well-developed rules for forestry harvest, while in others it represents a step change in regulation relating to forestry harvest. MPI is currently assessing how well the regulations are being implemented, but it will be some time before we have a national picture of implementation and practice, including how well councils are ensuring compliance. MPI will be carrying out a formal review of the implementation of the NES-PF after one year (May 2019).</p> <p>The NES-PF were born as a voluntary multi-stakeholder effort and an inclusive consultation-led process of development of the regulations to maintain or improve the environmental outcomes associated with plantation forestry activities nationally and to increase certainty and efficiency in the management of plantation forest activities (MfE, 2018b).</p> <p>Previous to these statutory standards, there were developed voluntary environmental Codes of Practice (E-CoP) by the NZ Forest Owner Association. The E-CoP still exist and are being followed (expert consultation, 2018). The overall objective of NES-PF is to ensure the same or improved environmental outcomes and consistency in the Regional Councils' approach to the forestry under RMA because previously the Councils had their own legal requirements, and these varied within regions. For example, previously forest managers with forests in 2 adjoining Council areas could operate under different rules & different consent requirements, and that has now largely disappeared (expert consultation, 2018).</p> <p>The permitted activity provisions of the NES-PF require appropriate, best-practice conventional plantation management practices to be applied and the NES-PF allows for additional stringency to be applied where it is required to protect sensitive local environments. The NES-PF limits the requirement for resource consent to the more severe end of the risk (of environmental effects) continuum (MPI, 2016).</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>However, MPI expects a greater number of resource consents to be issued under the NES-PF than were issued by councils before it came into force.</p> <p>After decades of clash between commercial forest owners and environmental groups, in 1991 most of them signed the equivalent of a peace treaty. In 2007, many of the signatories re-convened and renewed their commitments on stopping conversion of indigenous forest to plantation, plus some additional clauses related to climate change initiatives. In the original agreement, it was agreed that existing indigenous forests are to be protected from any development involving exotic plantation forests; and that commercial plantation forests are an essential source of perpetually renewable fibre and energy, offering an alternative to the depletion of indigenous forests. The original and the updated NZ Forests Accord evidence a spirit of new cooperation between environmental groups and the forest industry, however this is not a legally binding document. (NZ Wood, undated). In 2014, NZ developed a national standard for sustainable forest management (Standards.govt.nz, NZS 4708 Sustainable Forest Management Standard), adopted with national modifications from AS 4708:2013 (Australian Standard). This is a voluntary standard that provides forest owners and managers with environmental, economic, social, and cultural criteria that support the sustainable management of forests. This standard is currently endorsed by the Program for the Endorsement of Forest Certification, and due for review in 2019.</p> <p>Notices of infringement, abatement and enforcement, and prosecutions under the RMA Act in general are frequently published (MfE & 2016). A Ministry for the Environment report stated that between July 2008 and September 2012 there were 3 prosecutions of forestry contractors under the RMA, this was 0.7% of the national total (MfE, 2016). The main action reported was against PF Olsen Ltd, when clearance work resulted in discharge of debris into a stream,</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>with significant adverse effects (as assessed by the relevant legal authority). The Courts noted significant improvements in PF Olsens systems post-event, as they spent \$250, 000 on remediation. After appeal the costs were set at \$72,800 in total (expert consultation, 2018). "Illegal logging in New Zealand is not a significant problem" (Chatham House, undated).</p> <p>Approximately 74% of plantation forest is under FSC certification and non-compliance is generally not common to observe during the audits (FSC Certificate Holder Database, 2019).</p> <p>Moreover, New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Finally, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk Conclusion</p> <p>Low risk For private indigenous forest and private exotic plantation forests the threshold (1) is met:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Areas of exotic planted trees under one-hectare N/A. According to the RMA, forests under one hectare are not considered plantation forests and are not regulated by the RMA or the NES-PF.</p>
Taxes and fees			
<p>1.5 Payment of royalties and harvesting fees</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Commodity Levies Act 1990 • Commodity Levies (Harvested Wood Material) Order 2013 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) • Forest Growers Levy Trust Board <p>Legally required documents or records</p> <ul style="list-style-type: none"> • There is a specific electronic document trail for levy collection purposes, but no physical document. 	<ul style="list-style-type: none"> • MPI, 2018a. Indigenous forestry • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products • The Forest Growers Levy Trust Reports 2013 • PF Olsen Website, Forest Owners Commodity Levy, 2014 • Chatham House, undated. Illegal logging Portal: New Zealand • The World Bank 2018. Worldwide Governance Indicators (WGI) project. • The World Justice Project 2018. New Zealand Profile • Transparency International, 2017. 	<p>Overview of Legal Requirements</p> <p>According to the Commodity Levies (Harvested Wood Material) Order 2013, A levy is imposed on harvested wood material from plantation forests in New Zealand. The levy is payable to the Forest Growers Levy Trust (FGLT). The levy applies to all products sourced from trees in a plantation forest. This includes logs, posts, poles, forest waste, binwood, hog fuel and woodchip, exported or processed in New Zealand. Woodchip produced as a by-product from sawmills is excluded, as the levy has already been applied at an earlier stage to the raw material received at the mill gate. The levy does not apply to Christmas trees, domestic firewood or bark. Plantation forest is defined as planted forests and forests that have grown as a result of a planted forest such as wildings and regeneration. Production from planted indigenous forests will be levied while production from natural native (indigenous) forests will not be levied. The levy is applied on a tonnage basis (if a transaction is in m³ or JAS m³, then a 1:1 conversion will be used i.e. 1 JAS m³ = 1 tonne) to all such material and the point of application of the levy will be where this volume of material is being assembled prior to the next stage of the wood use; i.e. either at a domestic processing facility or at the wharf. The measurement at these points was selected as being the most practical option as data was already being collected and agreed between parties. The levy in year one (i.e. 1st January 2014 to 31st December 2014) will be 27 cents per</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>Corruption Perceptions Index 2017</p> <ul style="list-style-type: none"> Anonymous Expert, Senior Analyst, MPI, 2019 	<p>tonne, with the maximum levy rate over the six years of the levy not to exceed 30 cents per tonne. (PF Olsen Website, Forest Owners Commodity Levy, 2014)</p> <p>Indigenous logs can only be harvested from private land, with the forest owner establishing a contract for sale and purchase of logs.</p> <p>Logs are sold in a variety of ways, such as a block sale, stumpage, or by volume (usually weight) for given products. This is based on formal commercial contracts. Owners of plantation forests (regardless of ownership) are charged a levy, set by the FGLT Board under the Commodity Levies (Harvested Wood Material) Order 2013. This levy is a legal requirement outlined under the Commodity Levies Act 1990 Section 6. The levy is collected at two different points, depending on whether logs are processed domestically or are exported. Logs for domestic processing are levied just before they cross the mill gate threshold, and export logs are levied after they cross the port gate threshold. Where the commodity owner at that point is not the original forest owner, the levy will be recoverable from the forest owner by the commodity owner. The forest owner is primarily responsible for paying the levy. All products from plantation forests are covered, with the exception of plantations grown for Christmas trees or firewood sold for household consumption, and tree bark sold directly from the forest. There is no differentiation based on species, all harvested wood material is levied at the same rate per tonne at the time the levy becomes payable.</p> <p>The payment of the levy is worked as follows: An independent third party has been contracted by the FGLT Board to supply and manage an automated levy collection system. Collection agents at domestic mills and export ports use an automated data collation and transfer system that has links to the weighbridge or measurement posts. Log measurement data is used to generate levy invoices to the current log owner.</p> <p>It is a serious offence to mill indigenous timber at an unregistered sawmill or to mill without approval under the</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Forests Act. Penalties include fines of up to \$200,000 on conviction for breaching these requirements (MPI, 2018a).</p> <p>Description of risk</p> <p>The statistical reports from the levy collection company match very precisely with the production data collected by MPI. There is no reported evidence, nor any anecdotal evidence, of the levy not being paid. The FGLT who administers the levy have stated that data showing the levy paid and levy defaulted is miniscule, indicating a very high level of compliance. They contract a debt collection agency to collect the remainder of unpaid levy where applicable. “Illegal logging in New Zealand is not a significant problem” (Chatham House, undated). In 2017 the World Bank’s Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International’s Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries. (Anonymous Expert, Senior Analyst, MPI, 2019)</p> <p>Risk conclusion</p> <p>Low risk For plantation forest the threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
1.6 Value added taxes and other sales taxes	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Income Tax Act 2007 Goods and Services Tax Act 1987 <p>Legal Authority</p> <ul style="list-style-type: none"> Inland Revenue Department (IRD) <p>Legally required documents or records</p> <ul style="list-style-type: none"> GST-receipts for any costs incurred during the GST period GST invoices for the GST collected during the period GST calculation sheet showing the GST collected and paid during the period, with the net amount owing to IRD or to be paid by IRD. 	<ul style="list-style-type: none"> IRD, undated a. Forms and Guides: GST Guide (IR375) IRD, 2017. How We Address Tax Crime Scion 2015. Commercial Forestry in New Zealand. MBIE Website, When to Register for GST, 2019 World Bank 2016. Doing Business 2016: Measuring Regulatory Quality and Efficiency. Washington DC: World Group. The World Bank 2018. Worldwide Governance Indicators (WGI) project The World Justice Project 2018. New Zealand Profile Transparency International, 2017. Corruption Perceptions Index 2017 	<p>For indigenous forest, this indicator does not apply because there are no legal royalties or fees linked to indigenous forest harvesting.</p> <p>Overview of Legal Requirements</p> <p>The value added tax in New Zealand is called Goods and Services Tax (GST). Everyone must pay GST at 15% on all goods and services bought and sold in NZ. There are no exemptions.</p> <p>Tax collection is a state function. A company of any size needs to register for tax. All businesses must register for tax purposes. Every person and every business if they believe that they will turn over more than \$60,000 in 12 months, must be GST registered and use their GST number in any transactions. All these have to pay GST and must account for the GST collected and paid at defined intervals, either monthly, 2-monthly or 6-monthly. There are comprehensive checks and regular IRD audits to ensure that there are no violations of the tax laws. (MBIE Website, When to Register for GST, 2019)</p> <p>Description of risk</p> <p>The IRD has initiatives in place to reduce any instances of tax non-compliance. These initiatives apply to both individuals and businesses and include (IRD 2017):</p> <ul style="list-style-type: none"> Making tax rules and processes simpler Educating people and providing tools to help get their taxes right Working with people who get it wrong and helping them put it right Telling New Zealander's, the IRD's focus areas and offering them the chance to come forward and put it right Using data to detect tax evasion and fraud Auditing people or businesses where the IRD want more detailed information about how they manage their tax affairs

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<ul style="list-style-type: none"> • Charging penalties or prosecuting people who cheat on their taxes • Getting the public's help to make sure everyone pays their fair share. <p>In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries. Publication on New Zealand of the World Bank Doing Business (2016) ranks 22 out of 189 countries for ease of paying taxes (OECD average 52).</p> <p>Having run exhaustive searches for evidence of tax non-compliance and prosecution under the Income Tax Act 2007 there are no examples of tax non-compliance in the forestry industry that could be found. Exhaustive searches included expert consultations and government databases through IRD prosecution archives.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
1.7 Income and profit taxes	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Income Tax Act 2007 <p>Legal Authority</p> <ul style="list-style-type: none"> Inland Revenue Department (IRD) <p>Legally required documents or records</p> <ul style="list-style-type: none"> For tax purposes, receipts for any costs related to the tree crop, or any costs incurred in the maintenance of the forestry business during each year, as these are deductible in the year incurred from any income for that year. Registered forest valuation for sale and purchase agreement for an exotic plantation forest Sustainable Forest Management Plan (SFMP) for a block of indigenous forest sold, if applicable. 	<ul style="list-style-type: none"> IRD, 2016. Report Business Tax Update IRD, 2017. How we address tax crime World Bank 2016. Doing Business 2016: Measuring Regulatory Quality and Efficiency. Washington DC: World Group Scion 2015. Commercial Forestry in New Zealand The World Bank 2018. Worldwide Governance Indicators (WGI) project The World Justice Project 2018. New Zealand Profile Transparency International, 2017. Corruption Perceptions Index 2017 	<p>Overview of Legal Requirements</p> <p>All companies must pay tax on their profits for the year. The profit is the difference between the income from log sales and the cost of generating those logs for sale.</p> <p>All individuals involved in forestry operations must pay tax on their income; this is generally taxed at source through a nation-wide system known as Pay As You Earn (PAYE).</p> <p>Description of risk</p> <p>All businesses, including those involved in forest harvesting, must register for tax purposes. The nature of this registration determines how they pay tax. Companies and Partnerships are required to pay Provisional Tax at the corporate rate (28%) on their budgeted profit 3 times during the year, with Terminal tax paid after the end of the Financial Year.</p> <p>Underpayment of tax attracts a "Cost of Money" fee for the difference over the Financial Year, so there are in-built incentives to get the financial and tax planning correct. The business tax number is used for all business purchases and must be shown on tax invoices for goods and services (including logs).</p> <p>The IRD is able to run checks on all businesses, and there is a large audit department within IRD to carry out both regular and spot-audits of all businesses. There are periodic articles in news media about court cases over tax issues. Where tax legislation is breached, the IRD will seek to prosecute offenders. In 2016, the total number of convictions for tax-related offenses was approximately 2000 (both businesses and private individuals). This number has decreased dramatically from 2007 when there were more than 8000 convictions. Many of these convictions are for failing to furnish information. (IRD, 2016)</p> <p>The IRD has initiatives in place to reduce any instances of tax non-compliance. These initiatives apply to both individuals and businesses and include (IRD 2017):</p> <ul style="list-style-type: none"> Making tax rules and processes simpler

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<ul style="list-style-type: none"> • Educating people and providing tools to help get their taxes right • Working with people who get it wrong and helping them put it right • Telling New Zealanders, the IRD's focus areas and offering them the chance to come forward and put it right • Using data to detect tax evasion and fraud • Auditing people or businesses where the IRD want more detailed information about how they manage their tax affairs • Charging penalties or prosecuting people who cheat on their taxes • Getting the public's help to make sure everyone pays their fair share <p>In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Publication on New Zealand of the World Bank Doing Business (2018) ranks 22 out of 189 countries for ease of paying taxes (OECD average 52).</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.
Timber harvesting activities			
1.8 Timber harvesting regulations	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Forests Act 1949 • Resource Management Act 1991 • National Environmental Standards for Plantation Forestry (from 1 May 2018) • Conservation Act 1987 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) • Regional and local Councils <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Approved Sustainable Forest Management Plan (SFMP) for harvesting of indigenous forest on private land • Resource consent where required under a regional or district plan 	<ul style="list-style-type: none"> • MPI, 2013. The sustainable management of indigenous forests • MPI, 2016. NES for Plantation Forestry – Evaluation of effectiveness of NES on Environmental Outcomes. Technical Paper No. 2017/04 • MPI, 2017. Harvesting and Milling Indigenous Timber • MPI, 2018a. Indigenous forestry • MPI, 2018b. National Environmental Standards for Plantation Forestry • MPI, 2018c. Guidance on transitioning to the NES-PF • MPI, 2018d. Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 User Guide, May 2018 • MPI and the New Zealand Forest 	<p>Overview of Legal Requirements</p> <p>Commercial harvesting in Government-owned (public) indigenous forests is not permitted under the Forests Act nor under the Conservation Act. Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In cases like this, the felling is subject to the Conservation Act and the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Anonymous Expert, Senior Ranger, Operations, DOC 2019)</p> <p>Queen Elizabeth the Second Trusts limit landowner's interaction their forests. Essentially these forests are governed as any other indigenous forest would. The forests Act, Resource Management Act and the Conservation Act all apply. In addition to this, a QEII Trust forest is subject to the stipulations of the Queen Elizabeth the Second Trusts Act. What this means is that a QEII Trust landowner cannot engage in activities on their Trust land without the QEII trusts permission. Given the intention of the QEII Trusts is to maintain and enhance indigenous forests in perpetuity, this means that requests to harvest would be rejected (Queen Elizabeth II National Trust Website, Protecting Your Land, 2019). Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In Cases like this, the felling is subject to the Conservation Act and with the QEII Trusts permission, the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Conservation Act 1987 as referred to by Anonymous Expert, Senior Ranger, Operations, DOC 2019)</p> <p>There is a legal requirement to prepare, and have approved, a Sustainable Forest Management Plan (SFMP) before</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>Industry, 2013. The legality of New Zealand's Forest Products</p> <ul style="list-style-type: none"> • MfE&MPI. 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations • MfE, 2016. Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991 • MfE, 2018a. Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991 • Wellington: Ministry for the Environment • MfE, 2018b. About the National Environmental Standards for Plantation Forestry • The Forest Growers Levy Trust Report 2013 • Standards.govt.nz, NZS 4708 Sustainable Forest Management Standard • Queen Elizabeth II National Trust Website, 2019 	<p>harvesting privately owned indigenous forest. The details for the harvesting plan and resulting forest condition required are set out in Schedule 2 of the Forest Act 1949, and guide MPI inspectors when approving and then inspecting indigenous harvesting operations. For any harvesting of indigenous forests on private land, to comply with the Act and Regulations, the SFMP must specify the coupe size, species to be taken, forest condition remaining, skid tracks to be used and re-instated, run-off controls amongst other things. If natural regeneration, following harvesting, is insufficient MPI can require seedlings to be planted at the harvest site. Before harvesting can take place, operators must also provide MPI with an annual logging plan. This provides information on the area the trees shall come from, approved harvest volumes (by species), proposed harvest methods, location of tracks, and any requirements for specific actions, for example, directional felling to protect any adjacent forest. Operators are also encouraged to actively harvest trees with different ages and sizes and to source trees that are at risk of dying naturally.</p> <p>Sustainable Forest management permits are valid for only 10 years and allow a forest owner to harvest and mill capped volumes of timber within its guidelines. With a permit a forest manager has access to several options regarding harvest rates. Option 1; 250 cubic m3 of podocarp, kauri or shade tolerant, exposure-sensitive, broadleaved hardwood species, and 500 cubic m3 of beech or other light-demanding hardwood species. Option 2; 10% of the standing volume by species Sustainable Forest Management Plans are valid for at least 50 years and allow for long-term management of a forest. They include a high level of complexity and usually need to be registered against and owner's interest in the land. Harvest rates under a Sustainable Forest Plan vary by forest and depend on the area and type of forest, the forests location and the growth and replacement rates of the species to be harvested (Ministry of Primary Industries (MPI), Harvesting and Milling Indigenous Timber, 2017).</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<ul style="list-style-type: none"> • Chatham House, undated. Illegal logging Portal: New Zealand • NZ Wood, undated. Sustainable forest management of native tree species in New Zealand • FSC Certificate Holder Database, 2019 • The World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project 2018. New Zealand Profile • Transparency International, 2017. Corruption Perceptions Index 2017 • Expert consultation, 2018. Email communication on 3-7th December 2018 with NZIF Registered Forestry Consultant. • Anonymous Expert, Senior Ranger, Operations, DOC 2019 	<p>The Standards and Guidelines for Sustainable Management of Indigenous Forests (MPI, 2013) reflect Part3A of the Forests Amendment Act (the 1993 amendment to the 1949 Act previously referenced). Each Criterion and subsets provide guidance on how MPI will apply provisions of the Forest Act 1949.</p> <p>There are no other harvesting regulations for indigenous harvesting, but the SFMP requirements are very prescriptive for the Annual Logging plan. The Forests Act 1949 is administered by the Ministry of Primary Industries (MPI). As of 1 May 2018, the National Environmental Standards for Plantation Forestry (NES-PF) came into effect. These are regulations made under the Resource Management Act, and they replace most of the council rules relating to plantation forestry management. The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and harvest. This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries. These areas exist outside of any conventional forestry harvesting activities and are instead governed by the Resource Management Act, specifically section 3 regarding land use. As long as no part of this section is violated in non-timber forest and horticulture activities then that activity is permitted. but the NES-PF provides a consistent set of regulations for 8 core plantation forestry activities, which are:</p> <ul style="list-style-type: none"> • afforestation (planting new forest) • pruning and thinning to waste (selective felling of trees where the felled trees remain on site) • earthworks • river crossings • forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land) • harvesting • mechanical land preparation • replanting.

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Note that according to the RMA, a forest under one hectare in size is not considered a forest and is therefore not regulated for harvest. Existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations and in some cases, councils can make rules that are more stringent than the regulations to protect sensitive local environments (MfE&MPI, 2017)</p> <p>The NES-PF requires foresters to prepare management plans for most earthworks, forest quarrying, and harvesting activities. The plans must to identify environmental risks and how they'll be managed (MPI, 2018b). Where a forester cannot meet the standards, or where the activity carries high risk (e.g. harvesting on highly erosion prone land) he or she must apply to the local council for a resource consent to carry out the activity (MPI, 2018c).</p> <p>A Resource Consent applies to the property and is registered against the Certificate of Title when granted. It will be current for a finite period. It will set out the requirements for managing the environmental effects of the activity and it may do this by specifying particular standard or methods.</p> <p>The RMA sets out specific duties for councils, these include a responsibility to implement the RMA, a duty to collect information on implementing the RMA, a duty to observe and enforce their policy statements, plans and national environmental standards (MfE, 2018a). Statutory enforcement tools under the RMA are notices (which can require actions or fees), orders (which can require actions or court resolutions involving fines) and prosecutions (with a penalty fee or imprisonment) (MfE,2018a).Where the NES-PF states that an activity is permitted, a plan rule may only deal with effects of that activity that are different from the effects dealt with in the NES-PF (section 43A(5)(b)). For example, the effects on cultural and historic heritage are excluded from the NES-PF and plan rules continue to manage these effects.</p> <p>According to the Resource Management Regulations User Guide, harvesting is a regulated activity under Regulation</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>5(1)(f) of the NES-PF. The NES-PF ancillary activity regulations (Part 2, subpart 9) and general provisions (Part 2, subpart 10) must be complied with as relevant for harvesting. The harvesting flow diagram in section 5.6 of the Resource Management Regulations User Guide is a useful place to start when identifying whether or not a resource consent will be required for harvesting. All sites need to give notice and produce a harvest plan in accordance with Schedule 3 (RMA), to meet the permitted activity requirements. No consent is required if:</p> <p>the site is green or yellow or orange (in the soil erosion map), or less than 2 ha of red (soil erosion levels) is harvested in any 3-month period.</p> <p>and the other permitted activity regulations are met:</p> <ul style="list-style-type: none"> • A harvest plan that meets the Schedule 3 requirements. • The harvest plan clearly outlines on-site risks and how they will be managed through targeted measures, and that plan is followed. • Employ a competent contractor. <p>Below is a flow diagram from the Resource Management Regulations User Guide (MPI, 2018d) used to determine whether a resource consent is required:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Once a Resource Consent is granted, harvesting is permitted within the grounds of that Resource Consent.</p> <p>Description of risk</p> <p>For indigenous timber, risk is reduced through strict adherence to the requirements of the SFMP. These logging operations are regularly inspected. Prosecutions for non-compliance have been taken by MPI. The most recent prosecution for over-harvest of indigenous timber was in August 2011. An extra 215 m3 harvested over the 588 m3 harvest entitlement resulted in significant personal and company fines. (MfE, 2016)</p> <p>For plantation forests, the NES-PF is a very new set of regulations and Councils are still working through how they</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>will prioritise risk and carry out compliance with the regulations. The context evidences general compliance with RMA and a low likelihood of non-compliance with the NES-PF.</p> <p>The NES-PF were born as a voluntary multi-stakeholder effort and an inclusive consultation-led process of development of the regulations to maintain or improve the environmental outcomes associated with plantation forestry activities nationally and to increase certainty and efficiency in the management of plantation forest activities (MfE, 2018b). Previous to these statutory standards, there were developed voluntary environmental Codes of Practice (E-CoP) by the NZ Forest Owner Association. The E-CoP still exist and are being followed (expert consultation, 2018). The overall objective of NES-PF is to ensure the same or improved environmental outcomes and consistency in the Regional Councils' approach to the forestry under RMA because previously the Councils had their own legal requirements, and these varied within regions. For example, previously forest managers with forests in 2 adjoining Council areas could operate under different rules & different consent requirements, and that has now largely disappeared (expert consultation, 2018).</p> <p>The permitted activity provisions of the NES-PF require appropriate, best-practice conventional plantation management practices to be applied and the NES-PF allows for additional stringency to be applied where it is required to protect sensitive local environments. The NES-PF limits the requirement for resource consent to the more severe end of the risk (of environmental effects) continuum (MPI, 2016). However, MPI expects a greater number of resource consents to be issued under the NES-PF than were issued by councils before it came into force.</p> <p>Notices of infringement, abatement and enforcement, and prosecutions under the RMA Act in general are frequently published (MfE, 2016). A Ministry for the Environment report stated that between July 2008 and September 2012 there were 3 prosecutions of forestry contractors under the RMA,</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>this was 0.7% of the national total for prosecutions (MfE, 2016). The main action reported was against PF Olsen Ltd, when clearance work resulted in discharge of debris into a stream, with significant adverse effects. The Courts noted significant improvements in Olsens systems post-event. Olsens also spent \$250, 000 on remediation. After appeal the costs were set at \$72,800 in total (expert consultation, 2018).</p> <p>After decades of clash between commercial forest owners and environmental groups, in 1991 most of them signed the equivalent of a peace treaty. In 2007, many of the signatories re-convened and renewed their commitments on stopping conversion of indigenous forest to plantation, plus some additional clauses related to climate change initiatives. In the original agreement, it was agreed that existing indigenous forests are to be protected from any development involving exotic plantation forests; and that commercial plantation forests are an essential source of perpetually renewable fibre and energy, offering an alternative to the depletion of indigenous forests. The original and the updated Accord evidence a spirit of new cooperation between environmental groups and the forest industry (NZ Wood, undated). The NZ Forest Accord (1991) commits members of the NZ Forest Owners Association and Farm Forestry Association to meeting acceptable standards of environmental practice and social behaviour.</p> <p>In 2014, NZ developed a national standard for sustainable forest management (NZS AS 4708:2014), adopted with national modifications from AS 4708:2013 (Australian Standard) (Standards.govt.nz). This is a voluntary standard that provides forest owners and managers with environmental, economic, social, and cultural criteria that support the sustainable management of forests. This standard is currently endorsed by the Programme for the Endorsement of Forest Certification, and due for review in 2019.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Moreover, approximately 74% of plantation forest is under FSC certification and non-compliance is generally not common to observe during the audits (FSC Certificate Holder Database, 2019).</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries. "Illegal logging in New Zealand is not a significant problem" (Chatham House, undated).</p> <p>After an exhaustive search for evidence of non-compliance and prosecution under the NES-PF, Forests Act and RMA the previous were the only examples that could be found. Exhaustive searches included expert consultations, government databases through MPI consultations and regional newsletters.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Areas of exotic planted trees under one-hectare N/A. According to the RMA, forests under one hectare are not considered plantation forests and are not regulated by the RMA or the NES-PF.</p>
1.9 Protected sites and species	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Resource Management Act 1991 Conservation Act 1987 Heritage New Zealand Pouhere Taonga Act 2014 Wildlife Act 1953 Environment Act 1986 National Parks Act 1980 Reserves Act 1977 Queen Elizabeth II National Trust Act 1977 <p>Legal Authority</p> <ul style="list-style-type: none"> District and Regional Councils Department of Conservation (DOC). Heritage NZ. Ministry for the Environment (ME) NZ Customs (For border protection) Legally required documents or records <p>Legally required documents or records</p> <ul style="list-style-type: none"> Resource Consent, if required For harvesting around a protected site in an exotic plantation forest - a certificate of approval from Heritage NZ to modify or destroy a particular site or sites. SFMP to identify protected sites 	<ul style="list-style-type: none"> MPI, 2015. Sustainable Management of New Zealand's Forests: New Zealand's Third Country Report on the Montreal Process Criteria and Indicators. MPI, 2017. Montreal Process Department of Conservation, 2017. Forestry company praised for protecting kea nest. CBD, undated. List of Parties: CBD WWF, undated. Northern part of New Zealand's North Island Chatham House, undated. Illegal logging Portal: New Zealand Transparency International, 2017. Corruption Perceptions Index 2017 World Bank 2018. Worldwide Governance 	<p>Overview of Legal Requirements</p> <p>New Zealand is a member country of the Montreal Process (MPI, 2017), it has signed in 1992 and ratified in 1993 the Convention on Biological Diversity (CBD, undated). All public (Crown-owned) indigenous forests are fully protected as Permanent conservation Estate. Crown land or public refers to the owned commonwealth Government of New Zealand, except where it has been handed back to Maori as part of a treaty settlement. All privately-owned indigenous forests with voluntary QE II (Queen Elisabeth II) covenants are fully protected with a line recorded on the Certificate of Title.</p> <p>Queen Elizabeth the Second Trusts limit landowner's interaction with their forests. Essentially these forests are governed as any other indigenous forest would be. The forests Act, Resource Management Act and the Conservation Act all apply. In addition to this, a QEII Trust forest is subject to the stipulations of the Queen Elizabeth the Second Trusts Act. What this means is that a QEII Trust landowner cannot engage in activities on their Trust land without the QEII trusts permission. Given the intention of the QEII Trusts is to maintain and enhance indigenous forests in perpetuity, this means that requests to harvest would be rejected (Queen Elizabeth II National Trust Website, Protecting Your Land, 2019). Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In Cases like this, the felling is subject to the Conservation Act and with the QEII Trusts permission, the tree at risk would be felled and left in situ, either where it</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>Indicators (WGI) project.</p> <ul style="list-style-type: none"> • The World Justice Project 2018. New Zealand Profile. 	<p>lands, or it is moved to a safe place to breakdown into the environment. (Conservation Act 1987 as referred by Anonymous Expert, Senior Ranger, Operations, DOC 2019) Felling in the case of reserves in urban areas, managed under the Reserves Act and Conservation Act. These reserves count as Government-owned indigenous forests and Commercial harvesting in Government-owned (public) indigenous forests is not permitted under the Forests Act nor under the Conservation Act. Exceptions to this occur where a tree is deemed a risk (fire risk, biosecurity, health and safety etc.) and therefore warrants felling. In cases like this, the felling is subject to the Conservation Act and the tree at risk would be felled and left in situ, either where it lands, or it is moved to a safe place to breakdown into the environment. (Anonymous Expert, Senior Ranger, Operations, DOC 2019) In indigenous forests, rare & threatened plant and reptile species are fully protected. Rare and threatened birds and other fauna have specific restoration programs managed by the Department of Conservation (DOC) with commercial funder support. In exotic plantation forests, such species are also fully protected, and these are excluded from operations for various reasons. In a recent example, Tasman Pine Forests Ltd suspended operations after discovering a Kea nest in the harvest area (DOC, 2017) During the generation of the SFM plans in private indigenous forest not under protection, the protected sites are identified. Protected historic sites, defined as being over 100 years old, are protected from exploitation. Where such sites may be low value or well-represented elsewhere, the land owner may apply to Heritage NZ for approval to modify the site.</p> <p>Description of risk</p> <p>Rural land owners, particularly forest owners, are conscious of the threat to New Zealand's natural heritage and have been supporting Government agencies in protecting sites. Evidence of this can be seen arising from the NZ Forest Accord, the uptake of voluntarily imposed covenants on</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>private land, and from the actions of FSC-certified forestry companies protecting large areas of indigenous flora. There have been media reports of attempts to smuggle Tuatara (a dinosaur-like lizard, now being managed to population recovery) and native skinks and lizards out of the country. These incidents are considered rare. Customs agents have caught the perpetrators and they were prosecuted. There has been no reported commercial harvesting of protected trees, but there are occasional reports of urban dwellers felling urban protected trees. However, felling of urban protected trees happens at a low scale for safety and maintenance purposes. and the likelihood of these entering the commercial supply chain is low.</p> <p>Enforcement is via DOC officers for CITES species and Customs officers at the border.</p> <p>In the New Zealand's Third Country Report on the Montreal Process Criteria and Indicators (MPI, 2015) enforcement of laws related to forests (indicator 7.3.b Enforcement of laws related to forests) shows a neutral progress, and it is stated that Laws and regulations are enforced both by central and local government agencies.</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries. "Illegal logging in New Zealand is not a significant problem" (Chatham House, undated).</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
<p>1.10 Environmental requirements</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Resource Management Act 1991 • Conservation Act 1987 • Forests Act 1949 • National Environmental Standards for Plantation Forestry (from 1 May 2018) • Environment Guide, Biosecurity Act 1993, 2018 • Queen Elizabeth II National Trust Act 1977 <p>Legal Authority</p> <ul style="list-style-type: none"> • Regional Councils, • District Councils, • Department of Conservation (DOC) • Ministry for Primary Industries (MPI) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Sustainable Forest Management Plan (SFMP) for a given property if harvesting indigenous forest • Resource consents (if required) • Monitoring program and results, if required under the Resource Consent conditions. 	<ul style="list-style-type: none"> • MPI, 2015. Sustainable Management of New Zealand's Forests: New Zealand's Third Country Report on the Montreal Process Criteria and Indicators. • MPI, 2016. NES for Plantation Forestry – Evaluation of effectiveness of NES on Environmental Outcomes. Technical Paper No. 2017/04 • MPI. 2018a. National Environmental Standards for Plantation Forestry • MPI, 2018b. Guidance on transitioning to the NES-PF • MPI, 2018c. Resource Management (National Environmental Standards for 	<p>Overview of Legal Requirements</p> <p>All operations must comply with the requirements of the relevant Regional and District Plans prepared under the Resource Management Act. Regional and District Councils (i.e. local government) has the delegated responsibility for identifying the key environmental issues in their regions and formulating Regional or District Plans to deal with those. All land owners in the area covered by the Plan are consulted during the District or regional Plan formulation process. Maps are produced showing areas of greatest concern about the effects of particular activities. All land owners have the opportunity to make presentations on the Draft Plan. When the Plan is finalised land owners are made aware of the impacts of the Plan on their property; hence they know if and when they need to apply for Resource Consent. Resource consents would be required if certain forestry activities, such as might be related to road building or stream crossing, were controlled or made conditional under either a Regional Plan or a District Plan.</p> <p>Economic activities, in this case operations in exotic plantation forest in order to proceed with certain forestry operations the NES-PF applies.</p> <p>As of 1 May 2018, the National Environmental Standards for Plantation Forestry (NES-PF) came into effect. These are</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>Plantation Forestry) Regulations 2017 User Guide, May 2018</p> <ul style="list-style-type: none"> • MfE&MPI. 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations • MfE. 2015. State of Environment Report • MfE. 2016. Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991. • MfE, 2018a. Best Practice Guidelines for Compliance, Monitoring and Enforcement under the Resource Management Act 1991. Wellington: Ministry for the Environment • MfE, 2018b. About the National Environmental Standards for Plantation Forestry. • NZ Wood. undated. Sustainable forest management of native tree species in New Zealand • Queen Elizabeth II National Trust Website, 2019 	<p>regulations made under the Resource Management Act, and they replace most of the council rules relating to plantation forestry management. The regulations apply to any forest larger than one hectare that has been planted specifically for commercial purposes and harvest. This does not include, for example, trees grown for fruit, nut crops, shelter belts, or nurseries. These non-forestry areas exist outside of any conventional forestry harvesting activities and are instead governed by the Resource Management Act, specifically section 3 regarding land and water use. As long as no part of this act is violated in non-timber forest and horticulture activities then that activity is permitted.</p> <p>The NES-PF provides a consistent set of regulations for 8 core plantation forestry activities, which are:</p> <ul style="list-style-type: none"> • afforestation (planting new forest) • pruning and thinning to waste (selective felling of trees where the felled trees remain on site) • earthworks • river crossings • forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land) • harvesting • mechanical land preparation • replanting. <p>Existing regional and district plan rules will continue to apply to the activities and effects that are outside the scope of the regulations and in some cases, councils can make rules that are more stringent than the regulations to protect sensitive local environments (MfE&MPI, 2017)</p> <p>The NES-PF requires foresters to prepare management plans for most earthworks, forest quarrying, and harvesting activities. The plans must to identify environmental risks and how they'll be managed (MPI, 2018a). Where a forester cannot meet the standards, or where the activity carries high risk (e.g. harvesting on highly erosion prone land) he or she</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<ul style="list-style-type: none"> • FSC Certificate Holder Database, 2019 • The World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2018. New Zealand Profile • Transparency International, 2017. Corruption Perceptions Index 2017 • Expert consultation, 2018. Email communication on 3-7th December 2018 with NZIF Registered Forestry Consultant 	<p>must apply to the local council for a resource consent to carry out the activity (MPI, 2018b).</p> <p>A Resource Consent applies to the property and is registered against the Certificate of Title when granted. It will be current for a finite period. It will set out the requirements for managing the environmental effects of the activity and it may do this b specifying particulars standard or methods.</p> <p>The RMA sets out specific duties for councils, these include a responsibility to implement the RMA, a duty to collect information on implementing the RMA, a duty to observe and enforce their policy statements, plans and national environmental standards (MfE, 2018a). Statutory enforcement tools under the RMA are notices (which can require actions or fees), orders (which can require actions or court resolutions involving fines) and prosecutions (with a penalty fee or imprisonment) (MfE,2018a).</p> <p>Where the NES-PF states that an activity is permitted, a plan rule may only deal with effects of that activity that are different from the effects dealt with in the NES-PF (section 43A(5)(b)). For example, the effects on cultural and historic heritage are excluded from the NES-PF and plan rules continue to manage these effects.</p> <p>According to the Resource Management Regulations User Guide, harvesting is a regulated activity under Regulation 5(1)(f) of the NES-PF. The NES-PF ancillary activity regulations (Part 2, subpart 9) and general provisions (Part 2, subpart 10) must be complied with as relevant for harvesting. The harvesting flow diagram in section 5.6 of the Resource Management Regulations User Guide is a useful place to start when identifying whether or not a resource consent will be required for harvesting. All sites need to give notice and produce a harvest plan in accordance with Schedule 3 (RMA), to meet the permitted activity requirements. No consent is required if:</p> <p>the site is green or yellow or orange (in the soil erosion map), or less than 2 ha of red (soil erosion levels) is harvested in any 3-month period.</p> <p>and the other permitted activity regulations are met:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<ul style="list-style-type: none"> • A harvest plan that meets the Schedule 3 requirements. • The harvest plan clearly outlines on-site risks and how they will be managed through targeted measures, and that plan is followed. • Employ a competent contractor. <p>Below is a flow diagram from the Resource Management Regulations User Guide (MPI, 2018c) used to determine whether a resource consent is required:</p> <p>Once a Resource Consent is granted, harvesting is permitted within the grounds of that Resource Consent. The exclusion, eradication, and effective management of pests and unwanted organisms is the purpose of the Biosecurity Act 1993. The Act provides the framework for border controls aimed at preventing unwanted organisms</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>from entering the country, for establishing surveillance to detect organisms once they have arrived, and for the control and eradication of pests once they have become established. The Biosecurity Act was amended to apply within the Exclusive Economic Zone (EEZ) by the Biosecurity Reform Act 2012.</p> <p>Biosecurity functions are split between MPI, other government departments and regional councils. The Ministry for Primary Industries oversees the implementation of the legislation, undertakes border control, manages national surveillance programmes, carries out responses to incursions and manages several national control programmes. Section 12A of the Act requires the Director-General to provide overall leadership in activities that “prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand” through:</p> <ul style="list-style-type: none"> • Promoting alignment of pest management within the whole biosecurity system • Overseeing pest management and measuring overall system performance • Facilitating the development and alignment of national pest management plans and national pathway management plans • Promoting public support for pest management • Facilitating communication, co-operation and co-ordination among those involved in pest management to enhance efficacy, efficiency and equity of programmes <p>The role of regional councils is to undertake monitoring and surveillance of established pests and to prepare and implement regional pest management strategies. At this point in time, only a few regional councils are actually actively monitoring and undertaking surveillance for marine pests. Regional councils are also required by the Biosecurity Act and the National Pest Management Plan of Action to provide leadership by promoting co-ordination of pest management between regions.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Part 3 of the Biosecurity Act deals with risks associated with the importation of goods and the entry of craft into New Zealand. A set of import health standards specify requirements to be met to manage risks associated with the importation of goods (discussed further below). These relate to the importing and exporting of plants, animals and other materials which may represent risk goods, including all products that are derived from plant or animal material.</p> <p>The Biosecurity Act requires masters of craft arriving from overseas, to give notice of when and where they will enter New Zealand, so as to prevent uncleared goods leaving the vessel without authorisation from an inspector. The Biosecurity Standard “Requirements for Vessels Arriving in New Zealand” sets out additional rules.</p> <p>Part 4 of the Biosecurity Act deals with surveillance and prevention and its purpose is “to provide for the continuous monitoring of New Zealand’s status in regard to pests and unwanted organisms”. Surveillance is essential for detecting pests and diseases before they become established in New Zealand. Early detection minimises the impacts of newly-introduced pests and diseases, and is especially important for marine pests and diseases, because the opportunity to respond and eradicate diminishes as more time elapses before they are detected.</p> <p>Part 4 of the Act seeks to promote early detection through placing duties on all persons to undertake timely reporting of organisms not normally seen in New Zealand. It also provides legal powers to enable MPI to gather information on organisms’ presence, to prevent them from spreading and to enable their identification. The MPI undertakes several national surveillance programmes to aid early detection. Pest management is dealt with under Part 5 of the Biosecurity Act and its purpose is “to provide for the eradication or effective management of harmful organisms that are present in New Zealand”. The Minister has</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>developed the National Policy Direction for Pest Management 2015 to guide the implementation of these functions. Its purpose is to ensure that pest management activities provide the best use of available resources for New Zealand's best interests. Part 5 of the Act sets out the process for the development of a range of different pest management plans.</p> <p><i>National Policy Direction for Pest Management 2015</i></p> <p>The National Policy Direction for Pest Management 2015 (the National Direction) aims to improve the alignment and consistency of pest management plans and programmes across New Zealand. The National direction has been produced for regional councils and pest management agencies.</p> <p>The National Direction: sets out the framework for developing national and regional pest or pathway management plans and small-scale management programmes clarifies the Biosecurity Act's requirements for these plans ensures that plans are aligned and consistent, both nationally and regionally outlines the requirements for developing good neighbour rules (to manage pests spilling across boundaries) in regional pest management plans (Environment Guide, Biosecurity Act 1993, 2018).</p> <p>For indigenous harvesting on private land, the landowner must comply with the SFMP, which must be written to comply with the relevant local government Plan requirements Landowners and forest managers seeking approvals for SFM plans and permits must comply with the indigenous forestry provisions (Part 3A) of the Forests Act 1949. This covers the sustainable management of indigenous forests and other controls. The Forests Act 1949 is administered by the Ministry of Primary Industries (MPI).</p> <p>Queen Elizabeth II (QEII) Trust is a form for indigenous forest management that exists in New Zealand. It is an independent charitable trust that partners with private landowners to</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>protect natural and cultural heritage sites on their land with covenants. A covenant is an agreement between the trust and a landowner to protect land forever. The landowner continues to own and manage the protected land, and the covenant and protection stays on the land, even when the property is sold to a new owner. Forests in a QEII Trust may not be harvested under any circumstances.</p> <p>In addition to QEII land being untouchable for commercial harvesting, environmental requirements of maintenance of the land include a focus on the following outcomes:</p> <ul style="list-style-type: none"> • Preventing extinction of species by providing habitat for native species • Providing stock shelter and shade (on the other side of the fence) • Protecting archaeological, cultural heritage, or geological sites • Protecting scenic or amenity values <p>QEII Trust partnerships have created a network of over 4400 protected areas throughout New Zealand, ranging from small backyard patches to huge swathes of high country. These covenants protect more than 180,000 ha of private land and play a hugely critical role as a refuge for some of New Zealand's rarest and most endangered biodiversity and ecosystems. (Queen Elizabeth II Trust Annual Report, 2018)</p> <p>Having conducted an exhaustive search, including the RMA, Forest Act 1949, the Queen Elizabeth II National Trust Act 1977 and the Queen Elizabeth II National Trust Website, the only information that could be found regarding permitted removal of trees refers to the removal of trees that have grown too close to powerlines and therefore need to be trimmed or removed (at the cost of the electricity company associated with the powerlines) for the purposes only of mitigating the risk of fire damage (Queen Elizabeth II National Trust Website, 2019).</p> <p>Description of risk</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>A risk that a forestry contractor may not follow the conditions imposed either through the SFMP or a Resource Consent can happen; MPI, Council staff and the forest owner's supervisor (a contractor or a trained member of the forestry staff) quickly detect any non-conformance and set-up migratory systems. Significant fines can also be imposed by the relevant Regional or District Council.</p> <p>For plantation forests, the NES-PF is a very new set of regulations and Councils are still working through how they will prioritise risk and carry out compliance with the regulations. The context evidences general compliance with RMA and a low likelihood of non-compliance with the NES-PF.</p> <p>The NES-PF were born as a voluntary multi-stakeholder effort and an inclusive consultation-led process of development of the regulations to maintain or improve the environmental outcomes associated with plantation forestry activities nationally and to increase certainty and efficiency in the management of plantation forest activities (MfE, 2018b). Previous to these statutory standards, there were developed voluntary environmental Codes of Practice (E-CoP) by the NZ Forest Owner Association. The E-CoP still exist and are being followed (expert consultation, 2018). The overall objective of NES-PF is to ensure the same or improved environmental outcomes and consistency in the Regional Councils' approach to the forestry under RMA because previously the Councils had their own legal requirements, and these varied within regions. For example, previously forest managers with forests in 2 adjoining Council areas could operate under different rules & different consent requirements, and that has now largely disappeared (expert consultation, 2018).</p> <p>The permitted activity provisions of the NES-PF require appropriate, best-practice conventional plantation management practices to be applied and the NES-PF allows for additional stringency to be applied where it is required to protect sensitive local environments. The NES-PF limits the requirement for resource consent to the more severe end of</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>the risk (of environmental effects) continuum (MPI, 2016). However, MPI expects a greater number of resource consents to be issued under the NES-PF than were issued by councils before it came into force.</p> <p>Notices of infringement, abatement and enforcement, and prosecutions under the RMA Act in general are frequently published (MfE, 2016). A Ministry for the Environment report stated that between July 2008 and September 2012 there were 3 prosecutions of forestry contractors under the RMA, this was 0.7% of the national total for prosecutions (MfE, 2016). The main action reported was against PF Olsen Ltd, when clearance work resulted in discharge of debris into a stream, with significant adverse effects. The Courts noted significant improvements in Olsens systems post-event. Olsens also spent \$250, 000 on remediation. After appeal the costs were set at \$72,800 in total (expert consultation, 2018).</p> <p>After decades of clash between commercial forest owners and environmental groups, in 1991 most of them signed the equivalent of a peace treaty. In 2007, many of the signatories re-convened and renewed their commitments on stopping conversion of indigenous forest to plantation, plus some additional clauses related to climate change initiatives. In the original agreement, it was agreed that existing indigenous forests are to be protected from any development involving exotic plantation forests; and that commercial plantation forests are an essential source of perpetually renewable fibre and energy, offering an alternative to the depletion of indigenous forests. The original and the updated Accord evidence a spirit of new cooperation between environmental groups and the forest industry (NZ Wood, undated).</p> <p>In the New Zealand's Third Country Report on the Montreal Process Criteria and Indicators (MPI, 2015) enforcement of laws related to forests (indicator 7.3.b Enforcement of laws related to forests) shows a neutral progress, and it is stated that Laws and regulations are enforced both by central and local government agencies.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Moreover, approximately 74% of plantation forest is under FSC certification and non-compliance is generally not common to observe during the audits (FSC Certificate Holder Database, 2019).</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Areas of exotic planted trees under one-hectare N/A. According to the RMA, forests under one hectare are not considered plantation forests and are not regulated by the RMA or the NES-PF.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
1.11 Health and safety	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Health and Safety in Employment Act 1992 This has been superseded by the Health and Safety at Work Act 2015 which came into effect in April 2016 Hazardous Substances and New Organisms Act 1996 <p>Legal Authority</p> <ul style="list-style-type: none"> WorkSafe Inspectors are employed by the Ministry of Business, Innovation and Employment (MBIE), formerly “The Department of Labour”. Hazardous substances responsibilities lie with Regional Councils <p>Legally required documents or records</p> <ul style="list-style-type: none"> Form for Notification to WorkSafe of hazardous work sites Hazard identification forms for each work site, updated daily. Hazard management plans to go with identification forms. Harvesting site plans prepared by harvesting contractors and company supervisors. Safety audit forms (at least monthly) carried out by forest owner. Training records of all crew members involved and an annual training plan for the crew. Contractors' Health and Safety Plan 	<ul style="list-style-type: none"> WorkSafe, 2014. Safe Manual Tree Felling - Best practice Guidelines Work Safe New Zealand 2015 WorkSafe, undated a. Media centre with links to Safe WorkSafe, undated b. Court summaries Ministry of Business, Innovation & Employment, 2012. Approved Code of Practice for Health and Safety in Forest Operations Safer Forest Harvesting Project - Phase 1 Breaking Out - report to sector NZ Forest Owners Association Safety Booklet and Newsletter Governmental and Industry Publications for Safer Harvesting NZ Standard for the Management of Agrichemicals 2004 Radio New Zealand 2015a. Fridayoffcuts, 2015 Forest Industry Safety Council 	<p>Overview of Legal Requirements</p> <p>Legal requirements on all involved in the forest industry - from Director to worker - are to keep safe at work. To do this people must identify and document hazards and develop hazard management plans to isolate, eliminate or mitigate those hazards. The new national-level legislation that came into force on 4 September 2015, changes the focus to clearly identify those who must be responsible for ensuring worker safety. Thus, a forest owner must now have a Health and Safety (H&S) policy and management plan that meet defined standards, and also ensure that all the contractors working in the relevant forest have H&S plans that mesh with the Forest Owner’s plan and that the contractors are complying with it. It is a legal requirement that certain types of workplace incidents, illnesses and injuries (known as notifiable events, illnesses or injuries) are reported monthly by the forest owner to WorkSafe NZ through completing and submitting safety forms. WorkSafe conducts audits regularly.</p> <p>Description of risk</p> <p>During 2013, a spate of serious injuries (169) and deaths (10) in NZ forests prompted an independent forestry safety review in 2014. This was led by the industry and supported by unions and Government. It complemented other workplace safety reforms. The initiatives and subsequent legislation were widely supported. A number of prosecutions under Health and Safety legislation were taken by the NZ government in relation to the forestry deaths and injuries. The results were mixed; in some cases, the contractors were found guilty, in other cases they were found not guilty. Prosecutions were affected after a change in policy in the Department of Labour. In previous years the Department’s Bush Inspectors visited contractor logging crews on a regular basis and were able to coach, mentor and instruct crews on good safety methods and systems. A change in government</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<ul style="list-style-type: none"> • Radio New Zealand, 2015b, "New chair for Forest safety council" • Site of FICS • IRIS • The World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2018. New Zealand Profile • Transparency International, 2017. Corruption Perceptions Index 2017 	<p>policy required the Bush Inspectors to police the Act and so the visits ceased, and prosecutions increased (WorkSafe, undated b).</p> <p>The forest industry responded to the alarming statistics and in 2014 there was one death, and the number of serious harm injuries dropped by about 60% to 107. Nevertheless, as a result of the safety review, a new structure – the Forest Industry Safety Council (FISC) – was created in May 2015 reduce forest injuries through voluntary engagement, initiatives and collaborations. This council is comprising representatives of the sector, unions, contractors, and an independent Chair appointed. (Radio New Zealand, 2015b and Site of FICS)</p> <p>This trend continued for 2015: no deaths reported and 79 serious harm incidents (Fridayoffcuts, 2015). The Chief Executive of WorkSafe NZ recently stated that "the forestry sector has gone from being the pariah in H&S in 2013 to an exemplar for other sectors to learn from".</p> <p>These statistics provide evidence that Health and Safety laws are taken seriously by the NZ forestry sector and there is no evidence of any widespread disregard of the legislation and other requirements.</p> <p>Ongoing monitoring of the health and safety performance of the forestry sector is assessed through analysis of data collected on workplace incidents. In addition to the mandatory data provided to WorkSafe NZ, the forestry sector has also established a voluntary Incident Recording Information System (IRIS) that enables the effectiveness of safety initiatives to be assessed through analysing data on near miss and serious harm incidents.</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement,</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.12 Legal employment	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Holidays Act 2006 • Kiwi Saver Act 2006 • Minimum Wage Act 1983 • Employment Standards Bill 2015 • Bill of Rights Act 1990 • Industry Training and Apprenticeship Act 1992 • Employment Relations Act 2000 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry of Business, Innovation and Employment. (WorkSafe Inspectors) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Contract or signed Collective Agreement • “Pay As You Earn” (PAYE) number for deducting income tax at source • Kiwisaver number if employee elects to join Kiwisaver (Superannuation scheme) 	<ul style="list-style-type: none"> • Employment NZ, 2018b. Employees' basic rights • Employment NZ, 2018 b. Minimum Employment Rights • NZ Now, 2019. Employment Rights • WorkSafe, 2018. Investigations from 2010 onwards • The World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2018. New Zealand Profile • Transparency International, 2017. Corruption Perceptions Index 2017 	<p>Overview of Legal Requirements</p> <p>To be legally employed a person must be over the school leaving age (15) and be registered for income tax (have a PAYE number or tax code). To be employed in the forestry sector, a person must also be registered on the NZ Qualifications Authority (NZQA) network and have a personal training plan so as to demonstrate competence in the tasks to be carried out.</p> <p>A range of minimum rights and employer obligations are provided for under NZ law which mirror ILO Conventions. The exploitation of children is expressly prohibited, and the Bill of Rights guarantees freedom from discrimination and the rights of minorities.</p> <p>Description of risk</p> <p>NZ was a founding member of the ILO, joining in 1919. It has provided leadership over a number of years and has ratified the majority of ILO conventions. There is no evidence of violation of ILO fundamental principles. There are no unresolved complaints against NZ recorded by the ILO or UN. Any non-compliance with NZ Laws (which mirror ILO</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Conventions) are detected and dealt with by WorkSafe inspectors. The cases of illegal employment practices that have been reported recently have not been in the forestry sector but are mostly in the restaurant business (WorkSafe, 2018).</p> <p>New Zealand shows generally a positive performance in relevant indexes. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Assessment of indicator 2.2 "Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work" of this CNRA supports a generalized national trend on compliance of labour rights.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
Third parties' rights			
1.13 Customary rights	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> NZ Treaty of Waitangi Act 1975 Te Ture Whenua Māori Act 1993 (Also known as the Maori Land Act 1993) 	<ul style="list-style-type: none"> Ministry of Culture and Heritage, 2014. The treaty debated 	<p>Overview of Legal Requirements</p> <p>There is legislation relevant to forestry or forest harvesting activities in relation to customary rights.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
	<ul style="list-style-type: none"> • Māori Trustee Act 1953 <p>Legal Authority</p> <ul style="list-style-type: none"> • Te Puni Kōkiri (TPK) (Previously known as the Ministry for Māori Affairs) • Māori Trustee • Ministry of Justice • District Courts <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Certificate of Title • Lease documents 	<ul style="list-style-type: none"> • Ministry of Justice, undated. Recognising Customary Rights • Beehive.govt.nz, undated. Customary rights orders • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products. • Ministry for the Environment, Appendix 1: Legislative Framework, 2019 • Encyclopedia of NZ, undated. Story: Take whenua – Maori land tenure • Rotarangi (2012) Doctoral Thesis, University of Otago • George Asher (2003). Paper presented at the UNFF Planted Forests Forum, Wellington • The World Bank 2018. Worldwide Governance Indicators (WGI) project. • The World Justice Project, 2018. New Zealand Profile. • Transparency International, 2017. 	<p>Rights to forest access for recreation and for Non-Timber Forest Products are governed by property laws, e.g. Trespass. Access to public forests is generally free and unencumbered, except for safety concerns during periods of high fire danger. Access to private forests is controlled by the owners or managers of those forests.</p> <p>In New Zealand the rights of indigenous people are no different from those of the rest of the population. Laws relating to Māori lands are different, but there is a Māori Land Court and Māori Appellate Court to safeguard the rights of indigenous people on land matters generally, not specific to forestry or forest harvesting (NZ Treaty of Waitangi Act 1975).</p> <p>In regard to Maori land ownership under the Maori Land Act 1993 (which references both the NZ Treaty of Waitangi Act and the Maori Trustee Act), Maori land has protection against executions of debt under the following circumstances.</p> <p>(1) No interest of any person in Maori customary land, and no beneficial freehold interest in Maori freehold land, shall be capable of being taken in execution or otherwise rendered available by any form of judicial process for payment of the owner's debts or liabilities, whether in favour of Her Majesty or of any other person.</p> <p>(2) Nothing in subsection (1) shall limit or affect the operation of any mortgage or charge to which any Maori land is subject, or shall apply to the recovery of rates or taxes payable in respect of Maori land.</p> <p>(3) Nothing in subsection (1) shall apply to any revenue derived by any person from any interest in land to which that subsection applies; and all such revenue shall be available for the payment of that person's debts.</p> <p>(4) For the purposes of this section, the interest of any person in Maori land shall be deemed to include that person's interest in all timber, flax and other things (other than industrial crops)</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		Corruption Perceptions Index 2017	<p>so attached to the land as to form part of it as between the heir and the executor of a deceased freeholder at common law, and shall also be deemed to include, while the land remains Maori land, that person's interest in all money being the proceeds of any alienation of that land, except such money as has been actually received by that person or by any trustee for that person.</p> <p>In terms of leases, under the Maori Land Act 1993 a lease includes a tenancy at will, and any other tenancy that confers a leasehold interest upon the tenant, whether at law or in equity; and the terms sublease, lessee, and sublessee have corresponding meanings, long-term lease means a lease—</p> <p>(a) for a term of more than 52 years; or</p> <p>(b) for a term that would be more than 52 years if 1 or more rights of renewal were exercised</p> <p>Notwithstanding anything to the contrary in the District Court Act 2016, the court shall have jurisdiction to hear and determine any proceeding for the recovery of Maori freehold land in the following cases:</p> <p>(a) where—</p> <p>(i) the term and interest of the lessee of any Maori freehold land has ended or been terminated, either by the lessor or by the lessee, and whether the lessee is or is not liable for the payment of any rent; and</p> <p>(ii) the lessee or any other person in occupation of the land or part of the land neglects or refuses to quit and deliver up possession of the land:</p> <p>(b) where the occupier of any Maori freehold land under a lease or license, either written or verbal, is in arrear in the payment of rent for such period that the lessor or licensor is entitled to exercise a right of re-entry under the terms of the lease or license:</p> <p>(c) where the occupier of any Maori freehold land under a lease or license, either written or verbal, is in arrear in the payment of rent, and deserts the land leaving it uncultivated or unoccupied so that no remedy of forfeiture is available:</p> <p>(d) where any person without right, title, or licence is in possession of any Maori freehold land. Essentially, once a</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>lease on a land has legally expired, if the land exists as Maori freehold land it can be repossessed under the jurisdiction of a district court.</p> <p>SILNA owners can sell the resulting timber on the domestic market. However, in the case of exports, SILNA forests are treated as any other privately-owned indigenous forests and are subject to Part IIIA of the Forests Act 1949 (Ministry for the Environment, Appendix 1: Legislative Framework, 2019). Matters relating to Māori land in general are dealt with under the Te Ture Whenua Māori Act 1993. This ensures that all legal rights pertaining to such lands are upheld.</p> <p>When Māori land is used for forestry purposes, a number of mechanisms may be used to meet governance criteria defined in the Act, and to ensure the benefits of any uses of customary lands are evenly distributed amongst beneficial owners.</p> <p>Māori customary law generally refers to the body of rules developed by the indigenous peoples of New Zealand (Māori) to govern themselves. Such custom is regarded as originating from fundamental principles and beliefs established with reference to intimate and long-established holistic interrelationships between themselves (social), between physical, nonhuman entities (social/environmental), and between the metaphysical and intangible elements of the Māori world (spiritual). Māori have demonstrated a historically strong adherence to basic customary principles and beliefs despite the influence and imposition of a minefield of statutes and policy based almost exclusively on English law that has sometimes been deliberately targeted at the destruction of foundations of customary Māori law (Asher, 2003) 2003).</p> <p>Description of risk</p> <p>There is no evidence that any customary rights that may be relevant to forest harvesting are disregarded. The results of recent studies (Rotarangi 2012) suggest that the Māori landowners' overall view of forestry is more critically influenced by political frameworks than by forest</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>management techniques. The structures of governance and tenure and the legislation affecting the land are viewed as complicated and constraining. However, after decades of experience, Māori have successfully incorporated plantation forests into their sense of people and place. Despite difficulties and disappointments, the land use of forestry and forest regimes are, overall, viewed favorably by the landowners, consistent with environmental considerations and their culture and values.</p> <p>Areas of exotic plantation forest were established on Māori land in the 1950's and 1960's by the Crown, represented by the NZ Forest Service, and by some private companies. The Crown and investors paid an annual lease for the land and promised a share of the returns on harvest. Describing one example, Asher (2003) noted that protection of significant spiritual, cultural and historical aspects within the forest estates included the identification, demarcation and mapping of all culturally significant sites and features by tribal elders, and steps taken to protect these sites and the information pertaining to their location and significance. This has been undertaken through the use of the New Zealand Archaeological Association site recording system. Sites and features are recorded within the GIS database, which is linked to the stand record system for easy identification during forestry operations. There was a recording of the history of tribal settlements and land occupation. A particular feature was the establishment of protocols to ensure that contractors are aware of the existence of sacred sites prior to harvesting and replanting, and steps taken to enhance their comfort and safety. In this case there was provision of exclusive access for landowners, spouses and their descendants to hunt, fish, extract plants and maintain contact with their ancestral taonga and sacred places.</p> <p>When the NZ Forest Service was disbanded in 1987, either the Māori tribe or private forestry companies were able to purchase the cutting rights to the forests, with the land remaining under Māori control. Other State forests, established on land purchased from private individuals, have</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>had the land made available to Māori tribes which could demonstrate and prove a close association with that land at the time of the Treaty signing (1840). A process or processes similar to those described by Asher (2003) ensured that customary rights were not compromised.</p> <p>For most indigenous forests on Māori land, the requirement for a SFMP is not regarded as detrimental to customary rights. However, for SILNA owners, the SFMP process, imposed conditions on what was a compensation payment, and so 9,000 ha of those lands was exempt from the SFMP requirement but the export restrictions on indigenous forest produce remained.</p> <p>The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Assessment of indicator 2.3 "The rights of indigenous and traditional peoples are upheld" of this CNRA supports a generalized national trend on compliance of rights of the local communities.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
1.14 Free prior and informed consent	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> NZ Treaty of Waitangi Act 1975 Te Ture Whenua Māori Act 1993 (Also known as the Maori Land Act 1993) <p>Legal Authority</p> <ul style="list-style-type: none"> Te Puni Kōkiri (TPK) Ministry of Justice <p>Legally required documents or records</p> <ul style="list-style-type: none"> Lease documents signed by representatives of the land owning tribe 	<ul style="list-style-type: none"> Encyclopedia of NZ, undated. Story: Take whenua – Maori land tenure Rotarangi (2012) Doctoral Thesis, University of Otago George Asher (2003). Paper presented at the UNFF Planted Forests Forum, Wellington International Labour Organization, undated. Complaint / Commissions of Inquiry (Article 26) The World Bank 2018. Worldwide Governance Indicators (WGI) project. The World Justice Project, 2018. New Zealand Profile. Transparency International, 2017. Corruption Perceptions Index 2017 	<p>Overview of Legal Requirements</p> <p>There is no legislation specific to forestry or forest harvesting in relation to Free, Prior and Informed Consent. However, in the plantation forestry sector, the signing of a lease to use Māori land for commercial forestry purposes must go through a process involving the beneficial owners of the tribe, as represented by the governing committee of a Trust or Incorporation established to manage the land. This is regarded as “Free, Prior and Informed Consent” (FPIC). The following covers FPIC and treaty principles. C169 – Indigenous and Tribal Peoples Convention, 1989 (No. 169) is generic in nature but treaty principles also cover New Zealand in regard to potential violation of ILO Convention 169.</p> <p>Description of risk</p> <p>FPIC is granted at the inception of a lease or other agreement between a forest manager and mandated representatives of the Tangata Whenua (Māori). There are conditions, particularly around the protection of significant spiritual, cultural and historical values within the forest estate around the granting of such FPIC. Asher (2003) has described the situation for 2 prominent Māori lease forests where such FPIC includes protection, identification, demarcation and mapping of all culturally significant sites and features by tribal elders and steps taken to protect these sites and the information pertaining to their location and significance. This was undertaken by use of the New Zealand Archaeological Association site recording system. Sites and features were recorded within the Trust’s GIS database, which is linked to stand record system for easy identification during forestry operations. There was recording of the history of tribal settlements and land occupation. Protocols were established to ensure that contractors continue to be aware of the existence of sacred sites prior to harvesting and replanting and steps taken to enhance their comfort and</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>safety. There is provision of exclusive access for landowners, spouses and their descendants to hunt, fish, extract plants and maintain contact with their ancestral Taonga and sacred places. Rotarangi (2012) also notes that her studies showed that Māori have successfully incorporated plantation forests into their sense of people and place. Despite difficulties and disappointments, the land use of forestry and forest regimes were, overall, viewed favorably by the landowners, consistent with environmental considerations and their culture and values.</p> <p>The nature of the relationship between the managers of the exotic plantation forest cutting rights and the relevant Tangata Whenua has meant that there is no evidence of FPIC being abused.</p> <p>No complaints against New Zealand in regard to potential violation of ILO Convention Article 26 have been recorded by the ILO on their website.</p> <p>The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Assessment of indicator 2.3 "The rights of indigenous and traditional peoples are upheld" of this CNRA supports enforcement of existent FPIC related legal requirements.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met:</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
<p>1.15 Indigenous peoples rights</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> NZ Treaty of Waitangi Act 1975 Te Ture Whenua Māori Act 1993 (Also known as the Maori Land Act 1993) Māori Trustee Act 1953 Conservation Act 1987 <p>Legal Authority</p> <ul style="list-style-type: none"> Te Puni Kōkiri (TPK) Māori Trustee Ministry of Justice <p>Legally required documents or records</p> <ul style="list-style-type: none"> Certificate of Title Lease documents 	<ul style="list-style-type: none"> Ministry of Culture and Heritage, 2014. The treaty debated Ministry of Justice, undated. Recognising Customary Rights Beehive.govt.nz, undated. Customary rights orders Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products. Encyclopedia of NZ, undated. Story: Take whenua – Maori land tenure Rotarangi (2012) Doctoral Thesis, University of Otago George Asher (2003). Paper presented at the UNFF Planted Forests Forum, Wellington Summary of Human Rights in New Zealand 2010 – Nga Tika Tangata O Aotearoa 2010 (PDF) NZ now, 2018. Treaty of Waitangi 	<p>(1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p> <p>Overview of Legal Requirements</p> <p>In New Zealand the rights of indigenous people are no different from those of the rest of the population. Laws relating to Māori lands are different, but there is a Māori Land Court and Māori Appellate Court to safeguard the rights of indigenous people on land matters generally, not specific to forestry or forest harvesting. Matters relating to Māori land in general are dealt with under the Te Ture Whenua Māori Act 1993 (may also be cited as the Māori Land Act 1993). This ensures that all legal rights pertaining to such lands are upheld. When Māori land is used for forestry purposes, a number of mechanisms may be used to meet governance criteria defined in the Act, and to ensure the benefits of any uses of customary lands are evenly distributed amongst beneficial owners. The Treaty of Waitangi and its principles are key to indigenous people's rights in New Zealand. Modern New Zealand legislation has treaty principles embedded in them carrying the protections of the treaty into the intent and interpretation of the legislation.</p> <p>Māori customary law generally refers to the body of rules developed by the indigenous peoples of New Zealand (Māori) to govern themselves. Such custom is regarded as originating from fundamental principles and beliefs established with reference to intimate and long-established holistic interrelationships between themselves (social), between physical, nonhuman entities (social/environmental), and between the metaphysical and intangible elements of the Māori world (spiritual). Māori have demonstrated a historically strong adherence to basic customary principles and beliefs despite the influence and imposition of a minefield of statutes and policy based almost exclusively on English law that has</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>sometimes been deliberately targeted at the destruction of foundations of customary Māori law (Asher, 2003).</p> <p>Description of risk</p> <p>There is no evidence that any customary rights that may be relevant to forest harvesting are disregarded. The results of recent studies (Rotarangi, 2012) suggest that the structures of governance and tenure and the legislation affecting exotic plantation forestry projects on Maori land are viewed as complicated and constraining. However, after decades of experience, Māori have successfully incorporated exotic plantation forests into their sense of people and place. Despite difficulties and disappointments, the land use of forestry and forest regimes are, overall, viewed favorably by the landowners, consistent with environmental considerations and their culture and values.</p> <p>Areas of exotic plantation forest were established on Māori land in the 1950's and 1960's by the Crown, represented by the NZ Forest Service, and by some private companies. The Crown and investors paid an annual lease for the land and promised a share of the returns on harvest. Describing one example, Asher (2003) noted that protection of significant spiritual, cultural and historical aspects within the forest estates included the identification, demarcation and mapping of all culturally significant sites and features by tribal elders, and steps taken to protect these sites and the information pertaining to their location and significance. This has been undertaken by use of the New Zealand Archaeological Association site recording system. Sites and features are recorded within the GIS database, which is linked to stand record system for easy identification during forestry operations. There was recording of the history of tribal settlements and land occupation. A particular feature was the establishment of protocols to ensure that contractors are aware of the existence of sacred sites prior to harvesting and replanting and steps taken to enhance their comfort and safety. In this case there was provision of exclusive access</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>for landowners, spouses and their descendants to hunt, fish, extract plants and maintain contact with their ancestral Taonga and sacred places.</p> <p>When the NZ Forest Service was disbanded in 1987, either the Māori tribe or private forestry companies were able to purchase the cutting rights to the forests, with the land remaining under Māori control. Other State forests, established on land purchased from private individuals, have had the land made available to Māori tribes which could demonstrate and prove a close association with that land at the time of the Treaty signing (1840). A process or processes similar to those described by Asher (2003) ensured that customary rights were not compromised.</p> <p>For most indigenous forests on Māori land, the requirement for a SFMP is not regarded as detrimental to customary rights. However, for South Island Landless Natives Act land (SILNA) owners, the SFMP process, imposed conditions on what was a compensation payment, and so 9,000 ha of those lands were exempt from the SFMP requirement but the export restrictions on indigenous forest produce remained.</p> <p>Assessment of indicator 2.3 “The rights of indigenous and traditional peoples are upheld” of this CNRA concludes there is a general enforcement and there is no evidence of conflict(s) of substantial magnitude pertaining to rights of IP and/or TP.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
Trade and transport			

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
<p>1.16 Classification of species, quantities, qualities</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Forests Act 1949 • Commodity Levies (Harvested Wood Material) Order 2013 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Approved Sustainable Forest Management Plan, showing species and volumes able to be harvested in 1 particular period. Justified by inventory. • Harvest records • Log docket • Sawmill records 	<ul style="list-style-type: none"> • MPI, 2018. Indigenous forestry • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products • The World Bank 2018. Worldwide Governance Indicators (WGI) project. • The World Justice Project, 2018. New Zealand Profile. • Transparency International, 2017. Corruption Perceptions Index 2017 • Expert consultation, 2019. Email communication on 26 February 2019 with FGLT Technical Manager 	<p>Overview of Legal Requirements</p> <p>A landowner with a SFMP on indigenous forests must provide an annual summary of the volumes harvested by species, however there is no requirement on how to classify the species and quality of the timber. Owners of plantation forests (exotic or indigenous) (regardless ownership) are charged a levy, set by the FGLT Board through the Commodity Levies (Harvested Wood Material) Order 2013. The levy is a legal requirement outlined under the Commodity Levies Act 1990 Section 6. This is levied at two different points, depending on whether the wood is processed domestically or exported. For domestic processing, the levy is collected from the owner of the wood just before it crosses the mill gate threshold, while the collection point for exported timber is just after it crosses the port gate threshold. The commodity owner at the collection point is subject to paying the levy, however they may recover these costs from the forest owner who is primarily responsible for paying the levy. All products from plantation forests are covered (with the exception of Christmas trees, tree bark sold directly from the forest, and firewood sold for domestic consumption) and there is no differentiation based on species (expert consultation, 2019).</p> <p>Species are defined at the point of sale. As there is no difference in the levy paid, species may be listed accurately. The levy, and most domestic saw log sales, are on the basis of weight as recorded by registered weigh bridge. The weight figure from the weighbridge is used by the levy management company (Levy Systems Limited) to invoice the owner of the logs. That same figure is used as the basis of sale between the forest owner and the processor or exporter. And the same figure is used by the transport operator to invoice the forest owner for log transport, and by the harvesting contractor to invoice for harvesting costs.</p> <p>There are requirements on the classification of species and volumes for indigenous plantations. The harvesting has to meet the prescribed annual report, and the information is</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>drawn from waybill over a certified weighbridge. If there is a registered portable sawmill then there will be specific measurement using a volume table for each species. This is checked by MPI officials and there have been no reports or issues of concerns raised.</p> <p>Description of risk</p> <p>MPI audits the harvesting, milling and export of native timber. Sawmills processing native timber must be registered with MPI, and operators are required to provide regular production records. There is no evidence or examples of any prosecutions under the Forests Act which would indicate non-compliance with the legal requirements.</p> <p>This ensures that New Zealand has a robust, workable regulatory system which supplies assurances to consumers around legality of source. As mention in the overview section, New Zealand ranks high both on the World Bank Governance Indicator, as well as the Corruption Perception Index, why the governance system is considered trustworthy.</p> <p>The rate of levy collection is in accordance with previously reported exotic plantation forest harvest levels. The FGLT Board regularly reports on volumes levied and the dollars invoiced, and these reports are publicly available. They have also stated that the discrepancy between levy paid and levy defaulted is miniscule, indicating very high compliance with their legal requirements.</p> <p>After an exhaustive search for evidence of non-compliance and prosecution under the NES-PF, Forests Act and RMA the previous were the only examples that could be found. Exhaustive searches included expert consultations, government databases through MPI consultations and regional newsletters.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities</p>
1.17 Trade and transport	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Forests Act 1949 • Tariff Act 1988 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Trading permits are not required for domestic logs. • Export permits are required for indigenous timbers, which must be surplus to domestic requirements. • Log docket for each truck load of logs showing forest location, contractor and weight from a certified weighbridge. • Kwila specific tariff codes for timber and furniture imported into New Zealand 	<ul style="list-style-type: none"> • MPI, 2017. Harvesting and Milling Indigenous Timber • MPI, 2018. Indigenous forestry • MPI, 2018. Sawmill Registration Report • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products • World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2018. New Zealand Profile. • Transparency International, 2017. Corruption Perceptions Index 2017 	<p>Overview of Legal Requirements</p> <p>Indigenous logs must have documentation showing their source so the log docket that accompanies them will show the forest location and landowner's name. The forest owner must have a legal sales agreement with the owner of the sawmill which is registered to process indigenous timbers. No export of indigenous timber is permitted under the Forests Act unless it has been processed into a final form - special permits are required. MPI staff check documentation against harvest plans as part of their detailed checks of the annual reports from each of the SFMP's, and the annual returns of each of the sawmills permitted to mill indigenous logs. Truckloads of exotic logs must be accompanied by a docket generated by the forest owner or manager, showing source data (forest name, compartment, and contractor) and weight of the load. Because plantation forestry in NZ is a self-regulated industry, forestry authorities do not check this documentation, but transport authorities may check to see that the trucks are not exceeding weight limitations for the roads. The final check is between forest owner and the log buyer, and the same log docket documentation is used to pay the logging contractor and the transport operator.</p> <p>Description of risk</p> <p>Indigenous logs must be sawn by registered sawmills, as they must be sold before they can be transported. There has been no recent evidence of major non-compliance. In fact, a 2018 Sawmill Registration National Report, conducted by the</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>MPI concluded that Sawmills that year displayed 96% compliance, with only minor corrections required in the 4% (only 4 sawmills) that were considered non-compliant. There are no restrictions on the production and sale of logs & other produce from exotic plantation forests. Logs transported from forests must meet the legal requirements for weight and length for transport on public roads. All trucks operating on New Zealand roads are randomly weighed to ensure compliance with weight restrictions. Approximately 90,000 such inspections are carried out per year. No information could be found on the number of trucks that were overloaded. However, unlike many sectors, log trucks are weighed to determine the volume of logs (and thus payment) so overloading would be much less likely to occur. An MPI report on the legality of New Zealand's forest products notes that there is a small amount of imported timber (mostly kwila) that is questionable in terms of its legality. However, imported timber constitutes less than 1% of New Zealand's domestic timber needs and around 13% of this (i.e. 0.13% of total timber consumption) is of questionable legality. To address this issue, the New Zealand government (through MPI) monitors the imports of kwila timber. Since September 2011 members of the New Zealand Imported Tropical Timber Group (NZITTG), a group of major importers and retailers of tropical timber, voluntarily ceased importing timber from Indonesia without credible third-party verification of its legality.</p> <p>In 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.18 Offshore trading and transfer pricing	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Income Tax Act 2007 • Taxation (Neutralising Base Erosion and Profit Shifting) Act 2018 • Forests Act 1949 • South Island Landless Natives Act 1906 <p>Legal Authority</p> <ul style="list-style-type: none"> • Ministry for Primary Industries (MPI) • NZ Customs, • Inland Revenue Department (IRD) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Export permit for indigenous timber • NB. Non-processed indigenous logs may not be exported • Export permit (for swamp kauri products) 	<ul style="list-style-type: none"> • OECD.org, 2019. Transfer Pricing Country Profiles • MPI, 2018a. Indigenous forestry • MPI, 2018b. Swamp Kauri • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products • Private forestry consulting firm databases (not available to non-clients) • World Bank 2016. Doing Business 2016: Measuring Regulatory Quality and Efficiency. Washington DC: World Group. • World Resources Institute (WRI), 	<p>Overview of Legal Requirements</p> <p>New Zealand is an OECD country with a pricing transfer profile. These country profiles focus on countries' domestic legislation regarding key transfer pricing principles, including the arm's length principle, transfer pricing methods, comparability analysis, intangible property, intra-group services, cost contribution agreements, transfer pricing documentation, administrative approaches to avoiding and resolving disputes, safe harbours and other implementation measures. (OECD.org, Transfer Pricing Country Profiles, 2019)</p> <p><i>Arm's Length Principle</i></p> <p>New Zealand Tax legislation does make reference to an arm's length principle, specifically sections YD 5, GB 2 and GC 6-14 of the Income Tax Act 2007. The role of the OECD Transfer Pricing Guidelines under New Zealand domestic legislation is to provide guidance in the application and interpretation of New Zealand's transfer pricing rules. New Zealand domestic legislation provides a definition of related parties, this definition exists within subparts YA and YB of the Income Tax Act 2007. (OECD.org, New Zealand Transfer Pricing Profile, 2017)</p> <p><i>Transfer Pricing Methods</i></p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
		<p>undated. Forest Legality Initiative: Logging and Export Bans</p> <ul style="list-style-type: none"> • NZ MPI Website • NZ MPI Good Practice Guide: Swamp Kauri Industry • Ministry for the Environment, Appendix 1: Legislative Framework, 2019 • World Bank 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2018. New Zealand Profile. • Transparency International, 2017. Corruption Perceptions Index 2017 	<p>Sections GC 13(1) and (2) of the Income Tax Act provide the following transfer pricing methods between related parties: CUP, Resale Price, Cost Plus, TNMM and Profit Split. When determining the application of pricing methods, the “most appropriate method” is used. (OECD.org, New Zealand Transfer Pricing Profile, 2017)</p> <p><i>Transfer Pricing Documentation</i></p> <p>There is no explicit statutory requirement in New Zealand to prepare and maintain transfer pricing documentation, but it is considered prudent to do so in order to demonstrate compliance with the arm’s-length principle. New Zealand Inland Revenue has also endorsed publicly the OECD recommendations as to the preparation of master files and local files for taxpayers with material transfer pricing risks. There are no specific transfer pricing penalties within New Zealand legislation. General tax penalties may apply where an adjustment is made by Inland Revenue, normally 20% to 40% of the tax shortfall. Determination of the penalties focuses on culpability and the level of co-operation by the taxpayer. (OECD.org, New Zealand Transfer Pricing Profile, 2017)</p> <p>Description of risk</p> <p>New Zealand has a comprehensive OECD Transfer Pricing Country Profile. There are no exceptions to requirements of documentation and the Arm’s length Principle is supported by this document.</p> <p>The IRD is able to run checks on all businesses, and there is a large audit department within IRD to carry out both regular- and spot-audits. There are occasional articles in news media about court cases over tax issues. Where tax legislation is breached, the IRD will seek to prosecute offenders and around 2000 prosecutions were brought in 2016, approximately half for failing to furnish a return rather than for</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>evading tax. The World Bank's Doing Business rates NZ highly in terms of ease of paying tax. Overall, New Zealand has a strong track record for ensuring that businesses and individuals do pay the correct amount of tax and, therefore, the risk of non-compliance is low.</p> <p>New Zealand has a high score on all of the World Bank Worldwide Governance Indicators. The 2017 World Bank Worldwide Governance Indicators show that on a 100-score ranking New Zealand has scores of 95 for Government Effectiveness; 99 for Regulatory Quality; 98 for Rule of Law; and 100 for Control of Corruption. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. New Zealand is ranked number 1, with a score of 89 (out of 100) on the Corruption Perception Index 2017 by Transparency International.</p> <p>Having run exhaustive searches for evidence of tax non-compliance and prosecution under the Income Tax Act 2007 these are no examples that could be found. Exhaustive searches included expert consultations and government databases through IRD prosecution archives.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
1.19 Custom regulations	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • Customs and Excise Act 1996 • Forests Act 1949 	<ul style="list-style-type: none"> • MPI, 2018a. Indigenous forestry • MPI, 2018b. Swamp Kauri 	<p>Overview of Legal Requirements</p> <p>Any exporter of indigenous timber is required to fill in MPI form ITE1.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
	<ul style="list-style-type: none"> • Conservation Act 1987 • Trade in Endangered Species Act 1989 <p>Legal Authority</p> <ul style="list-style-type: none"> • NZ Customs Service • Ministry for Primary Industries (MPI) <p>Legally required documents or records</p> <ul style="list-style-type: none"> • Customs clearance (Including Cargo Report) • Export permit from MPI • (Export permit for swamp kauri products) • Sustainable Forest Management Plan or Permit (for the export of SILNA timber) 	<ul style="list-style-type: none"> • MPI, 2018c. TSW Fact Sheet: Export Declaration Requirements • MPI, undated. Exporting indigenous timber & timber products • Ministry for Primary Industries (MPI) and the New Zealand Forest Industry, 2013. The legality of New Zealand's Forest Products • Department of Conservation, undated. CITES permits • Ministry for the Environment, Appendix 1: Legislative Framework, 2019 	<p>The information required is to ensure the export meets Section 67C of the Forests Act 1949; specifically, that the timber has been taken from an area subject to, and managed in accordance with, a registered sustainable forest management plan or permit. It may be any indigenous timber product in its final shape ready to be installed or used without further processing. Indigenous timber that is dressed or rough sawn timber (including veneer), moldings, paneling, furniture blanks, joinery blanks, building blanks or similar items may not be exported. Exports of logs and woodchips of all indigenous species are prohibited.</p> <p>The Customs and Excise Act 1996 states explicitly that every person responsible for a carriage of cargo leaving the country must give to the Custom, before a prescribed deadline, a report on the cargo. This report must contain such information relating to the cargo (being information that is genuine, not erroneous in a material in particular, and not misleading) as may be prescribed, and must be in a manner prescribed by customs based on the contents of the cargo. This report would need to include:</p> <ul style="list-style-type: none"> • Goods description (detailed) • Tariff classification • Country of origin • Statistical quantity and statistical unit • Goods value in currency • Currency of the country the good will be traded • Value in NZ dollars • Classification type • Number of packages • Package type • Package volume in m3 • Shipping marks • Gross weight at an item level • Net weight at an item level • Container number • Product type and product name • Identity type

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<ul style="list-style-type: none"> • Identity number • Storage temperature • Minimum storage temperature • Maximum storage temperature • Itinerary • Grower/producer/manufacturers details <p>More details of each of these requirements can be found in TSW Fact Sheet: Export Declaration Requirements document.</p> <p>As the export of indigenous logs or woodchips or any other such timber product is prohibited by law (under the Forests Act 1993) Customs would prosecute any found attempts at exporting these materials under section 56 of the Customs and Excise Act 1996.</p> <p>Failing to accurately detail your cargo holdings can lead to fines of up to \$50,000 (NZ). General non-compliance with the Customs and Excise Act 1996 will lead to penalties and fine proportionate to the offence. The maximum penalty for an individual may be different to that for a business for the same offence. For some offenses a maximum term of imprisonment is also specified. The export of indigenous timber from New Zealand can lead to fines of up to \$200,000 (NZ)</p> <p>SILNA owners can sell the resulting timber on the domestic market. However, in the case of exports, SILNA forests are treated as any other privately-owned indigenous forests and are subject to Part IIIA of the Forests Act 1949. (Ministry for the Environment, Appendix 1: Legislative Framework, 2019)</p> <p>To even qualify to export SILNA timber, SILNA forest owners must bring their forest under a sustainable forest management plan or permit.</p> <p>In addition to this imported or exported goods (including the packaging and covering) are forfeit to the Crown when they breach the Customs and Excise Act 2018, or an offence has been committed. When goods become forfeit, you are no longer entitled to the goods, and ownership moves to the Crown.</p> <p>Customs seizes goods that are forfeit or where there is reasonable cause to suspect the goods are forfeit. When</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>forfeited goods are seized, the Crown takes possession of the goods. Customs issues the importer, and anyone known to have an interest in the goods, a Notice of Seizure, which sets out the offence(s) and the grounds for forfeiture. The importer must still pay any duty owing on the seized goods.</p> <p>Harvesting without an SFM plan or permit means the felled timber may only be sold on the domestic market.</p> <p>To export their timber, SILNA owners must bring their forests under a sustainable forest management plan or permit.</p> <p>The Customs and Excise Act defines correct documentation in this instance under section 37A: If the cargo is to depart or has departed for a point outside New Zealand from a place in New Zealand and the cargo is commercial or non-commercial cargo for discharge outside of New Zealand this requirement applies.</p> <p>Every person responsible for the carriage of the cargo on the craft must give to the Customs, before the prescribed deadline (which may be a time before or after the craft's departure from the point in New Zealand), a report on the cargo.</p> <p>A person is, for this section's purposes, responsible for the carriage of cargo on a craft only if the person (whether or not the person owns, or has any proprietary interest of any kind in, all or any part of the cargo) is—</p> <ol style="list-style-type: none"> a) a person who is, or who is the agent of, the owner or operator of the craft; or b) a cargo aggregator who, in the course of that cargo aggregator's business, has (in or outside New Zealand) arranged for the carriage of the cargo on the craft under a shared space, or other negotiated volume of cargo, arrangement with the owner or operator of the craft. <p>The report must contain such information relating to the cargo (being information that is genuine, not erroneous in a material particular and not misleading) as may be prescribed and must be given in the prescribed form and manner. The information must be accompanied by such supporting documents (being documents each of which is genuine, not</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>erroneous, and not misleading) as the chief executive may require. Information supplied under this section is subject to, but this section does not limit, section 204A (offence relating to failing to update information supplied in advance).</p> <p>There is no other customs authority required to export exotic timber or logs, apart from the phytosanitary requirements of the importing country. MPI controls the very limited export of indigenous logs (MPI, undated).</p> <p>Exportation of Swamp Kauri comes with specific rules. According the NZ MPI Website, responsibility for the extraction of swamp kauri rests with local and regional councils under the Resource Management Act 1991. MPI also oversees all current harvest sites. Sites are inspected before and after harvest activities to:</p> <ul style="list-style-type: none"> assess the land's classification ensure only the approved land has been worked. <p>MPI should be notified of any proposed extraction before work begins.</p> <p>Swamp kauri can only be milled if MPI has issued a milling statement for the timber. Applicants must meet a range of criteria – including demonstrating that the swamp kauri will be salvaged from land that is either: not indigenous forest, or indigenous forest where extraction will not diminish the land's natural values.</p> <p>Milling statements are most commonly issued once MPI has conducted site inspections.</p> <p>Milling statements are valid for between 6 and 12 months and cover only the timber approved in their application. If some approved timber has not been extracted when the milling statement expires, you may apply to MPI for a renewal.</p> <p>Milling may only be done at MPI-registered sawmills.</p> <p>Exports of swamp kauri are subject to strict rules. Swamp kauri can only be exported as:</p> <ul style="list-style-type: none"> a finished product whole or sawn stumps or roots – provided the timber didn't come from indigenous forest land.

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>The definition of a stump under the Forests Act is very specific. The details of which are contained within the Good Practise Guide: Swamp Kauri Industry; stump means the basal part of a living or dead tree (whether rooted or uprooted), being the roots and that part of the trunk that extends from the groundline to a point (up the trunk) equal to the maximum diameter of the trunk; and, for the purposes of this definition, any remnant of a tree shall be regarded as part of a complete tree.</p> <p>Stumps and roots intended for export must be visually inspected and approved by MPI before they leave New Zealand. Customs will not provide clearance until this has been done.</p> <p>Breaches of these rules may incur, among other things, a fine of up to \$200,000 on conviction.</p> <p>In general, more swamp kauri is kept in New Zealand than exported. In the second quarter of 2016: about 1,500 cubic metres were approved for milling less than 200 cubic metres were approved for export.</p> <p>Description of risk</p> <p>Without the export certificate, no indigenous forest produce may be exported. There are constant checks by MPI and Customs staff to ensure that all goods exported are properly checked and have the correct documentation before they can be loaded on the boat. Cargo reports can be traced back to the forest of origin in all cases.</p> <p>Having run exhaustive searches for evidence of non-compliance and prosecution under the Customs and Excise Act 1996, Conservation Act 1987 and the Trade in Endangered Species Act 1989; these are the only evidences that could be found. Exhaustive searches included expert consultations, government databases through MPI consultations and Customs consultations.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination																		
			<p>the experts agree this is robust supports the following risk designation.</p> <p>As the export CITES materials, flora and fauna is prohibited by law (under the Conservation Act 1987 and the Trade in Endangered Species Act 1989) Customs would prosecute any found attempts at exporting these materials under section 56 of the Customs and Excise Act 1996.</p> <p>Risk conclusion</p> <p>Low risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>																		
1.20 CITES	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> Conservation Act 1987 Trade in Endangered Species Act 1989 Customs and Excise Act 1996 <p>Legal Authority</p> <ul style="list-style-type: none"> Department of Conservation (DOC) NZ Customs <p>Legally required documents or records</p> <ul style="list-style-type: none"> Export permit for CITES material 	<ul style="list-style-type: none"> DOC, undated. CITES species Department of Conservation, undated. CITES permits CBD, undated. List of Parties: CBD NZ Customs Service, undated. Does your luggage break wildlife laws checklist.cites.org, undated. CITES Checklist of CITES Species MPI, 2017. Montreal Process Wildlife New Zealand, 2007. CITES Convention on Biological Diversity, New Zealand 	<p>Overview of Legal Requirements</p> <p>NZ is a member of CITES which is controlled by the Department of conservation (DOC) under the Trade in Endangered Species Act 1989. Prosecutions from smuggling wildlife can be made under this act.</p> <p>As of May 2018, New Zealand was home to the following CITES-listed species:</p> <p>Fauna:</p> <table border="1" data-bbox="1402 932 2029 1326"> <thead> <tr> <th>Common Name</th> <th>Scientific Name</th> <th>Appendix</th> </tr> </thead> <tbody> <tr> <td>Kākāpō</td> <td>Strigops habroptila</td> <td>App I</td> </tr> <tr> <td>Red-crowned parakeet</td> <td>Cyanoramphus novaezelandiae</td> <td>App I</td> </tr> <tr> <td>Chatham Islands yellow-fronted parakeet; Forbes' parakeet</td> <td>Cyanoramphus forbesi</td> <td>App I</td> </tr> <tr> <td>Kea</td> <td>Nestor notabilis</td> <td>App II</td> </tr> <tr> <td>Kākā</td> <td>Nestor meridionalis</td> <td>App II</td> </tr> </tbody> </table>	Common Name	Scientific Name	Appendix	Kākāpō	Strigops habroptila	App I	Red-crowned parakeet	Cyanoramphus novaezelandiae	App I	Chatham Islands yellow-fronted parakeet; Forbes' parakeet	Cyanoramphus forbesi	App I	Kea	Nestor notabilis	App II	Kākā	Nestor meridionalis	App II
Common Name	Scientific Name	Appendix																			
Kākāpō	Strigops habroptila	App I																			
Red-crowned parakeet	Cyanoramphus novaezelandiae	App I																			
Chatham Islands yellow-fronted parakeet; Forbes' parakeet	Cyanoramphus forbesi	App I																			
Kea	Nestor notabilis	App II																			
Kākā	Nestor meridionalis	App II																			

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination		
		<ul style="list-style-type: none"> Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971 Convention on International Trade in Endangered Species of Wild Fauna and Flora Montreal Process Criteria Members International Union for Conservation of Nature Members Kirsty Johnston, Sunday Star Times, Smugglers Use Web to Locate Rare NZ Lizards, 2012 	Yellow-crowned parakeet; Yellow-fronted kakariki	Cyanoramphus auriceps	App II
			Orange-fronted parakeet	Cyanoramphus malherbi	App II
			Antipodes green parrot	Cyanoramphus unicolor	App II
			Campbell Island brown teal	Anas nesiotis	App I
			Brown teal	Anas chlorotis	App I
			Auckland Island teal	Anas aucklandica	App I
			Harrier hawk	Circus approximans	App II
			New Zealand falcon	Falco novaeseelandiae	App II
			Morepork/ruru	Ninox novaeseelandiae	App II
			Tuatara	Sphenodon spp.	App I
			New Zealand giant geckos	Hoplodactylus spp.	App III
			New Zealand tree geckos / green geckos	Naultinus spp.	App II
			Northern brown geckos	Dactylocnemis spp.	App III
			Forest and alpine geckos	Mokopirirakau spp.	App III
			Striped geckos	Toropuku spp.	App III
			Harlequin geckos	Tukutuku spp.	App III
			Rock geckos	Woodworthia spp.	App III

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination		
			New Zealand fur seal/kekeno	Arctocephalus forsteri	App II
			Elephant seal (visitor to NZ territory)	Mirounga leonina	App II
			Ceteceans (whales, dolphins, porpoises)	Various species	App I and II
			Basking shark	Cetorhinus maximus	App II
			Great hammerhead shark	Sphyrna mokarran	App II
			Great white shark	Carcharodon carcharias	App II
			Manta rays	Manta spp	App II
			Oceanic whitetip shark	Carcharhinus longimanus	App II
			Porbeagle shark	Lamna nasus	App II
			Scalloped hammerhead shark	Sphyrna lewini	App II
			Smooth hammerhead shark	Sphyrna zigaen	App II
			Whale shark	Rhincodon typus	App II
			Black coral	Antipatharia spp.	App II
			Flora:		
			Common Name	Scientific Name	Appendix
			All orchids**	Orchidaceae	App II

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination		
			Tree ferns (Cyathea, not Dicksonia)	Cyathea spp.	App II
<p>(DOC Website, New Zealand CITES-Listed Species, 2018)</p> <p>No CITES material (Fauna or Flora) may be exported without specific approval from DOC. According to the Trade in Endangered Species Act 1989; If a person who proposes to trade in any specimen of an endangered, threatened, or exploited species shall apply in writing to the Director-General for the appropriate permit or certificate that, if granted, would authorise that trade.</p> <p>Every application shall specify—the full name and address of the applicant:</p> <p>the type of trade to which the application relates:</p> <p>the species and the number of specimens of that species to be traded:</p> <p>the country to or from which the specimens are to be conveyed.</p> <p>Except as the Director-General may decide, a separate application shall be required for each consignment of specimens of an endangered, threatened, or exploited species.</p> <p>No person shall make an application to trade in any specimen of an endangered, threatened, or exploited species where trade in that specimen is subject to controls under any other Act or regulations, unless authorisation in respect of such trade has first been obtained under that Act or those regulations.</p> <p>Every applicant for a permit or certificate shall furnish to the Director-General, in addition to the particulars required under subsection (2), such further information as the Director-General may require.</p> <p>Without limiting the generality of subsection (5), every applicant to whom that subsection applies must include, with every application for the export or re-export of a specimen in respect of which application the Director-General has</p>					

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>required any analysis to be carried out pursuant to section 43A, the results of such analysis.</p> <p>Finally, every applicant for a permit or certificate shall pay the prescribed fee.</p> <p>The NZ Customs service provides border control security. The Customs and Excise Act 1996 states explicitly that every person responsible for a carriage of cargo leaving the country must give to the Custom, before a prescribed deadline, a report on the cargo. This report must contain such information relating to the cargo (being information that is genuine, not erroneous in a material in particular, and not misleading) as may be prescribed, and must be in a manner prescribed by customs based on the contents of the cargo. As the export of CITES materials, flora and fauna is prohibited by law without a permit (under the Conservation Act 1987 and the Trade in Endangered Species Act 1989) Customs would prosecute any found attempts at exporting these materials under section 56 of the Customs and Excise Act 1996.</p> <p>Failing to accurately detail your cargo holdings can lead to fines of up to \$50,000 (NZ). General non-compliance with the Customs and Excise Act 1996 will lead to penalties and fine proportionate to the offence. The maximum penalty for an individual may be different to that for a business for the same offence. For some offenses a maximum term of imprisonment is also specified. The export of endangered, threatened, or exploited species from New Zealand can lead to fines of up to \$200,000 (NZ) (Trade in Endangered Species Act 1989, section 44).</p> <p>Circumstances may mean the action of exporting endangered species leads to an offence against the Conservation Act 1987. This may include the damage of habitats as a result of the activity or harm to the population of the species. If this is the case an offence against the Conservation Act 1987 can lead to up to 5 years in Jail and a fine of up to \$300,000 (NZ) for an individual.</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>Description of risk</p> <p>No timber species from NZ are on the CITES list. Tree ferns are listed but there is no evidence of exports of these species, nor of attempts to export. The tree ferns listed are used domestically for ornamental and landscaping uses. Considering permits are required for this trade then all exports of CITES-listed species will be well documented and tracked.</p> <p>There is no evidence of widespread trade in illegal fauna or flora. There have also been no arrests or prosecutions for wildlife smuggling since 2012 (Kirsty Johnston, Sunday Star Times, Smugglers Use Web to Locate Rare NZ Lizards, 2012). Mostly prosecutions are for smuggling fauna. Having run exhaustive searches for evidence of non-compliance and prosecution under exportation of CITES species these are the only examples that could be found. Exhaustive searches included expert consultations, government databases through MPI consultations and justice.govt.nz.</p> <p>NZ is a signatory to the Convention on Biological Diversity (CBD, undated). NZ is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. NZ is a signatory to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention). NZ is a member of the International Union for Conservation of Nature (IUCN) and the Montreal Process Criteria and Indicators Working Group (MPCI) though Government representatives. Being a signatory in any of these conventions means New Zealand has stricter measures in place for governing the trade of CITES-Listed species.</p> <p>Moreover, the fact that there is a comprehensive legal system, it has ministerial oversight and monitoring in a country recognised internationally for its rule of law and that</p>

Indicator	Applicable laws and regulations, legal authority, and legally required documents or records	Sources of information	Risk designation and determination
			<p>the experts agree this is robust supports the following risk designation.</p> <p>Risk conclusion</p> <p>Low Risk Threshold (1) is met: (1) Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.</p>
Diligence/due care procedures			
1.21 Legislation requiring due diligence/due care procedures	<p>Applicable laws and regulations N/A</p> <p>Legal Authority N/A</p> <p>Legally required documents or records N/A</p>	Anonymous Expert, Policy Analyst, MPI, 2019	<p>N/A</p> <p>as there is no legal requirement in New Zealand for due diligence/due care procedures.</p>

Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
1.1 Land tenure and management rights	Not applicable
1.2 Concession licenses	Not applicable
1.3 Management and harvesting planning	Not applicable
1.4 Harvesting permits	Not applicable
1.5 Payment of royalties and harvesting fees	Not applicable
1.6 Value added taxes and other sales taxes	Not applicable
1.7 Income and profit taxes	Not applicable
1.8 Timber harvesting regulations	Not applicable
1.9 Protected sites and species	Not applicable
1.10 Environmental requirements	Not applicable
1.11 Health and safety	Not applicable

Indicator	Recommended control measures
1.12 Legal employment	Not applicable
1.13 Customary rights	Not applicable
1.14 Free prior and informed consent	Not applicable
1.15 Indigenous peoples' rights	Not applicable
1.16 Classification of species, quantities, qualities	Not applicable
1.17 Trade and transport	Not applicable
1.18 Offshore trading and transfer pricing	Not applicable
1.19 Custom regulations	Not applicable
1.20 CITES	Not applicable
1.21 Legislation requiring due diligence/due care procedures	Not applicable

Controlled wood category 2: Wood harvested in violation of traditional and human rights

Risk assessment

Indicator	Sources of Information	Functional scale	Risk designation and determination
2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.	See detailed analysis below.	Country	Low risk Justification: 'Low risk' thresholds (1), (2), (3), (4) and (5) apply.
2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.	See detailed analysis below.	Country	Low risk Justification: 'Low risk' thresholds (10) and (12) apply.
2.3. The rights of Indigenous and Traditional Peoples are upheld.	See detailed analysis below.	Country	Low risk Justification: 'Low risk' thresholds (18), (19) and (21) apply.

Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
2.1	Not applicable
2.2	Not applicable
2.3	Not applicable

Detailed analysis

Sources of information	Evidence	Scale of risk assessment	Risk indication ¹
Context (the following are indicators that help to contextualize the information from other sources) <ul style="list-style-type: none"> Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc. 			
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance	http://info.worldbank.org/governance/wgi/index.aspx#reports (click on table view tab and select Country)	Country	-

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.

indicators for 215 countries (most recently for 1996–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wgi/index.aspx#home	In 2014 (latest available year) New Zealand scores between 98 and 100 on the percentile rank among all countries for all six World Governance Indicators (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).		
World Bank: Harmonized List of Fragile Situations http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations	http://siteresources.worldbank.org/EXTLICUS/Resources/511777-1269623894864/FY15FragileSituationList.pdf New Zealand does not feature in this list.	Country	-
Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index. https://cpj.org/reports/2018/10/impunity-index-getting-away-with-murder-killed-justice.php	http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php New Zealand does not feature in this list.	Country	-
Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring http://www4.carleton.ca/cifp/ffs.htm (Select Country Ranking Table)	http://www4.carleton.ca/cifp/app/serve.php/1419.pdf New Zealand scores 'low' on the State Fragility Map 2011.	Country	-
Human Rights Watch: http://www.hrw.org	https://www.hrw.org/world-report/2016 World Report 2016 There is no chapter on New Zealand in this report. https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf World Report 2018 No relevant information found. It is highlighted at the report that the absence of a particular country is often simply reflecting the lack of capacity to address it, and it is not implying any significance of the problem.	Country	-
US AID: www.usaid.gov (Search on website for [country] + 'human rights')	No information found on specific risks after searching for New Zealand + "human rights", "conflicts", "timber conflicts".	Country	-
Global Witness: www.globalwitness.org (Search on website for [country] + 'human rights')	No information found on specific risks after searching for New Zealand + "human rights".	Country	-
World Wide Fund For Nature: Illegal logging http://wwf.panda.org/about_our_earth/about_forests/deforestation/forest_illegal_logging/	http://clonewwf.wwf-dev.org/about_our_earth/ecoregions/newzealand_temperate_forests.cfm		

	<p><i>New Zealand Temperate Forests</i></p> <p>Threats</p> <p>“Threats include logging, burning, invasive species introductions, and tourism. Raising sheep for wool is the biggest land use in Richmond temperate forests, and much of the land has been converted to pasture.”</p> <p>“New Zealand’s native species evolved for 80 million years in the absence of mammalian predators after splitting off from the supercontinent Gondwana. As a result, many endemic birds are flightless and completely defenseless against humans and the predatory animals that came with them. Tuatara populations have decreased greatly since the introduction of Polynesian rats and are now only found on scattered, predator free, offshore islands.”</p>	<p>Richmond temperate forests</p> <p>Country</p>	<p>-</p> <p>-</p>
<p>Chatham House Illegal Logging: Indicators Country Report Card</p> <p>http://www.illegal-logging.info</p>	<p>http://www.illegal-logging.info/regions/new-zealand</p> <p><i>New Zealand</i></p> <p>“Forests cover almost 40% of New Zealand’s land area, of which 20% are primary forests. Since 2000, the area of forest has remained about the same (FAO, 2015).</p> <p>Illegal logging in New Zealand is not a significant problem, but the country does provide a market for illegal timber, albeit a relatively small one. The country is not a major importer of timber, with imports accounting for less than 1% of domestic consumption. However it was estimated in 2008 that over 10% of these imports were of questionable legality. In 2009, the government developed a policy on illegal logging, setting out its approach at the national, bilateral and multilateral levels (Ministry for Primary Industries, 2013).”</p> <p>http://www.illegal-logging.info/content/legality-new-zealand%e2%80%99s-forest-products</p> <p><i>The Legality of New Zealand’s Forest Products</i></p> <p>“The legality of New Zealand produced timber and timber products is assured by the regulatory environment under which forestry owners operate where property rights are upheld, corruption is the lowest in the world, taxes are levied, laws are enforced and prosecutions are made.”</p> <p>“New Zealand’s forestry profile is unique in that the majority of our forestry production and exports come from privately-owned forests, planted with exotic species. These forests have been grown specifically for the purpose of being harvested. The bulk of New Zealand’s indigenous forests have been set aside for conservation purposes and are protected, while the low levels of harvesting of privately owned indigenous forests are strictly monitored.”</p> <p>https://www.chathamhouse.org/sites/default/files/publications/research/20150715IllegalLoggingHoareFinal.pdf.</p>	<p>Country</p> <p>Country</p> <p>Country</p>	<p>-</p> <p>-</p> <p>-</p>

	<p><i>Chatham House Report (2015) Tackling Illegal Logging and the Related Trade What Progress and Where Next?</i></p> <p>In this report New Zealand is considered to have a “sensitive” market, this means there is a strong preference for legal timber.</p>	Country	-
<p>Transparency International: Corruption Perceptions Index https://www.transparency.org</p>	<p>https://www.transparency.org/news/feature/corruption_perceptions_index_2017</p> <p>Transparency International's Corruption Index 2017 New Zealand score was 89 points (scale of 0 to 100, where 0 is highly corrupt and 100 is very clean.), giving the 1st ranking out of 180 countries.</p>	Country	-
<p>Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights. https://www.amnesty.org/en/</p>	<p>https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/State of the Human Rights Report 2015/16 Chapter on New Zealand (pages 270-271)</p> <p>“Economic, social and cultural rights lacked sufficient legal protection. Māori (Indigenous people) continued to be overrepresented in the criminal justice system. Family violence was widespread and levels of child poverty remained high. Asylum seekers were detained alongside remand prisoners</p> <p>“JUSTICE SYSTEM Both the UN Committee against Torture and the UN Working Group on Arbitrary Detention expressed concern at the disproportionate representation of Māori in the criminal justice system. Māori, who are 15% of the general population, make up 51% of the total prison population and 65% of the female prison population. The High Court in July held that a blanket ban on prisoners' right to vote was inconsistent with the Bill of Rights Act.”</p> <p>“CHILDREN'S RIGHTS New Zealand retained three reservations to the UN Convention on the Rights of the Child. The 2015 Technical Report on Child Poverty found that up to 29% of New Zealand children lived in relative poverty and 9% were living in severe poverty, impacting on their access to adequate housing, health care, food and education.”</p>	Country	-
<p>Ministry of Social Development of New Zealand: Child Poverty Monitor 2015 https://ourarchive.otago.ac.nz/handle/10523/6164</p>	<p>https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/household-incomes/index.html</p> <p>New Zealand retained three reservations to the UN Convention on the Rights of the Child. The 2015 Technical Report on Child Poverty found that for 2014 up to 29% of New Zealand children lived in relative poverty and 9% were living in severe poverty, impacting on their access to adequate housing, health care, food and education. However it must be remembered that these rankings do not necessarily reflect the actual day-to-day living conditions experienced by children in these countries.</p>	Country	-
<p>Freedom House: http://www.freedomhouse.org/</p>	<p>http://www.freedomhouse.org/report-types/freedom-world#.U-3g5fl_sVc https://freedomhouse.org/report/freedom-world/2018/new-zealand</p>	Country	-

	<p>The status of New Zealand on the Freedom in the World index 2015 and 2018 is 'Free', with an aggregate score for 2018 of 98 (0= Least Free, 100=Most Free).</p> <p>https://freedomhouse.org/report/freedom-net/freedom-net-2015 https://freedomhouse.org/report/freedom-net/freedom-net-2017 New Zealand does not feature on the Freedom on the net 2015 and 2017 maps.</p> <p>https://freedomhouse.org/report/freedom-press/freedom-press-2015 https://freedomhouse.org/report/freedom-press/freedom-press-2017 New Zealand features on the map for 2015 and 2017 as "Free" with a score of Freedom of the Press of 19 (0=Most Free, 100=Least Free).</p> <p>https://freedomhouse.org/report/freedom-press/freedom-press-2015#.VojLcVmkaf4 https://freedomhouse.org/sites/default/files/FOTP_2017_booklet_FINAL_April28.pdf The status of New Zealand on the Freedom of the Press 2015 and 2017 is 'Free'.</p>		
Reporters without Borders: Press Freedom Index https://rsf.org/ranking	<p>https://rsf.org/ranking 2016 and 2018 World Press Freedom Index In 2016, New Zealand ranked 5, and in 2018 it ranks 8 out of 180 countries on World Press Freedom Index (with No 1 being the most free country).</p>	Country	-
Fund for Peace: Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 177 nations based on their levels of stability and capacity http://fsi.fundforpeace.org/	<p>http://fundforpeace.org/fsi/ Fragile States Index 2015 and 2018 New Zealand is ranked in 2015 176 out of 178 countries on the Fragile States Index and in 2018 it is ranked 169. (No. 1 being the most failed state). This ranks New Zealand in the category 'Sustainable'.</p>	Country	-
Institute for Economics & Peace: The Global Peace Index. This index is the world's leading measure of national peacefulness. It ranks 162 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. http://economicsandpeace.org/research/iep-indices-data/global-peace-index	<p>http://static.visionofhumanity.org/sites/default/files/Global%20Peace%20Index%20Report%202015_0.pdf http://visionofhumanity.org/app/uploads/2018/06/Global-Peace-Index-2018-2.pdf 2015 and 2018 Global Peace Index The state of Peace in New Zealand is labeled 'Very high' with New Zealand ranking number in 2015 of 4 (out of 162 countries) and in 2018 of 2 out of 163 countries (no. 1 being the most peaceful country).</p>	Country	-
Additional sources of information (These sources were partly found by Googling the terms '[country]', 'timber', or 'conflict', 'illegal logging')	Evidence	Scale of risk assessment	Risk indication
Human Rights Commission: The Human Rights Commission was set up in 1977 and works	<p>https://www.hrc.co.nz/ No information found on specified risks in New Zealand.</p>	Country	-

<p>under the Human Rights Act 1993. The purpose is to promote and protect the human rights of all people in Aotearoa New Zealand. https://www.hrc.co.nz/</p>			
<p>The law foundation: http://www.lawfoundation.org.nz</p>	<p>http://www.lawfoundation.org.nz/?p=5164 <i>New Zealand's Human Rights Reputation at Risk</i> "A report on the status of human rights in New Zealand says serious fault lines are developing and that the country's reputation as a global leader is at risk." "A three year study of the six major human rights treaties that New Zealand has signed shows we're better at talking about human rights than walking the talk and implementing our promises made internationally," says Auckland University of Technology's Professor Judy McGregor, co-author of Fault lines: Human rights in New Zealand." "The detailed research shows we're slipping behind in areas such as child poverty, gender equality, systemic disadvantage of Māori, and the rights of disabled people to challenge the State." Funded by the New Zealand Law Foundation, Fault lines was written by Professor McGregor, human rights lawyer Sylvia Bell and Waikato University's Professor Margaret Wilson. Each has significant practical experience of working in human rights. The report suggests New Zealand needs to take urgent remedial action to retain its point of difference as a human rights leader. It is also critical of the level of understanding of Members of Parliament of human rights treaty obligations. It suggests 13 recommendations to help New Zealand retain human rights leadership including a comprehensive rewrite of human rights legislation, a new parliamentary select committee to deal with human rights and the urgent repeal of non-human rights compliant legislation to reinstate the rights of all New Zealanders to complain about discrimination. The recommendations also suggest a new more proactive role for the Māori Affairs Select Committee in monitoring New Zealand's response to the United Nations about closing the inequality gaps. More New Zealanders should be nominated for significant UN human rights treaty bodies and journalists need better training in the reporting of treaty body reports which remain largely invisible to the public."</p>	Country	-
<p>Miller et al., 2007. Maori connections to forestry in New Zealand. https://www.researchgate.net/publication/237230851_MAORI_CONNECTIONS_TO_FORESTRY_IN_NEW_ZEALAND</p>	<p>There is a strong connection between Maori and forestry including large areas of Maori owned forests.</p>	Country	-
<p>New Zealand Forest Industries Council & New Zealand Forest Owners Association Inc.: From principles to practice: the New Zealand sustainable forest management story</p>	<p>Since the early 2000s Maori employment in the industry was significantly higher than other industries. In 2001, over 8,100 Maori were employed in the industry directly, one quarter of all forestry workers.</p>	Country	-

https://www.nzfoa.org.nz/images/stories/pdfs/sustainability_principles_brochure_03.pdf	<p>In 2002 Maori achieved 27% of the qualifications earned in the industry. Maori comprise 37% of all apprenticeships. Since that time the process of treaty settlement meant that forestry land reverted to Maori ownership and management.</p>		
<p>Statistics Government of New Zealand: https://www.stats.govt.nz/</p>	<p>https://www.stats.govt.nz/2018-census/ Māori are the original inhabitants of New Zealand (Aotearoa). They comprise approximately 15 per cent (595,000) of New Zealand's population of 4.25 million.</p> <p>The 2018 census data provide information about people who belong to each individual iwi including:</p> <ul style="list-style-type: none"> - total population; - distribution across regions; - age and sex; - te reo Māori; - religion. <p>Compare iwi with the total population of Māori descent for:</p> <ul style="list-style-type: none"> - work; - income; - education; - home ownership. <p>http://archive.stats.govt.nz/browse_for_stats/people_and_communities/asian-peoples/racial-discrimination-in-nz.aspx <i>Report 2012 Working together: Racial discrimination in New Zealand</i> Racial discrimination towards Maori and migrant populations, low levels of discrimination are still reported (<3%)</p>	Country	-
<p>New Zealand National land bureau: tenure records, maps, titles and registration http://maorilandonline.govt.nz/ http://www.maorilandcourt.govt.nz/</p>	<p>Information on Maori land can be obtained through the Maori Land Court (Te Kooti Whenua Māori) and their online system (Maori Land Online). The purpose of the Maori Land Court, as defined in the Te Ture Whenua Māori Act 1993, is to:</p> <ul style="list-style-type: none"> • promote the retention of Māori land in the hands of its owners, whānau and hapū • facilitate the occupation, development and use of Māori land • ensure that decisions made about Māori land are fair and balanced taking into account the needs of all the owners and their beneficiaries. <p>The total area of Māori Freehold Land (as at June 2016) is ,420,185.5904 ha with a further 755.9106 ha of Māori Customary Land.</p> <p>Māori land is defined by Te Ture Whenua Māori Act 1993 as being one of two things:</p> <p>Māori Customary Land Māori Freehold Land</p>	Country	-

	<p>Māori Customary Land is:</p> <ul style="list-style-type: none"> • Land that has not had its ownership investigated and determined by the Māori Land Court • That has not been acquired by the Crown • Does not have a Land Transfer Act title or Deed • Continues to be held in accordance with tikanga Māori (Māori customary values and practices). 		
Landcare Research: https://whenuaviz.landcareresearch.co.nz/	A prototype tool for accessing localization and environmental information about Māori land.	Country	-
<p>Conclusion on country context: New Zealand scores positive or very positive on most of all indicators reviewed in this context section. Child poverty and racial discrimination issues remain to some extent. With respect to racial discrimination towards Maori and migrant populations, low levels of discrimination are still reported (<3%). It is ranked high on all relevant aspects such as a stable country, with good governance, absence of conflicts of any magnitude and it is a free country for all its citizens with a good justice system.</p> <p>Whilst there is a disproportionate number of the prison population. There are several government agencies that are responsible for ensuring that Maori are successful. The main agency is Te Puni Kokiri (www.tpk.govt.nz). In conjunction with the Ministry of Justice they have been looking at why there is a disproportion representation of Maori in the criminal justice system. There is no link between these statistics and the forestry sector.</p>		Country	
<p>Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</p>			
<p>Guidance</p> <ul style="list-style-type: none"> • Is the country covered by a UN security ban on exporting timber? • Is the country covered by any other international ban on timber export? • Are there individuals or entities involved in the forest sector that are facing UN sanctions? 			
<p>From national CW RA for New Zealand (FSC-CW-RA-016-NZ V1-0):</p> <p>FSC Controlled Wood risk assessment</p> <p>SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR NEW ZEALAND (FSC-STD-40-005 V-2.1) Approval date: 02 July 2014</p> <p>Geographic scope: New Zealand</p>	<p>FSC Indicator 2.1 There is no UN Security Council ban on timber exports from the country concerned;</p> <p>Sources of information 2.1 UN Security Council Sanctions Against Specific Countries</p> <p>Evidence There are no UN Security Council sanctions cited against New Zealand on the Global Policy Forum (GPF) website (https://www.globalpolicy.org/security-council/index-of-countries-on-the-security-council-agenda/sanctions.html).</p> <p>Risk: Low risk</p>	Country	Low risk
<p>Guidance</p> <ul style="list-style-type: none"> • Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions? • Is the conflict timber related to specific entities? If so, which entities or types of entities? 			

Global Witness: www.globalwitness.org/campaigns/environment/forests	No information to indicate that New Zealand is a source of conflict timber.	Country	Low risk
Human Rights Watch: http://www.hrw.org/	https://www.hrw.org/world-report/2016 https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf No information to indicate that New Zealand is a source of conflict timber in the World Report 2016 and for the 2018. It is highlighted at the report that the absence of a particular country is often simply reflecting the lack of capacity to address it, and it is not implying any significance of the problem.	Country	Low risk
Amnesty International Annual Report: The state of the world's human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights http://www.amnesty.org	https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/ https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/ <i>State of the Human Rights Reports 2015/16 and 2017/18</i> No information to indicate that New Zealand is a source of conflict timber.	Country	Low risk
World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for 213 economies (most recently for 1996–2014), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption http://info.worldbank.org/governance/wqi/index.aspx#home	http://info.worldbank.org/governance/wqi/index.aspx#reports In 2016 (latest available year) New Zealand scores on the indicator <i>Political Stability and Absence of Violence/Terrorism</i> 99 on the percentile rank among all countries (ranges from 0 (lowest) to 100 (highest rank) with higher values corresponding to better outcomes. No evidence found that this rank has a relationship with conflict timber.	Country	Low risk
Greenpeace: www.greenpeace.org (Search for 'conflict timber [country]')	No information found on conflict timber or illegal logging in New Zealand.	Country	Low risk
CIFOR: http://www.cifor.org/ http://www.cifor.org/publications/Corporate/FactSheet/forests_conflict.htm	No information found on conflict timber or illegal logging in New Zealand.	Country	Low risk
(Google the terms '[country]' and one of following terms or in combination 'conflict timber', 'illegal logging')	No information found on conflict timber or illegal logging in New Zealand.	Country	Low risk
From national CW RA for New Zealand (FSC-CW-RA-016-NZ V1-0): FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR NEW ZEALAND (FSC-STD-40-005 V-2.1) Approval date: 02 July 2014 Geographic scope: New Zealand	FSC Indicator 2.2. The country or district is not designated a source of conflict timber (e.g. USAID Type 1 conflict timber). Sources of information 2.2 "Forest Governance, Policy, Conflict Timber and Illegal Logging" website; (http://rmportal.net/library/V/C/conflict) Evidence New Zealand is not cited as a source of conflict timber on the USAID 2013 (United States Agency for International Development Portal (website)). Risk Low risk.	Country	Low risk
Conclusion on indicator 2.1:		Country	Low risk

No information was found to indicate that New Zealand is a source of conflict timber or that the forest sector is associated with any violent armed conflict.				
<p>The following low risk thresholds apply:</p> <p>(1) The area under assessment is not a source of conflict timber²; AND</p> <p>(2) The country is not covered by a UN security ban on exporting timber; AND</p> <p>(3) The country is not covered by any other international ban on timber export; AND</p> <p>(4) Operators in the area under assessment are not involved in conflict timber supply/trade; AND</p> <p>(5) Other available evidence does not challenge 'low risk' designation.</p>				
<p>Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.</p> <p>Guidance</p> <ul style="list-style-type: none"> • Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1) • Are rights like freedom of association and collective bargaining upheld? • Is there evidence confirming absence of compulsory and/or forced labour? • Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender? • Is there evidence confirming absence of child labour? • Is the country signatory to the relevant ILO Conventions? • Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above? • Are any violations of labour rights limited to specific sectors? 				
<p>general sources from FSC-PRO-60-002a V1-0 EN</p>		<p>information found and specific sources</p>	<p>scale of risk assessment</p>	<p>risk indication</p>
<p>Status of ratification of fundamental ILO conventions: http://www.ilo.org/dyn/normlex/en/f?p=1000:11001:0::NO:: C29 Forced Labour Convention, 1930 C87 Freedom of Association and Protection of the Right to Organise Convention, 1948 C98 Right to Organise and Collective Bargaining Convention, 1949 C100 Equal Remuneration Convention, 1951 C105 Abolition of Forced Labour Convention, 1957 C111 Discrimination (Employment and Occupation) Convention, 1958 C138 Minimum Age Convention, 1973 C182 Worst Forms of Child Labour Convention, 1999</p>		<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102775 New Zealand has ratified six of the eight ILO Core Conventions. All ratified conventions have the status: 'In force'. New Zealand did not ratify: C87 Freedom of Association and Protection of the Right to Organise Convention and C138 Minimum Age Convention.</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3058243:NO <i>Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)</i> <i>Forced Labour Convention, 1930 (No. 29) - New Zealand</i> "Articles 1(1), 2(1) and (2)(c) of the Convention. 1. Privatization of prisons and prison labour. The Committee previously noted the introduction of the Corrections (Contract Management of Prisons) Amendment Bill which would allow private companies to manage prisons, including prisons currently under operation as well as new prisons. The Government stated that the Bill</p>	<p>Country</p>	<p>Specified risk for the Freedom of Association and Protection of the Right to Organise and for the right on Minimum Age</p>

² "Conflict timber" limited to include "timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal". Please refer to FSC-PRO-60-002a V1-0.

	<p>contained provisions to prevent prison labour in contract-managed prisons from being used to benefit private sector commercial operations. The Committee requested the Government to take measures to ensure that the new system of privately managed prisons would only allow work by prisoners with the prisoner's voluntary consent, given free from the menace of any penalty, and under conditions of employment approximating those of free workers. The Committee notes the Government's indication that the Corrections (Contract Management of Prisons) Amendment Act was adopted in November 2009, which allows competitive tendering of prison management on a case by case basis. The Government refers to section 199(2) of the Corrections Act (as amended), which states that it is a legal requirement under the Act that companies comply with all relevant New Zealand legislation, including the Corrections Act 2004 and the New Zealand Bill of Rights Act 1990, as well as with relevant international obligations and standards, including the Convention. The Government further indicates that, as with state-run prisons, privately managed prisons are subject to scrutiny by the inspectors of corrections and the Office of the Ombudsmen. The Committee also notes that the Corrections (Contract Management of Prisons) Amendment Act establishes the role of Prison Monitor (pursuant to section 199E) assigned to each privately managed prison. Prison Monitors have access to all prisoners and all parts of the prison at all times. Section 199G(1)(e) states that Prison Monitors must specifically report on work undertaken by prisoners at the direction of the prison manager. The Committee further notes the Government's statement that privately managed prisons are subject to extensive reporting requirements. Section 199D of the Corrections Act (as amended) states that the manager of a private prison must report at regular intervals on, inter alia, the employment provided for prisoners by or at the prison. In addition, the Committee notes the Government's statement that privately managed prisons are required to have prisoner employment programmes, approved by the Chief Executive of the Department of Corrections.</p> <p>The Committee takes due note of the Government's indication that New Zealand's only contract managed prison is required to ensure that any prisoner employed in prison work has provided written consent to that employment, and that such consent has not subsequently been withdrawn. The Committee also notes the NZCTU's statement that additional corrections facilities are currently being built which will also be managed privately. In this connection, the Committee notes the Government's indication that it plans to design and manage a new prison under a Public-Private Partnership, to be operational in 2015. The Committee notes that this prospective contract will require compliance with the Convention so that any prisoner employed in prison work will have provided written consent for that employment.</p> <p>The Committee therefore observes that the practice of requiring the written consent of prisoners engaged in work in the one privately-run prison in the country is in conformity with the Convention, and that the one privately-run prison under development will likewise require this. <i>Noting that the issue of</i></p>	Country	Low risk on forced labour in prisons
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	<p>languages outlining possible signs of human trafficking. <i>The Committee requests the Government to pursue its efforts to prevent and combat trafficking in persons, and to provide information on measures taken in this regard within the framework of the Plan of Action to Prevent People Trafficking. The Committee also requests the Government to provide information, in its next report, concerning the application in practice of the anti-trafficking provisions of the Crimes Act, including the number of prosecutions, convictions, and specific penalties applied, as well as copies of relevant court cases.</i></p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3190167:NO</p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Right to Organise and Collective Bargaining Convention, 1949 (No. 98) - New Zealand</i></p> <p>“Scope of the Convention. The Committee notes the Government’s indication that the Employment Relations Act 2000 was amended in 2010 so that workers engaged in film production work are considered to be independent contractors rather than employees, unless they have a written employment agreement that provides they are employees. The Committee further notes the observations of the New Zealand Council of Trade Unions (NZCTU) in this regard that this amendment effectively removed all film and television workers from a direct employment relationship. The NZCTU indicates that as a result there are questions concerning their right to bargain collectively, as several employers have argued that the negotiation of standard terms is prohibited by the Commerce Act, 1986 on price-fixing grounds. Recalling that the rights enshrined in the Convention are fully guaranteed to all workers with the sole exception of workers in the public sector who are engaged in the administration of the State, the Committee requests the Government to indicate whether film and television workers employed as independent contractors enjoy the protection of the rights in the Convention and the manner in which they are able to engage in collective bargaining.</p> <p>Article 4. Compulsory arbitration. The Committee notes the Government’s indication that Parliament is currently considering further amendments to the Employment Relations Act, including changes to some collective bargaining provisions. The Committee notes that section 12 of the Employment Relations Amendment Bill provides that a party to bargaining for a collective agreement may apply to the Employment Relations Authority for a determination as to whether bargaining has concluded. The Authority must direct that mediation or facilitation be used before it investigates the matter, unless it considers that it would be unlikely to result in the parties resolving those difficulties. If the Authority determines that bargaining has concluded, a 60-day grace period applies before bargaining can be re-initiated, unless the parties agree otherwise. The Committee trusts that the amendments will be submitted to a tripartite dialogue and requests the Government to indicate the aim of section 12 of the Bill and to provide a copy of the legislation once enacted.”</p>		
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	<p>Occupational segregation. The Committee notes that the NZCTU draws attention to the need to promote equal pay for work of equal value in those sectors of the economy, such as the aged care sector, within which large numbers of women workers perform intensive and skilled work with poor wages. The Committee notes that the New Zealand Human Rights Commission’s Caring Counts report of May 2012 points to the persistence and extent of the undervaluation and underpayment of thousands of women working in the aged residential care sector due to the fact that care work is seen as women’s work and has traditionally been unpaid. The Government indicates in this regard that the Ministry of Women’s Affairs’ programme for 2013 focused on the economic independence of low-skilled, low-income women, and on increasing the number of women in non-traditional employment to address the female concentration in lower paid occupations and in particular Maori and Pacific Island women, who are more likely to be employed in lower skill and lower paid positions. The Committee notes the observations from Business NZ that personal career choice is a factor which contributes to the gender pay gap. <i>The Committee asks the Government to indicate the measures taken, including by the Ministry of Women’s Affairs, to address the undervaluation of work performed by women in the care sector, including the follow-up action taken in the context of the Caring Counts report, as well as in other sectors which predominantly employ women, including special education support and social work. The Committee further asks the Government to provide information on the results achieved by the measures taken to address the concentration of women in lower paid occupations, in particular Maori and Pacific Island women, and to improve their access to a wider range of job opportunities at all levels. (..)</i></p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188151:NO</p> <p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Equal Remuneration Convention, 1951 (No. 100) - New Zealand</i></p> <p>“Articles 1 and 2 of the Convention. Gender pay gap. The Committee notes from the website of the Ministry of Women’s Affairs (MWA) that when comparing median hourly earnings of full-time workers the gender pay gap is at 9.9 per cent in 2014 (New Zealand Income Survey (NZIS)). The Committee notes that as of March 2013, 33.6 per cent of women were employed part time. When comparing all workers, the Government’s report indicates that gender pay gaps in 2012 were highest among Community and Personal Service workers (41.4 per cent) and Technicians and Trade workers (37.1 per cent), while gender pay gaps among Managers and Professionals (28.4 per cent) and Clerical and Administration workers (27.9 per cent) were lower. The Committee also notes from the MWA’s report Changes in Women’s Earnings (2013) that, while occupational segregation has decreased in most highly skilled and higher paid occupations, it has increased in trades and unskilled occupations; Maori and Pacific Island women in particular are concentrated in specific fields of</p>	Country	Low risk on gender wage discrimination
		Country	Specified risk on gender wage discrimination

	<p>study leading to industry sectors with lower pay. Information provided by the Government continues to indicate that significant differences exist when comparing the average weekly earnings of Maori and Pacific Island women as a percentage of those of European men. According to the Government, factors underlying the gender pay gap are complex and include occupational segregation, patterns of employment, as well as unexplained factors including discrimination and unconscious bias. The Committee notes the various measures taken by the National Advisory Council on the Employment of Women (NACEW), the MWA, and Parliament to promote the application of the Convention. <i>The Committee asks the Government to continue to provide statistics on the gender pay gap in the various sectors and occupations, disaggregated by ethnicity and sex, and information on measures adopted to address the widening gender pay gap within trade and unskilled occupations. The Committee also asks the Government to continue to provide information on measures adopted or envisaged to address gender pay gaps between, and within, ethnic groups, as well as other measures adopted to address the underlying causes of the gender pay gap.(..)</i></p> <p>Collective agreements. The Committee notes that the NZCTU expresses concern that the Employment Relations Amendment Bill, currently awaiting a third reading in Parliament, might weaken collective bargaining and that this might impact the gender pay gap. <i>Noting the Government’s statement that the Employment Relations Amendment Bill could be subject to further changes, the Committee encourages the Government to take the opportunity to evaluate any impact the Bill may have on addressing the gender pay gap, and in particular on the role of collective agreements in addressing wage inequality.</i></p> <p>Enforcement. <i>The Committee notes the Government’s indication that it has an appropriate legal framework to deal with pay equality issues</i> including informally through the Ministry of Business, Innovation and Employment’s mediation services, through the Employment Relations Authority, and through the Employment Court, as was the case with the recent decision in Service and Food Workers Union Nga Ringa Tota Inc. and Bartlett v. Terranova Homes and Care Limited [2013] (NZEmpC 51 ARC 63/12). <i>Noting the NZCTU’s statement that the case before the Employment Court was the first substantial case under the Equal Pay Act since 1986, the Committee asks the Government to continue monitoring the effectiveness of current procedures in addressing equal pay claims, and to provide information in this regard, including on any cases related to the principle of the Convention dealt with by labour inspectors, the Employment Relations Authority, the Employment Court and any other competent authorities.”</i></p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188164:NO <i>Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - New Zealand</i></p>	Country	Specified risk on wage discrimination of Maori and Pacific Island women
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	<p>“Article 2 of the Convention. Access to employment and vocational training – Maori and Pacific Island people. The Committee notes the Government’s continued commitment to improving the educational and skill levels and the employment situation of Maori and Pacific Island people. The Committee notes that new education strategies have been put in place for Maori (the “Ka Hikitia-Accelerating Success” 2013–17) and that the Pacific Economic Action Plan has been superseded by the Pasifika Education Plan 2013–17, the Pacific Employment Support Services (PESS) and the Pacific Senior Leadership Management Programme. Equity funding is also provided to a number of institutes, universities and “Wananga” (Maori tertiary education institutions), as well as to individual Maori and Pacific Island students with a view to improving equal access and achievement. The Office of Ethnic Affairs is taking measures to promote ethnic diversity in occupation and employment. With respect to the Tertiary Education Strategy 2010–15, the Committee notes the progress made between 2005 and 2012 in the completion rates of Maori and Pacific Island people five years after enrolling in tertiary education (for 2008–12 completion rates were 49 per cent for Maori and 51 per cent for Pacific Island people, compared with 42 per cent and 41 per cent, respectively, for 2001–05). While welcoming these measures, the Committee notes that the participation of Maori and Pacific Island people remains low, and even decreased in industry training (as of 2012, 14.6 per cent of the total trainees were Maori and 7 per cent were Pacific Island people), and in the Modern Apprenticeships scheme (now the New Zealand Apprenticeships scheme) (as of 2012, 13.8 per cent of total apprentices were Maori and 2.4 per cent were Pacific Island people). According to the NZCTU, Maori and Pacific Island people remain disadvantaged relative to the general population in terms of unemployment (the unemployment rate is 5 per cent for “Europeans”, 12.8 per cent for Maori and 16.3 per cent for Pacific Island workers), and wages (in 2013, “Pakeha” workers (of European descent) had average hourly earnings of 27.08 New Zealand Dollars (NZD), while the rate was NZD\$22.45 for Maori, and NZD\$20.59 for Pacific Island workers). The Committee requests the Government to indicate the results achieved so far by the various initiatives to improve the educational and skill levels and employment opportunities of men and women belonging to Maori and Pacific Island people, and particularly the measures taken to increase further the participation levels of Maori and Pacific Island people in industry training and the New Zealand Apprenticeships scheme. The Committee also requests the Government to make further efforts to address continuing inequalities, including wage disparities, faced by Maori and Pacific Island people, and to provide information on the progress made in this regard. Please continue to provide statistics disaggregated by sex on the participation and completion rates of Maori and Pacific Island people in vocational training and education and their participation in employment in the public and private sectors.” (..)</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188161:NO</p>	Country	Specified risk on wage discrimination of Maori and Pacific Island
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	<p><i>Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - New Zealand</i></p> <p>(..) “Articles 2 and 3. Promoting equality with respect to race, colour and national extraction. The Committee notes the range of measures introduced by the Government to provide support for migrant workers in employment and occupation, including an information toolkit published by the Ministry of Business, Innovation and Employment to help employers support and retain their migrant employees. Two sector-specific guides have also been developed for dairy farm employers and migrant dairy workers in response to concerns regarding the welfare of the latter. The Government also indicates that the Office of Ethnic Affairs conducts an intercultural awareness and communication training programme designed to teach participants effective intercultural communication in the workplace, and published a booklet containing strategies to help New Zealand organizations integrate intercultural awareness and communication into their businesses. With regard to cases of discrimination, the Government states that the Ministry of Business, Innovation and Employment is committed to investigating claims that migrant workers are being exploited and underpaid by small-business owners, and indicates that in December 2012 five people were arrested and charged in relation to exploiting migrant workers. <i>The Committee requests the Government to provide information on the results and impact of measures taken to address employer prejudices against migrants and ethnic minorities, including through guides and awareness-raising programmes. The Committee also requests the Government to continue to provide information on any complaints brought by migrant workers to, and handled by, the competent authorities relating to discrimination based on race, colour or national extraction. The Committee further requests the Government to provide information on any progress made on the issue raised by Business NZ in its previous comments that problems faced by many migrants arise from lack of recognition of overseas qualifications.</i>” (..)</p> <p>“Collective agreements and workplace initiatives. <i>The Committee reiterates its request to the Government to provide information on the progress made in including EEO provisions concerning Maori and other ethnic minorities in workplace policies in the private sector and collective agreements, and the results achieved by the application of EEO policies and collective agreements for improving equality of opportunity and treatment in employment in the private sector.</i></p> <p>Enforcement. Regarding the impact of section 67A of the Employment Relations Act providing for the possibility of having a 90-day probation period for new employees in undertakings with fewer than 20 employees, the Committee notes that the NZCTU, referring to a review undertaken by the Ministry of Business, Innovation and Employment of the use of trial periods, indicates that recent migrants had the highest likelihood of starting on a trial period (51 per cent), followed by those who had been in the country for five to ten years (41 per cent) and those born in New Zealand (34 per cent); the</p>	Country	Low risk on discrimination
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	<p>NZCTU asks the Government to undertake more detailed research in this regard. The Committee notes from the Government’s report that, during the period from 1 June 2010 to 31 May 2013, there were 28 determinations or judgments of the Employment Relations Authority and the courts relating to discrimination. Of these cases, four dealt with race and two with ethnic or national origin, two dealt with discrimination based on sex and one dealt with religious and ethical belief; one dealt with age. The Committee notes the statement of Business NZ that the number of discrimination cases dealt with each year is relatively small compared with the number of overall complaints heard by the Employment Relations Authority. The Committee requests the Government to continue to provide information on cases concerning discrimination dealt with by the courts, and particularly cases which were filed by employees on a 90-day probation period. Please also provide information on any further research undertaken regarding the use of probation periods and their impact on migrant workers leading to discrimination on the grounds of race, colour or national extraction.”</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3253350:NO</p> <p>Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Worst Forms of Child Labour Convention, 1999 (No. 182) - New Zealand “Article 3(d) of the Convention. Hazardous work. Minimum age for admission to hazardous work. The Committee previously noted that, by virtue of section 54(d) of the Health and Safety in Employment Regulations of 1995 (HSE Regulations), hazardous work was prohibited for children under 15 years of age, but was not prohibited for all children under 18 years of age, as required under Article 3(d) of the Convention. It also noted the reference made by the NZCTU to the number of work-related accidents and injuries, some of which were fatal, caused to young persons under 18 years. The Committee further noted the Government’s statement that while it shared the concerns raised by the NZCTU with regard to workplace injuries of children and young persons, which in some cases proved fatal, legislative protections existed to protect young persons. The Government stated that these legislative protections generally ensured that young people were not exposed to hazardous work and that employers had an obligation to ensure a healthy and safe working environment, as well as duties related to training and supervision. However, the Committee noted that according to a report of the Department of Labour (DoL) entitled “School children in paid employment – A summary of research findings” of September 2010 (DoL report of 2010), a third of the secondary-school students surveyed indicated that their employers had not provided them with any information about workplace hazards. The DoL report of 2010 also indicated that children aged 15–16 were more likely to have had an injury than children aged 13–14 and that 20 per cent of working children of 16 years of age had an employment injury. In this regard, the Committee noted from the DoL report of 2010 that the legislative protections in place, which rely</p>	Country	Low risk on discrimination
	<p>Observation (CEACR) - adopted 2015, published 105th ILC session (2016) Worst Forms of Child Labour Convention, 1999 (No. 182) - New Zealand “Article 3(d) of the Convention. Hazardous work. Minimum age for admission to hazardous work. The Committee previously noted that, by virtue of section 54(d) of the Health and Safety in Employment Regulations of 1995 (HSE Regulations), hazardous work was prohibited for children under 15 years of age, but was not prohibited for all children under 18 years of age, as required under Article 3(d) of the Convention. It also noted the reference made by the NZCTU to the number of work-related accidents and injuries, some of which were fatal, caused to young persons under 18 years. The Committee further noted the Government’s statement that while it shared the concerns raised by the NZCTU with regard to workplace injuries of children and young persons, which in some cases proved fatal, legislative protections existed to protect young persons. The Government stated that these legislative protections generally ensured that young people were not exposed to hazardous work and that employers had an obligation to ensure a healthy and safe working environment, as well as duties related to training and supervision. However, the Committee noted that according to a report of the Department of Labour (DoL) entitled “School children in paid employment – A summary of research findings” of September 2010 (DoL report of 2010), a third of the secondary-school students surveyed indicated that their employers had not provided them with any information about workplace hazards. The DoL report of 2010 also indicated that children aged 15–16 were more likely to have had an injury than children aged 13–14 and that 20 per cent of working children of 16 years of age had an employment injury. In this regard, the Committee noted from the DoL report of 2010 that the legislative protections in place, which rely</p>	Country	Specified risk on child labour (hazardous work)

	<p>on the employer to protect children under the age of 18 from workplace hazards, did not, in practice fully and effectively protect children from hazardous work. The Committee further noted that the Committee on the Rights of the Child, in its concluding observations of 11 April 2011, expressed concern that children between the ages of 15 and 18 were allowed to work in dangerous workplaces (CRC/C/NZL/CO/3-4, paragraph 41). The Committee expressed its concern that children between 15 and 18 years of age were allowed, in law and in practice, to perform the types of work which are clearly hazardous.</p> <p>The Committee notes the statement made by Business New Zealand that the Committee's conclusion that young persons in New Zealand are engaged in work that is clearly hazardous which is based solely on statistical evidence of accidents and injuries cannot be supported. Business New Zealand states that accidents and injuries happening in certain areas is probably not the reflection of the work but the fact that those are the areas in which most young people work.</p> <p>The Committee notes the reference made by the NZCTU to the findings of the Youth 2000 National Youth Health and Wellbeing Survey (Youth'12 survey), conducted every 5–6 years and funded by the Health Research Council of New Zealand in order to provide up-to-date information to policy-makers, educators, health providers and communities working to improve the opportunities for healthy development for all young people in New Zealand. The NZCTU states that it is alarming that only 50.7 per cent of the school children in the Youth'12 survey indicated that their employer provided information regarding safety at work, while 10 per cent of school children stated that they have been injured at work. The Youth'12 survey also indicates that a total of 450 work-related injuries were reported in 2012 concerning children and young persons under 18 years, including 240 injuries to young persons aged 16–17 years; 155 injuries to young persons aged 14–15 years; and 55 injuries to children below 13 years of age. Moreover, the data of workplace fatalities from 2013–15 of WorkSafe New Zealand, which was established in December 2013 to be New Zealand's new workplace health and safety regulator with the aim of achieving a 25 per cent reduction in the incidence of workplace death and injury by 2020, indicates that of the 119 fatalities, 14 were children under the age of 18 with the majority occurring in the agricultural sector.</p> <p>The Committee notes the Government's statement that although according to the existing law, the specific legal restrictions on certain types of work are only applicable to children under the age of 15, children between the ages of 16 and 18 are protected by the general requirements of workplace health and safety legislation, which provides protection to all workers, regardless of age. The Committee also notes from the Government's report that a new Health and Safety at Work Act is being enacted and new regulations on health and safety at work are being finalized. It notes, however, that no changes from the existing regulations with regard to the health and safety of children and young persons have been proposed.</p>	Country	Specified risk on child labour (hazardous work)
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	<p>The Committee notes with deep concern that children under 18 years of age continue to be engaged in work which is clearly harmful to their health and safety, as reflected by the injuries and fatalities suffered by children and young persons while engaged in such work. It notes with regret that the Government has not taken any specific measures, either in law or in practice, to prohibit the employment of children and young persons under the age of 18 years in hazardous work as required by the Convention. Moreover, the Committee notes that the Government has not taken any measures, in law or in practice, to provide for specific workplace health and safety measures for young persons between 16 and 18 years of age as recommended under Paragraph 4 of the Worst Forms of Child Labour Recommendation, 1999 (No. 190) The Committee therefore once again draws the Government's attention to Article 3(d), read in conjunction with Article 2 of the Convention, which states that work which, by its nature and the circumstances in which it is carried out, is likely to harm the health, safety or morals of children under 18, constitutes one of the worst forms of child labour and that, by virtue of Article 1 of the Convention, member States are required to take immediate and effective measures to ensure the prohibition and elimination of the worst forms of child labour as a matter of urgency. The Committee also recalls that Paragraph 4 of Recommendation No. 190 addresses the possibility of authorizing the employment or work of young persons as from the age of 16 under strict conditions that their health and safety be protected and that they receive adequate specific instruction or vocational training in the relevant branch of activity. In this regard, the Committee must emphasize that measures should be taken to raise the minimum age for admission to hazardous work to 16 years, even if the required protective conditions are adequately provided (2012 General Survey on the fundamental Conventions (paragraph 380)). <i>The Committee, therefore, once again urges the Government to take immediate and effective measures to comply with Articles 1 and 2 of the Convention, read with Article 3(d), to prohibit children under 18 years of age from engaging in hazardous and dangerous work. However, where such work is performed by young persons between 16 and 18 years of age, the Committee urges the Government to take the necessary measures to ensure that such work is only carried out in accordance with the strict conditions set out in Paragraph 4 of Recommendation No. 190, namely that the health and safety of such young persons be protected and that they receive adequate specific instruction or vocational training in that activity. The Committee requests the Government to provide information on the progress made in this regard.</i></p> <p>Article 4(1) and (3). Periodic revision of the types of hazardous activities prohibited to persons under 18 years of age. The Committee previously noted the Government's indication that children under 18 years cannot work in any restricted areas of licensed premises, such as bars, licensed restaurants or clubs. However, it also noted that, pursuant to sections 54–58 of the HSE Regulations 1995, only employees under 15 years of age are prohibited from working in a number of high-hazard workplaces, such as in construction,</p>	Country	Specified risk on child labour (hazardous work)
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	<p>logging and tree-felling operations, in work where goods are being manufactured and prepared for sale, in work with any machinery, lifting heavy loads or performing other tasks likely to be injurious to the employee's health, night work and driving or riding any tractor or heavy vehicles. The Committee also noted the information from the Government's report that research indicated that children represent a significant proportion of farm injuries, with nearly one fifth of all injuries on farms occurring involving children aged 15 and younger. The Government indicated that the majority of child fatalities on farms, most typically with regard to children aged 10–14 years riding in vehicles to shift stock, and that this was being addressed through a safety campaign. The Committee further noted that the DoL report of 2010 identified the construction, agriculture and hospitality industries as posing the most risk to young workers, as well as some other types of work which are dangerous to young persons: by volume, working in shops (including petrol stations and supermarkets) and working in restaurants, takeaway outlets and other eateries. These types of activities were the largest contributors to workplace injuries and accounted for 60 per cent of injuries to schoolchildren in regular part-time work. The Committee, therefore, requested the Government to take the necessary measures to periodically examine and revise the existing list of types of hazardous work, in consultation with the organizations of employers and workers concerned.</p> <p>The Committee notes the reference by the NZCTU to a report by the Child and Youth Mortality Review Committee of 2014 which focused on deaths caused to children and young persons under 18 from quad bikes and motorized agricultural vehicles and suggested that a multifaceted approach, including legislative interventions, could be helpful in reducing quad bike deaths. The NZCTU states that hazardous work on farms, including riding and using quad bikes and agricultural machinery, must be restricted in the interests of the safety and welfare of children.</p> <p>The Committee notes the Government's indication that it has been proposed by the Ministry of Business, Innovation and Employment that the new regulations on health and safety will carry over the existing Health and Safety Regulations of 1995, with an additional provision prohibiting work involving the use of hazardous substances in respect of young persons under 15 years. The Committee reminds the Government that, pursuant to Article 4(1) and (3) of the Convention, the types of work which, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of children under 18, shall be determined by national laws or regulations, and that this list shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned. <i>The Committee, therefore, requests the Government to take the necessary measures, during the finalization of the new regulations on health and safety, to review the list of types of hazardous work to be prohibited to children under 18 years, as provided for in Article 4(3) of the Convention, including measures to regulate the types of hazardous work identified by the Child and Youth Mortality Review</i></p>	Country	Low risk on child labour in forestry (children aged 10-14)
		Country	Specified risk on child labour (children between 16-18)

	<i>Committee and in the DoL report of 2010, such as certain types of work in the agriculture, construction and hospitality industries.”</i>		
International Labour Organization: Overview of the ILO in New Zealand http://www.ilo.org/asia/WCMS_399591/lang--en/index.htm	As well as being a founding member of the ILO, joining in 1919, New Zealand has a unique record on issues of labour and social justice. In 1893 New Zealand became the first country in the world to give women the vote. It was also the first to legislate for an eight-hour working day, so paving the way for the ILO’s Hours of Work (Industry) Convention in 1919. New Zealand has consistently maintained an active and visible presence in the ILO, and its representatives have attended the annual International Labour Conferences since 1935. The New Zealand Government served as a deputy member of the ILO Governing Body (GB) between 1990-96 and 1999-2005, and the Government and employers’ organization representatives were elected as regular members of the GB for the 2014-17 term.	Country	Low risk on labour and social justice
National Library New Zealand: The situation in New Zealand https://natlib.govt.nz/he-tohu/learning/social-inquiry-resources/gender-equality/understanding-the-context-the-gender-pay-gap	“So how are we doing? Here is a selection of statistics from 2016” Percentage of female MPs: 31%. This placed New Zealand 39th in the world for female representation in parliament. Females are more educated (on average) than males. Women make up two-thirds of adults on the minimum wage (\$15.25 per hour). In 2016, the 50 highest paid CEOs in New Zealand were all men. Māori, Pasifika, and migrant women are the lowest-paid workers in New Zealand, as well as being the most likely to be in casual, part-time, and non-secure work. 48% of women with disabilities earn less than \$30,000 per year, compared with 28% of male workers with disabilities.	Country	Specified risk with regard to wage gender discrimination
Worksafe New Zealand: https://worksafe.govt.nz/topic-and-industry/agriculture/keeping-safe-on-farms/children-and-young-people-on-farms/	NZ has not ratified C138 but has comprehensive protections for young workers. Children work on farms in New Zealand is in fact an accepted part of the concept of “the family farm”. This does not mean it is unregulated for safety.	Country	Low risk on child labor
Government New Zealand: https://www.employment.govt.nz/starting-employment/rights-and-responsibilities/young-employees/	For protections as envisaged by C138 Employment must not prevent or interfere with attending school. Young people aged less than 16 years cannot work during school hours or after 10pm or before 6am on school nights. Young people can, however, work any hours at the weekends or during school holidays and, during week days, can work before or after school. Employees under 14 An under 14-year-old cannot work as a babysitter, au pair or nanny without adult supervision because it’s an offence to leave any child under 14 unsupervised. Employees under 15 years An employee or contractor who is under 15 years cannot work:	Country	Low risk on child labor

	<p>on a logging site eg a forest where trees are being cut down or processed on a construction site in any area where goods or hazardous substances are being manufactured in any area where the work requires lifting heavy weight in any area where the work being done is likely to harm the employee with any machinery or assist work with any machinery. These restrictions also apply to people under 15 years visiting the workplace. They don't apply if the employee works at all times in an office in that area, or in any part of that area used only for selling goods or services. They don't apply to visitors who are under direct adult supervision, on a guided tour or are in areas open to the public.</p> <p>Employees under 18 years An employer cannot employ anybody aged less than 18 years to work in:</p> <p>any restricted area of a licensed premises while that area is open for the sale of liquor, unless they are employed preparing or serving any meal, cleaning, repairing, maintaining, altering or restocking the area of any equipment, removing or replacing any equipment, stocktaking, or checking or removing cash direct access to gaming machines in gaming venues such as bars, taverns and clubs where a gaming machine society has obtained a licence to operate gaming machines, sex work.</p> <p>Employees under 20 Under 20-year-olds can't work in parts of casinos where gambling takes place, or undertake any gambling-related duties.</p>		
<p>International Treaty Examination of the International Labour Organisation Convention 98: Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively https://www.parliament.nz/resource/mi-NZ/47DBSCH_SCR2393_1/f89ef426bf34d8341a4f487884ab86e7aac9d479</p>	<p>The Employment Relations Act 2000 has an explicit objective to “ promote observance in New Zealand of the principles underlying ILO Convention 87 on Freedom of Association, and Convention 98 on the Right to Organise and Bargain Collectively”.</p> <p>For C87 Under Part 3 of the Employments Relations Act trade unions in New Zealand have the right to association: (a) employees have the freedom to choose whether or not to form a union or be members of a union for the purpose of advancing their collective employment interests; and (b) no person may, in relation to employment issues, confer any preference or apply any undue influence, directly or indirectly, on another person because the other person is or is not a member of a union.</p>	Country	Low risk on freedom of association and on the right to organise and bargain collectively
<p>New Zealand Legislation: http://www.legislation.govt.nz</p>	<p>http://www.legislation.govt.nz/act/public/1990/0109/late/st/DLM224792.html <i>Bill of Rights Act 1990</i> Freedom of Association is ensured under the New Zealand Bill of Rights Act 1990 where clause 17 states “Everyone has the right to freedom of association”.</p>	Country	Low risk on freedom of association and on the right to organise

	<p>http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html?search=ad_act_Human+Rights+Act+1993_25_ac%40bn%40rn%40dn%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem%40rpub%40rimp_ac%40ainf%40anif%40bcur%40rinf%40rnif_a_aw_se&p=1 <i>Human Rights Act 1993</i> All legislation that comes before Parliament must include commentary on its consistency with the Bill of Rights Act 1990 and the Human Rights Act 1993.</p> <p>http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM175959.html?search=gs_act%40bill%40regulation%40deemedreg_education+act_rese1_25_h&p=1&sr=1 <i>The Education Act 1989</i> The ILO defines “child labour” as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:</p> <ul style="list-style-type: none"> • is mentally, physically, socially or morally dangerous and harmful to children; and • interferes with their schooling by: <ul style="list-style-type: none"> ○ depriving them of the opportunity to attend school; ○ obliging them to leave school prematurely; or ○ requiring them to attempt to combine school attendance with excessively long and heavy work. <p>New Zealand legislation is consistent with the principles of ILO Convention 138 and ensures that young people are protected from working in dangerous situations and that employment does not interfere with their education. The Education Act 1989 stipulates that children under the age of 16 years cannot work during school hours or between the hours of 2200 and 0600. Children aged between 6 and 16 years must attend school.</p> <p>http://www.legislation.govt.nz/act/public/2015/0070/latest/DLM5976660.html?search=qs_act%40bill%40regulation%40deemedreg_Health+and+Safety+in+Employment+Act+rese1_25_h&p=1&sr=1 <i>The Health and Safety in Employment Act 2015</i> The Health and Safety at Work Act 2015 also prohibits those under 18 years from carrying out certain types of work. Specifically, an employer cannot employ anyone under 18 years to work in:</p> <ul style="list-style-type: none"> • any restricted area of a licensed premises while that area is open for the sale of liquor, unless they are employed preparing or serving any meal, cleaning, repairing, maintaining, altering or restocking the area of any equipment, removing or replacing any equipment, stocktaking, or checking or removing cash • direct access to gaming machines in gaming venues such as bars, taverns and clubs where a gaming machine society has obtained a license to operate gaming machines 	Country	and bargain collectively Low risk on child labour
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	<ul style="list-style-type: none"> sex work. <p>This Act also includes specific minimum age requirements for the forestry sector. An employee or contractor who is under 15 years of age cannot work on a logging site, e.g. a forest where trees are being cut down or processed. These restrictions also apply to people under 15 years visiting the workplace.</p> <p>http://legislation.govt.nz/act/public/2015/0070/37.0/DLM5976660.html <i>Health and Safety at Work Act 2015 (new)</i> The new Health and Safety at Work Act 2015 came into force in April 2016. This Act states that persons conducting a business or undertaking (PCBUs) have duties to ensure, so far as is reasonably practicable, that the workplace is without risks to the health and safety of any person. They also outline additional duties on PCBUs related to managing risks, monitoring in the workplace, and specific duties related to young persons in the workplace and obtaining a police vet for workers at limited child-care centres. Part 4 of the Act specifies that PCBUs have a duty to ensure that no worker under the age of 15 years carries out certain tasks which includes logging or tree felling or is present in any area of the workplace at any time when a logging or tree-felling operation is being carried out.</p> <p>http://www.legislation.govt.nz/act/public/2017/0024/latest/DLM7269114.html <i>Care and Support Workers (Pay Equity) Settlement Act 2017</i> New Zealand has also made significant advances in equal pay for work of equal value. On 18 April 2017 the New Zealand Government agreed to a \$2 billion pay equity settlement over five years that will increase the salaries of 55000 workers in the care industry by between 15 and 50 per cent. This settlement recognised that the care sector workforce is dominated by women and was based around the concept of work of equal value.</p>	Country	Low risk on child labour
<p>ILO Declaration on Fundamental Principles and Rights at Work. Country reports. http://www.ilo.org/declaration/lang--en/index.htm</p>	<p>http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_175007.pdf <i>Comparative study on social dialogue and gender equality in New Zealand, Australia and Fiji</i> ILO Working Paper No. 22. December 2011 “Equality The annual Global Gender Gap (GGG) report shows NZ at fifth place out of 130 countries, with equality measured over a variety of indices. According to this research, NZ has ‘closed the gap’ in 78.6 per cent of equality measurements between men and women (just behind the Nordic countries which have reached more than 80 per cent). Specifically, it has eliminated the gap that existed in the field of educational attainment, and has closed over 97 per cent of the gender gap in health measures. Strong performance is also reported concerning measures of labour force participation; wage equality for similar work; income</p>	Country	Low risk on gender wage discrimination

	<p>levels and numbers of managers, professional and technical workers and law and policy makers.²²</p> <p>“7.1 Gender equality problems in enterprises</p> <p>In NZ, ...</p> <p>Although some progress has been made recently, particularly through better education, access to professional service work, and a closing of the gender pay gap, gender segmentation remains acute in many industries and occupations.”</p> <p>(..)</p> <p>“There has been some narrowing of the gender pay gap, due in part to real wage growth or employment changes.¹⁹² Nonetheless, the pay gap persists at around 12 per cent, explained in part by the fact that women take more time out of the workforce (as primary caregivers), tend to be concentrated in lower paid jobs, and are less likely to be in senior management roles.¹⁹³ It also reflects women’s overall lower starting salaries, which reflects different patterns of negotiation and prior education and qualifications. There have been significant advances in women’s educational attainment in NZ and Australia, with more women than men now likely to participate in and graduate from tertiary education (e.g. 62 per cent of bachelors’ graduates in 2006 were women)¹⁹⁴ but this ‘obscures the strong gendered patterns in educational choices which influence future earning potential’.¹⁹⁵ Further, a recent NZ University Graduate Report found that 48.8 per cent of female bachelor’s degree graduates who had started working were earning NZ \$35,000 or less six months after graduating compared to only 33.3 per cent of males (cf. Scott’s (2009) finding of a lower gender differential at degree level).¹⁹⁶ An MWA report also shows that female graduates earned significantly less than their male counterparts five years after graduating in the same fields, whatever the area of study.¹⁹⁴”</p>	Country	Specified risk on gender wage discrimination
<p>Statistics OECD: Gender wage gap (in OECD countries)</p> <p>http://stats.oecd.org/index.aspx?queryid=54751</p> <p>http://www.oecd.org/gender/data/genderwagegap.htm</p>	<p>The gender wage gap in New Zealand in 2016 was 7.8% which was the 13th lowest of all 34 reported OECD countries. The OECD average was 14.9%. (Full-time employees. The gender wage gap is unadjusted and defined as the difference between male and female wages divided by the male median wages.)</p> <p>OECD sources show that the pay gap in New Zealand is lowest when compared to other OECD countries.</p>	Country	Low risk on gender wage discrimination
<p>Committee on the Elimination of Discrimination against Women:</p> <p>http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx</p> <p><i>(Use the link to ‘Key documents’ on the left hand side. Go to “observations’ and search for country.) or right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations)</i></p>	<p>http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqMFgv33OTgoZv7ZAgl6thAQ9lftfPs3g9t3r4w6hFnRBqTwEr%2biim0%2bsAlJpAatSmElaiBa2tDiXsJJKM5ckb%2fmDeJMOW4XS%2fWDcWV%2fXkK</p> <p><i>Committee on the Elimination of Discrimination against Women</i></p> <p><i>Concluding observations on the eighth periodic report of New Zealand * 2-20 July 2018</i></p> <p>Definition of equality and non-discrimination</p> <p>11.The Committee notes that under the New Zealand Bill of Rights Act 1990 (sect. 19 (1)) and the Human Rights Act 1993 (sect. 21 (1) (a)) sex-based</p>		

	<p>discrimination in the public and private spheres, including indirect discrimination, is prohibited. However, the Committee is concerned that the State party's legislation on discrimination against women is not fully in line with articles 1 and 2 of the Convention. The Committee is also concerned that:</p> <p>(a)Discrimination on the grounds of gender identity, gender expression or sex characteristics are not specifically prohibited;</p> <p>(b)Submission of a statement concerning gender implications is only required for policy papers submitted to the Cabinet Social Wellbeing Committee and disclosure statements are not mandatory for all government bills and substantive supplementary order papers;</p> <p>(c)Legislation adopted in the State party is generally gender-neutral, and gender-neutral language may fail to capture the specificity of gender-based discrimination, resulting in inadequate protection of women against direct and indirect discrimination and impeding the achievement of substantive equality between women and men.</p> <p>Participation in political and public life 29.The Committee notes the increase in the representation of women in Parliament and the appointment in 2017 of the third female Prime Minister of New Zealand. It also notes that, following the 2017 general election, women accounted for 38 per cent of members of Parliament, including Maori women parliamentarians and women parliamentarians belonging to ethnic minority groups. Nevertheless, the Committee is concerned about the low levels of representation of women in leadership roles at other levels and in other sectors: only 19 per cent of directors of companies listed on the New Zealand Stock Exchange Main Board are women and 56 per cent of businesses have no women in senior roles.</p> <p>30. The Committee recommends that the State party adopt and implement temporary special measures, including time-bound goals, quotas or preferential treatment, to accelerate the equal representation of women in decision-making positions in all areas and at all levels, both in the public and private sectors.</p> <p>Employment 33.The Committee welcomes the adoption by the State party of the gender pay principles. It further commends the State party on the \$2 billion pay equity settlement for the 55,000 care and support workers in the State party's aged and disability residential care, home and community support services and for reconvening the joint working group on pay equity principles. However, the Committee notes the following with concern:</p>	Country	Specified risk on gender discrimination
		Country	Specified risk on gender discrimination

	<p>(a)The persistent discrimination against Maori and Pasifika women and women with disabilities in the labour market;</p> <p>(b)The high unemployment rate among women under 25 years of age;</p> <p>(c)The persistent gender pay gap, which disproportionately affects women in low-income jobs, including Maori and Pasifika women and women belonging to other ethnic and cultural minority groups;</p> <p>(d)Occupational segregation with concomitant wage differentials and the concentration of women in unpaid work or in lower paying jobs in the informal economy;</p> <p>(e)Decreased funding for childcare facilities and services, which impedes women from participating equally in the workforce and also leads to loss of jobs for women.</p> <p>Maori women and women belonging to ethnic minority groups</p> <p>43.The Committee notes with concern that Maori women and women belonging to ethnic minority groups in the State party are exposed to intersecting forms of discrimination, particularly in gaining access to health-care services and protecting their right to land ownership. While noting measures taken by the State party to address the situation of Maori women, the Committee is concerned that Maori women continue to be disproportionately affected by incarceration and that 65 per cent of female inmates are Maori.</p> <p>44. The Committee recommends that the State party adopt all legislation, including temporary special measures and awareness-raising measures, necessary to combat intersecting forms of discrimination against women, particularly in gaining access to health-care services and protecting their right to land ownership. The Committee further recommends that the State party implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and provide alternatives to detention to reduce the high number of Maori women detainees.</p>	Country	Specified risk on gender discrimination
		Country	Specified risk on gender wage discrimination
<p>Library of Congress: New Zealand: Paid Parental Leave to Be Extended to 26 Weeks by 2020. http://www.loc.gov/law/foreign-news/article/new-zealand-paid-parental-leave-to-be-extended-to-26-weeks-by-2020/</p>	<p>According to the Library of Congress “(Dec. 5, 2017) On November 30, 2017, the New Zealand Parliament voted to pass legislation that will see the current paid parental leave entitlement of 18 weeks extended in two stages: to 22 weeks from July 1, 2018, and then to 26 weeks from July 1, 2020. (<i>Parental Leave and Employment Protection Amendment Bill</i>, PARLIAMENT OF NEW ZEALAND (last visited Nov. 30, 2017); <i>Parental Leave and Employment Protection Amendment Bill</i>, NEW ZEALAND LEGISLATION; Press Release, Iain Lees-Galloway, <i>Bill to Extend Paid Parental Leave to 26 Weeks Passes</i>, BEEHIVE.GOV.T.NZ (Nov. 30, 2017)). While this will accept men and</p>	Country	Low risk gender discrimination

	women, the primary beneficiaries of this change will be women, specifically new mothers.”		
Statistics Government of New Zealand: http://archive.stats.govt.nz http://stats.govt.nz	<p>https://www.stats.govt.nz/news/gender-pay-gap-is-second-smallest <i>Gender pay gap is second-smallest</i> Statistics New Zealand found from 2009 to 2012, and in 2017 and 2018 women workers' median wage was significantly higher than men.</p> <p>http://archive.stats.govt.nz/~media/Statistics/browse-categories/people-and-communities/asian%20peoples/working-together-racial-discrimination.pdf <i>The Statistics New Zealand report 2012, Working together: Racial discrimination in New Zealand</i></p> <ul style="list-style-type: none"> - Overall, about 143,000 (4.3%) New Zealanders reported that they had been discriminated against, either while at work, or when applying for (or keeping) a job. - Of this group, about 77,700 (2.3%) said the discrimination was because of their race or ethnicity. - Māori, Pacific, and Asian peoples were more likely to report experiencing racial discrimination in the workplace than New Zealand Europeans. - Migrants were more likely to experience racial discrimination in the workplace than people who were born in New Zealand. - This rate is similar to those who have experienced racial discrimination while on the street or in a public place, with 2.5 percent of respondents (an estimated 85,200 New Zealanders) reporting this. <p>This is a short report that uses data from the New Zealand General Social Survey (NZGSS) to look at whether New Zealanders feel racially discriminated against.</p> <p>http://archive.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Perceived%20discrimination/pers-discrim.aspx <i>NZ Social Indicators. Perceived personal discrimination 2015</i> Information from the New Zealand General Social Survey (NZGSS) provides information on the well-being of New Zealanders aged 15 years and over. In regard of perceived personal discrimination, the reported personal discrimination in the last 12 months by 2015, allows to depict that most common discrimination is related to advanced age or other reasons, ethnic origin accounts for 3% of the respondents.</p>	Country	Low risk on gender wage discrimination
		Country	Low risk on racial discrimination
		Country	Specified risk on discrimination of Maori and migrants
		Country	Low risk on racial discrimination
World Economic Forum: The Global Gender Gap Report 2017 https://www.weforum.org/reports/the-global-gender-gap-report-2017	<p><i>Global Gender Gap Index 2017.</i> The highest possible score is 1 (equality) and the lowest possible score is 0 (inequality) New Zealand ranks no. 9 out of 142 countries for the overall Gender Gap Index with a score of 0.791. New Zealand ranks no. 23 for the more specific sub-index on Economic participation and opportunity out of the 142 countries that were included.</p>	Country	Low risk on gender wage discrimination

	Within that index, the most specific and most relevant indicator is the Wage equality for similar work . Here New Zealand ranks no. 22 out of 142 countries with a score of 0.75 .		
NZ government's Ministry for Women: Gender pay gap. http://women.govt.nz/work-skills/income/gender-pay-gap	http://women.govt.nz/sites/public_files/Empirical%20evidence%20of%20GPG%20in%20NZ%20-%20Mar2017_0.pdf The NZ government's Ministry for Women released a report on the gender pay gap in New Zealand. This report contains a comprehensive analysis of the gender pay gap and found that 16.56% of the gender pay gap (which is 5.62%) can be explained by observable characteristics leaving 83% of the gap unexplained (i.e. it is very hard to develop policies to close a gap when you can't identify the factors that contribute to the gap in the first place). The New Zealand Government is working to address this gap through updating the Pay Equity Act and the Employment Relations Act to make it easier to file pay equity claims with their employers and is working with the State Services Commission to address gender pay gaps in the public service.	Country	Specified risk on gender wage discrimination
Stuff.co.nz: <i>Forestry and mining only NZ industries where women consistently paid more</i> . March 26 2018 https://www.stuff.co.nz/business/industries/102578707/forestry-and-mining-the-only-industries-where-women-consistently-paid-more	Recent commentary in 2018 indicates that the pay gap in forestry in fact favours women .	Country	Low risk on gender wage discrimination (women)
ILO Child Labour Country Dashboard: http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm	New Zealand does not feature in the Child Labour Country Dashboard.	Country	Low risk on child labour
Global March Against Child Labour: http://www.globalmarch.org/	No specific information found to indicate that there is child labour in New Zealand. In New Zealand actual protections and legislation in place. This includes health and safety in the "family farm" labour situation. Not only does family labour not happen in the forestry industry (there are no family owned forest plantation) but also legislation specifically excludes young people from forest harvesting	Country	Low risk on child labour
Office of the United Nations High Commissioner for Human Rights (OHCHR): Committee on Rights of the Child. http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx	http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolo=CRC%2fC%2fNZL%2fCO%2f5&Lang=en <i>Committee on the Rights of the Child</i> <i>Concluding observations on the fifth periodic report of New Zealand</i> <i>21 October 2016</i> III. Main areas of concern and recommendations "Children's rights and the business sector 13. The Committee recalls its previous recommendation (CRC/C/NZL/CO/3-4, para. 23) and, in the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, recommends that the State party:	Country	Specified risk on child labour

	<p>(a) Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights;</p> <p>(b) Ensure that the provision of child-related essential services by private enterprises is in compliance with the provisions of the Convention;</p> <p>(c) Ensure that the Trans Pacific Partnership trade and investment treaty is in compliance with the provisions of the Convention and that its ratification is preceded by consultations with civil society and children to ensure that the best interests of the child are given due consideration;</p> <p>(d) Adopt corporate social responsibility parameters, including child rights due diligence, for the operations at home and abroad of New Zealand corporations and other businesses subject to the jurisdiction of the State party in line with, inter alia, the Guiding Principles on Business and Human Rights.”</p> <p>I. Special protection measures “Economic exploitation, including child labour 43. The Committee notes the adoption of the Health and Safety at Work Act in 2015 but is seriously concerned about: (a) The continuing absence of a minimum age of admission to employment;</p> <p>(b) The absence of child-specific provisions in the Health and Safety at Work Act recognizing working children's vulnerability to workplace injury and to casual contracts carrying lesser protection for workers;</p> <p>(c) The exclusion of children aged 15 and above from the new protection proposed by regulation number 54 on handling hazardous substances;</p> <p>(d) The enduring lack of minimum wage guarantees for workers under 16 years of age, including under the new Starting Out Wage initiative;</p> <p>(e) The insufficient awareness of their rights by working children or children who want to work.”</p>		
Maplecroft: Child Labour Index 2014. http://maplecroft.com/portfolio/new-analysis/2013/10/15/child-labour-risks-increase-china-and-russia-most-progress-shown-south-america-maplecroft-index/	New Zealand scores 'low risk' on the Child Labour Index 2014.	Country	Low risk on child labour
The ITUC Global Rights Index: ranks 139 countries against 97 internationally recognised indicators to assess where workers' rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory	http://www.ituc-csi.org/ituc-global-rights-index-2015?lang=en The 2015 ITUC Global Rights Index New Zealand is ranked in Category 2: “Repeated violation of rights”. “•Countries with a rating of 2 have slightly weaker collective labour rights than those with the rating 1. Certain rights have come under repeated attacks by governments and/or companies and have undermined the struggle for better working conditions.”	Country	Specified risk on rights to freedom of association , collective bargaining and strike

<p>mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get.</p>	<p>http://www.ituc-csi.org/countries-at-risk-2013-report-on-Countries-at-risk:2013-Report-on-Violations-of-Trade-Union-Rights <i>Countries at risk: 2013 Report on Violations of Trade Union Rights</i> New Zealand is not mentioned in this report.</p>	<p>Country</p>	<p>Low risk on rights to freedom of association , collective bargaining and strike</p>
<p>U.S. Department of State: Trafficking in Persons Report https://www.state.gov/j/tip/rls/index.htm</p>	<p>https://www.state.gov/j/tip/rls/tiprpt/2017/Trafficking-in-Persons-Report-2017 <i>Trafficking in Persons Report 2017</i> New Zealand is in the top tier of countries in terms of efforts to eliminate human trafficking. The 2017 annual Trafficking in Persons report prepared by the United States Department of State on the effectiveness of government actions to address human trafficking gave New Zealand a Tier One ranking (which it has consistently achieved) which means that it is in full compliance with the minimum standards as contained in the Trafficking Victims Protection Act 2000 (TVPA).</p> <p>There is a seasonal labour issue in agriculture and Horticulture in NZ and this is well documented. There are clear and strict rules see https://www.employment.govt.nz/starting-employment/right-to-work-in-new-zealand/</p> <p>Since 2007 the Recognized seasonal employer scheme has been in place The Design of the RSE paid careful attention to previous experience with seasonal worker programs around the world, and the resulting policy contains many of the features that are believed to be best practice for ensuring success of seasonal worker schemes and to mitigate the risks of overstaying, displacement of New Zealand workers, and worker exploitation.</p> <p>http://www.state.gov/documents/organization/258876.pdf US Department of State <i>Trafficking in Persons Report. June 2016</i> In this report New Zealand is placed in tier 1 which is the category with the highest protection level. “TIER 1 Countries whose governments fully meet the Trafficking Victims Protection Act’s (TVPA) minimum standards.”</p> <p>“NEW ZEALAND: Tier 1 New Zealand is a destination country for foreign men and women subjected to forced labor and sex trafficking and a source country for children subjected to sex trafficking within the country. Foreign men and women from China, India, the Philippines, countries in the Pacific and Latin America, South Africa, and the</p>	<p>Country</p>	<p>Low risk on forced labour</p>

	United Kingdom are vulnerable to forced labor in New Zealand's agricultural, construction, and hospitality sectors, or as domestic workers. Some foreign workers are charged excessive recruitment fees, experience unjustified salary deductions, non- or underpayment of wages, excessively long working hours, restrictions on their movement, passport retention, and contract alteration. Some migrant workers are forced to work in job conditions different from those promised during recruitment but do not file complaints due to fear of losing their temporary visas."	Country	Low risk on forced labour (mentioned sectors do not include forestry)
Gibson, John. University of Waikato The Development Impact of New Zealand's RSE Seasonal Worker Policy. https://www.cgdev.org/doc/events/RSEImpactPaperv5.pdf	Since 2007 the Recognized seasonal employer scheme has been in place The Design of the RSE paid careful attention to previous experience with seasonal worker programs around the world, and the resulting policy contains many of the features that are believed to be best practice for ensuring success of seasonal worker schemes and to mitigate the risks of overstaying, displacement of New Zealand workers, and worker exploitation.	Country	Low risk on forced labour
Radio New Zealand (RNZ): http://www.radionz.co.nz	http://www.radionz.co.nz/news/te-manu-korihi/287010/stats-show-maori-still-facing-discrimination Stats show Maori still facing discrimination 14 October 2015 "The Ministry of Health has released its 2015 Maori Health Chartbook, Tatau Kahukura, which shows 12.4 percent of Māori reported unfair treatment in the areas of health care, housing or work between 2011 and 2012, compared to 4.2 percent of non-Māori."	Country	Specified risk on discrimination of Maori
NZ Herald: http://www.nzherald.co.nz	http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12025066 Exposed: Human trafficking happening right here in NZ 16 April 2018 There are examples of human trafficking in New Zealand, particularly in the restaurant and sex industries. The Government is working to determine the scale of the problem, but there is no evidence that human trafficking is linked to the forestry sector. https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12037527 More foreign workers needed to hit 1 billion trees target, forestry giants say 22 April 2018 In fact forestry, like agriculture shares one issue which is a shortage of seasonal labour.	Country Country	Low risk on forced labour Low risk on forced labour
Stuff NZ Newspaper: http://www.stuff.co.nz	http://www.stuff.co.nz/national/politics/81669433/New-report-says-NZ-destination-for-forced-labour-sex-trafficking New report says NZ 'destination' for forced labour, sex trafficking July 1 2016 "A US report outlining New Zealand's shortcomings in tackling human trafficking show we are "oblivious and ignorant" about forced labour taking place under our noses, an anti-trafficking organisation says.	Country	Specified risk on forced labour

	<p>Enforcement agencies like Immigration New Zealand must be beefed up so they can take more cases against traffickers and ensure prosecutions do not fall through, Stand Against Slavery says.</p> <p>The US State Department's Trafficking in Persons Report for 2016 placed New Zealand in its top tier for governments who fully meet minimum trafficking standards.</p> <p>However, the report said New Zealand was a "destination country for men and women subjected to forced labour and sex trafficking", while children here were involved in sex trafficking within the country.</p> <p>"Some foreign workers are charged excessive recruitment fees, experience unjustified salary deductions, non- or underpayment of wages, excessively long working hours, restrictions on their movement, passport retention, and contract alteration."</p> <p>While the Government met minimum standards for tackling trafficking, and had increased prosecutions for traffickers, "the punishments imposed were insufficient given the seriousness of the crimes".</p> <p>Compliance checks had been expanded to ensure work contracts matched those used to apply for work visas and met legal standards, the report said, but the Government "did not consistently identify trafficking victims in vulnerable sectors and continued to treat possible forced labor cases as labor violations".</p> <p>Last December, two brothers were found not guilty of the main charges in New Zealand's first human trafficking trial.</p> <p>The report recommending increasing efforts to identify trafficking victims, significantly increasing efforts to catch and punish traffickers, and continuing an anti-trafficking awareness campaign.</p> <p>MIGRANTS VICTIMS OF FORCED LABOUR</p> <p>Peter Mihaere, chief executive of anti-trafficking organisation Stand Against Slavery, said forced labour was "prevalent" across New Zealand, particularly in primary industries like horticulture, agriculture and farming.</p> <p>While some people were trafficked into New Zealand for forced work, Mihaere said most victims were migrants who came here willingly.</p> <p>"It's people who have either chosen to come to New Zealand and live and then, because they haven't been able to find a job, have found themselves in exploitation situations, or they're students who have come to New Zealand looking for jobs and have found themselves exploited."</p>		
<p>Freedom From Sexual Exploitation: Publications http://www.ffse.org.nz/publications/</p>	<p>There are examples of human trafficking in New Zealand, forest sector is not mentioned.</p>	<p>Country</p>	<p>Low risk on forced labour</p>
<p>ILO Core Conventions Database: http://www.ilo.org/ilolex/english/docs/declworld.htm</p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188164:NO</p> <p>Observation (CEACR) - adopted 2014, published 104th ILC session (2015) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - New Zealand</p> <p>"Article 2 of the Convention. Access to employment and vocational training – Maori and Pacific Island people. The Committee notes the Government's</p>		

	<p>continued commitment to improving the educational and skill levels and the employment situation of Maori and Pacific Island people. The Committee notes that new education strategies have been put in place for Maori (the “Ka Hikitia-Accelerating Success” 2013–17) and that the Pacific Economic Action Plan has been superseded by the Pasifika Education Plan 2013–17, the Pacific Employment Support Services (PESS) and the Pacific Senior Leadership Management Programme. Equity funding is also provided to a number of institutes, universities and “Wananga” (Maori tertiary education institutions), as well as to individual Maori and Pacific Island students with a view to improving equal access and achievement. The Office of Ethnic Affairs is taking measures to promote ethnic diversity in occupation and employment. With respect to the Tertiary Education Strategy 2010–15, the Committee notes the progress made between 2005 and 2012 in the completion rates of Maori and Pacific Island people five years after enrolling in tertiary education (for 2008–12 completion rates were 49 per cent for Maori and 51 per cent for Pacific Island people, compared with 42 per cent and 41 per cent, respectively, for 2001–05). While welcoming these measures, the Committee notes that the participation of Maori and Pacific Island people remains low, and even decreased in industry training (as of 2012, 14.6 per cent of the total trainees were Maori and 7 per cent were Pacific Island people), and in the Modern Apprenticeships scheme (now the New Zealand Apprenticeships scheme) (as of 2012, 13.8 per cent of total apprentices were Maori and 2.4 per cent were Pacific Island people). According to the NZCTU, Maori and Pacific Island people remain disadvantaged relative to the general population in terms of unemployment (the unemployment rate is 5 per cent for “Europeans”, 12.8 per cent for Maori and 16.3 per cent for Pacific Island workers), and wages (in 2013, “Pakeha” workers (of European descent) had average hourly earnings of 27.08 New Zealand Dollars (NZD), while the rate was NZD\$22.45 for Maori, and NZD\$20.59 for Pacific Island workers). The Committee requests the Government to indicate the results achieved so far by the various initiatives to improve the educational and skill levels and employment opportunities of men and women belonging to Maori and Pacific Island people, and particularly the measures taken to increase further the participation levels of Maori and Pacific Island people in industry training and the New Zealand Apprenticeships scheme. The Committee also requests the Government to make further efforts to address continuing inequalities, including wage disparities, faced by Maori and Pacific Island people, and to provide information on the progress made in this regard. Please continue to provide statistics disaggregated by sex on the participation and completion rates of Maori and Pacific Island people in vocational training and education and their participation in employment in the public and private sectors.” (..)</p> <p>http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3188161:NO Direct Request (CEACR) - adopted 2014, published 104th ILC session (2015)</p>	Country	Low risk on discrimination
		Country	Specified risk on discrimination to Maori and Pacific Island People

	<p><i>Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - New Zealand</i></p> <p>(..) "Articles 2 and 3. Promoting equality with respect to race, colour and national extraction. The Committee notes the range of measures introduced by the Government to provide support for migrant workers in employment and occupation, including an information toolkit published by the Ministry of Business, Innovation and Employment to help employers support and retain their migrant employees. Two sector-specific guides have also been developed for dairy farm employers and migrant dairy workers in response to concerns regarding the welfare of the latter. The Government also indicates that the Office of Ethnic Affairs conducts an intercultural awareness and communication training programme designed to teach participants effective intercultural communication in the workplace, and published a booklet containing strategies to help New Zealand organizations integrate intercultural awareness and communication into their businesses. With regard to cases of discrimination, the Government states that the Ministry of Business, Innovation and Employment is committed to investigating claims that migrant workers are being exploited and underpaid by small-business owners, and indicates that in December 2012 five people were arrested and charged in relation to exploiting migrant workers. <i>The Committee requests the Government to provide information on the results and impact of measures taken to address employer prejudices against migrants and ethnic minorities, including through guides and awareness-raising programmes. The Committee also requests the Government to continue to provide information on any complaints brought by migrant workers to, and handled by, the competent authorities relating to discrimination based on race, colour or national extraction. The Committee further requests the Government to provide information on any progress made on the issue raised by Business NZ in its previous comments that problems faced by many migrants arise from lack of recognition of overseas qualifications.</i>" (..)</p> <p>"Collective agreements and workplace initiatives. <i>The Committee reiterates its request to the Government to provide information on the progress made in including EEO provisions concerning Maori and other ethnic minorities in workplace policies in the private sector and collective agreements, and the results achieved by the application of EEO policies and collective agreements for improving equality of opportunity and treatment in employment in the private sector.</i></p> <p>Enforcement. Regarding the impact of section 67A of the Employment Relations Act providing for the possibility of having a 90-day probation period for new employees in undertakings with fewer than 20 employees, the Committee notes that the NZCTU, referring to a review undertaken by the Ministry of Business, Innovation and Employment of the use of trial periods, indicates that recent migrants had the highest likelihood of starting on a trial period (51 per cent), followed by those who had been in the country for five to ten years (41 per cent) and those born in New Zealand (34 per cent); the NZCTU asks the Government to undertake more detailed research in this</p>	Country	Low risk on race discrimination
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	<p>regard. The Committee notes from the Government's report that, during the period from 1 June 2010 to 31 May 2013, there were 28 determinations or judgments of the Employment Relations Authority and the courts relating to discrimination. Of these cases, four dealt with race and two with ethnic or national origin, two dealt with discrimination based on sex and one dealt with religious and ethical belief; one dealt with age. The Committee notes the statement of Business NZ that the number of discrimination cases dealt with each year is relatively small compared with the number of overall complaints heard by the Employment Relations Authority. <i>The Committee requests the Government to continue to provide information on cases concerning discrimination dealt with by the courts, and particularly cases which were filed by employees on a 90-day probation period. Please also provide information on any further research undertaken regarding the use of probation periods and their impact on migrant workers leading to discrimination on the grounds of race, colour or national extraction.</i>"</p>		
<p>Forest Owners Association: Facts & Figures 2016/2017 http://www.nzfoa.org.nz/images/stories/pdfs/Facts_Figures_2016_%C6%92a_web_version_v3.pdf</p>	<p>Māori involvement in plantation forestry is steadily increasing and provides an option for the protection of lands, employment and economic benefits with 2016/17 figures showing an increase in Maori trainees in forestry.</p>	Country	Low risk on racial discrimination in forest sector
<p>Hayward, 2013. How Do New Zealand Labour Standards Comply with the International Labour Organisation's Conventions and Recommendations Implemented after 1980 and the Introduction of Neo-Liberalism? University of Waikato. http://www.nzlii.org/nz/journals/WkoLawRw/2013/15.pdf</p>	<p>In an article in the Waikato Law Review (published by the University of Waikato), Kimberley Hayward examines how New Zealand's labour standards comply with the ILO conventions. <i>She notes that Convention 87, which New Zealand has not ratified, is very closely related to Convention 98, which New Zealand has ratified.</i> She also notes that the 1998 ILO Declaration on Fundamental Principles and Rights at Work suggests that, <i>despite New Zealand not ratifying Convention 87, it is bound by its rules nevertheless.</i> Furthermore, she states that an ILO member is expected to comply with the eight core standards of the declaration, regardless of whether or not it has ratified the relevant convention or treaty. Therefore, it follows that for New Zealand to be a compliant member state of the ILO, all ILO initiatives relating to freedom of association and collective bargaining must be followed.</p>	Cpountry	Low risk on Freedom of Association and Protection of the Right to Organise
Additional general sources	Additional specific sources		
<p>From national CW RA for New Zealand (FSC-CW-RA-016-NZ V1-0):</p> <p>FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR NEW ZEALAND (FSC-STD-40-005 V-2.1) Approval date: 02 July 2014</p> <p>Geographic scope: New Zealand</p>	<p>FSC Indicator</p> <p>2.3 There is no evidence of child labor or violation of ILO Fundamental Principles and Rights at work taking place in forest areas in the district concerned</p> <p>Sources of information</p> <p>2.3.1 New Zealand's ILO membership http://www.dol.govt.nz/services/international/ilo/index.asp (http://www.ilo.org/asia/countries/new-zealand/lang--en/index.htm)</p> <p>2.3.2 Ministry of Business, Innovation & Employment (MBIE): Minimum employment rights (http://www.dol.govt.nz/er/minimumrights/index.asp)</p>	Country	Low risk

	<p>2.3.3 MBIE: Legislation for Employment Relations and Health & Safety (http://www.dol.govt.nz/about/legislation.asp)</p> <p>2.3.4 NZ Employment Relations Act(http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM58317.html)</p> <p>2.3.5 NZ Health and Safety in Employment Act (http://legislation.govt.nz/act/public/1992/0096/latest/DLM278829.html)</p> <p>2.3.6 MBIE: International Services - Child Labour (http://www.dol.govt.nz/services/international/child/)</p> <p>2.3.7 Ministry of Justice (http://www.justice.govt.nz/publications/globalpublications/d/directory-of-official-informationarchive/directory-of-official-information-december-2009/alphabetical-list-of-entries-1/h/human-rightscommission)</p> <p>2.3.8 Human Rights Commission: Human Rights in New Zealand (http://www.hrc.co.nz/report/chapters/chapter18/race01.html)</p> <p>2.3.9 NZ Bill of Rights Act (http://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html)</p> <p>Evidence New Zealand was a founding member of the ILO, joining in 1919, has provided leadership over a number of years and has ratified the majority of the ILO Conventions. There is no evidence of violation of ILO fundamental principles. No unresolved complaints against New Zealand recorded by the ILO or the United Nations. A range of minimum rights and obligations are provided for under New Zealand's employment relations legislation. The most relevant employment laws include:-</p> <ul style="list-style-type: none"> • Employment Relations Act 2000 • Equal Pay Act 1972 • Health and Safety in Employment Act 1992 <p>The exploitation of children is strictly prohibited by New Zealand law and the New Zealand Government is engaged in a number of international forums concerned with this issue. The New Zealand Bill of Rights Act 1990 (BoRA) guarantees freedom from discrimination and the rights of minorities.</p> <p>The Human Rights Act 1993 includes a dispute resolution mechanism for complaints about racial discrimination, racial harassment and creating racial disharmony. Where disputes cannot be resolved by mediation and related options, complaints can be referred to the Human Rights Review Tribunal.</p> <p>Risk Low risk.</p>		
FSC Regional Office Asia-Pacific & FSC Australia	The previous presented evidence of the concerns of the committee on the Elimination of Discrimination against Women from 2018 and the evidences from the statistics from 2016 in the National Library New Zealand confirms that Maori women and women in general, like in the majority of western countries, do not have pay parity. However, it is also noted that the evidence from the statistics of	Country	Low risk

	<p>OECD on gender wage gap shows NZ has a pay gap of 7.8% and this ranks NZ as the 13th lowest in the 34 OECD countries. This is considered a prevailing source of information.</p> <p>The previously presented evidence of the concerns and recommendations of the committee on the Rights of the Child in 2016 is contrasted by the previously presented evidence on the law <i>review article of the Government of New Zealand</i> which suggests conformance with ILO through subordinate legislation (ER Act). In addition, children are protect by the general requirements of OH&S laws. This is considered a prevailing source of information.</p> <p>From professional observation of the forest sector in NZ, a high level of Maori management exists in many Forest Management companies, the most recent example is that the group CEO of the PF Olsen Group of companies (who manage FSC forests on behalf of investors or owners, including Maori owners) is Maori. In addition, the Minister for Forestry is Maori too.</p> <p>While the evidences from the ILO Core Convention Database on Observations on 2014 on the Discrimination (Employment and Occupation) previously presented provide a fair point across the whole NZ workforce. Through a lens of the forestry industry, where Maori ownership and management structures exist and a higher than background level of workers are present, it is suspect that such insights aren't readily transferable. It's also worth noting that with increased mechanisation the number of forestry jobs has decreased so tracking worker levels is not indicative of change. Maori workers in forestry was around 7% in 2013 and largely unchanged since the NZ (pk.idnz.co.nz).</p>	Country	Low risk
<p>Conclusion on Indicator 2.2:</p> <ul style="list-style-type: none"> • New Zealand is signatory to six of the eight fundamental ILO Conventions. New Zealand did not ratify: C87 Freedom of Association and Protection of the Right to Organise Convention and C138 Minimum Age Convention. However, labour rights such as freedom of association and the right to collectively bargain are covered by the relevant national legislation, such as the Employment Relations Act 2000, which has a specific clause stating that the purpose of the Act is to promote observance of the principles of ILO conventions C87 and C98. There is evidence that enforcement of existing laws, in general, is adequate based on the assessment in Category 1. • Despite the non-ratification of C138 Minimum Age Convention. In New Zealand actual protections and legislation are in place. This includes health and safety general requirements and legislation specifically excluding young people from forest harvesting. There is no evidence of child labour in New Zealand. While there is no blanket minimum age of employment in New Zealand, there are age-related restrictions for certain types of work. In the forestry sector no person under 15 years of age is allowed to fell trees, work in or visit an area where trees are being felled. Forestry is not acknowledged as a type of activity where the most workplace injuries occur to schoolchildren in regular part-time work. There are specific sections within the New Zealand Approved Code of Practice for Safety and Health in Forest Operations that prohibit children of 15 and under from undertaking Forestry Activities. • There is evidence that rights such as freedom of association and collective bargaining are upheld in New Zealand. • New Zealand is rated in the top tier of countries for the prevention of trafficking in persons. There are some cases of forced labour in New Zealand, but these are mostly confined to the restaurant and sex industries. There is no evidence of forced labour in the forestry sector. 		Country	Low risk

<ul style="list-style-type: none"> Discrimination based on race or gender (as well as many factors) is prohibited under the Human Rights Act. The Human Rights Commission is charged with promoting and protecting human rights as defined under the Act. It provides a mechanism for resolving complaints about discrimination. While there is some evidence that people perceive that they have been treated unfairly or unfavourably in employment related matters, objective evidence is was found on low level of discrimination in the workplace. According to a 2012 statistics NZ short report in 2012 that uses data from the New Zealand General Social Survey (NY GSS) to look at whether New Zealanders feel racially discriminated against, an estimated 77,700 people, or 2.3 percent of respondents, reported experiencing racial discrimination in employment situations (while working or when applying for/keeping a job). This rate is similar to those who have experienced racial discrimination while on the street or in a public place, with 2.5 percent of respondents (an estimated 85,200 New Zealanders) reporting this. The New Zealand General Social Survey (NZGSS) reported main reasons for personal discrimination in the last 12 months by 2015 and allows to depict that most common discrimination is related to advanced age or other reasons, ethnic origin accounts for 3% of the respondents. This indicates a relatively low level of racial discrimination in the workplace. Moreover, in the forest sector Māori involvement in plantation forestry is steadily increasing and provides an option for the protection of lands, employment and economic benefits with 2016/17 figures showing an increase in Maori trainees in forestry. There is a gender pay gap in New Zealand, but this gap is one of the smallest of any developed country, it is declining and no evidence could be found that discrimination is a factor in the gender pay gap. The gender pay gap in disadvantage of women in forestry does not exist and in fact favours women. <p>The following low risk thresholds apply: (10) Applicable legislation for the area under assessment covers all fundamental ILO Fundamental Principles and Rights at Work, AND the risk assessment for the relevant indicators of Category 1 confirms enforcement of applicable legislation; AND (12) Other available evidence do not challenge a “low risk” designation.</p>		
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Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.			
Guidance:			
<ul style="list-style-type: none"> Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment? Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1) Is there evidence of violations of legal and customary rights of IP/TP? Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights? Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights? What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1) Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable? 			

general sources from FSC-PRO-60-002a V1-0 EN	information found and specific sources	scale of risk assessment	risk indication
Data provided by Governmental institutions in charge of Indigenous Peoples affairs: Treaty of Waitangi Treaty of Waitangi Act 1975 Waitangi Tribunal http://www.waitangitribunal.govt.nz/	Relationships between Māori and the New Zealand Government are grounded in and guided by the Treaty of Waitangi of 1840, which is one of the country's founding instruments. The Treaty essentially has two key elements. The first relates to Articles 1 and 3, which give all people the right to live as citizens of New Zealand (under one law). The second focuses on Article 2, which affirms for Māori the right to live as Māori, with particular responsibilities for protecting and developing those things valued by Māori (ngā taonga katoa). Neither of these rights is exclusive of the other.	Country	Low risk on resolution of conflict related to IP rights

<p>Office of Treaty Settlements https://www.govt.nz/organisations/office-of-treaty-settlements/</p> <p>Te Puni Kokiri https://www.tpk.govt.nz/en/</p> <p>Human Rights Act 1993 and Human Rights Commission http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html https://www.hrc.co.nz/</p>	<p>While there were a number of breaches of the Treaty in the 19th century, a process for settling claims resulting from past breaches started during the second half of the 20th century. A formal process for settling claims resulting from past breaches of the Treaty of Waitangi is provided for through the Treaty of Waitangi Act 1975 and the Waitangi Tribunal. There has been a comprehensive programme of settling Treaty claims, which in many cases includes compensation and formal apologies to address past injustices. The details of the settlements are available at the Office of Treaty Settlements website. These settlements resulted in significant land and fisheries assets being returned to Māori.</p>		
<p>ILO: Core Conventions Database http://www.ilo.org/ilolex/english/docs/declworld.htm - ILO Convention 169</p>	<p>http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102775 New Zealand did not ratify ILO Convention 169.</p>	Country	Specified risk
<p>United Nations Declaration on the Rights of Indigenous Peoples: https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html</p>	<p>New Zealand supports this declaration since 2010, although it initially opposed it in 2007 when it was voted on at the United Nations General Assembly.</p>	Country	Low risk
<p>Survival International : http://www.survivalinternational.org/</p>	<p>https://www.survivalinternational.org/news/5846 New Zealand finally supports UN Declaration on indigenous rights, April 2010 New Zealand supports this declaration since 2010, although it initially opposed it in 2007 when it was voted on at the United Nations General Assembly.</p>	Country	Low risk
<p>Amnesty International: http://amnesty.org</p>	<p>https://www.amnesty.org/en/latest/research/2016/02/annual-report-201516/ State of the Human Rights Report 2015/16 Chapter on New Zealand (pages 270-271) “Economic, social and cultural rights lacked sufficient legal protection. Māori (Indigenous people) continued to be over- represented in the criminal justice system.”</p> <p>https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF State of the Human Rights Report 2017/18 Chapter on New Zealand (pages 278) “The Waitangi Tribunal, a permanent commission of inquiry, found that the government had failed to prioritize the reduction of the high rate of recidivism among Māori and had breached its Treaty of Waitangi obligations...The National Preventive Mechanism found that Māori were disproportionately represented in all detention centres”</p>	Country Country	Specified risk on the Māori being over-represented in the criminal justice system Specified risk on the Māori being disproportionately represented in all detention centres
<p>Newshub: https://www.newshub.co.nz/</p>	<p>https://www.newshub.co.nz/home/politics/2018/08/government-wants-to-lower-m-ori-prison-stats-but-hasn-t-set-specific-target.html Government wants to lower Māori prison stats but hasn't set specific target. 21 August 2018</p>	Country	Specified risk on the Māori being disproportionately

	<p>Māori make up 16 percent of the general population, but 51 percent of the prison population. There are 10,235 prisoners in our jails, down from 10,800 in March. The Government has promised a 30 percent reduction in 15 years.</p>		represented in all detention centres
<p>News from the Waitangi Tribunal: https://www.waitangitribunal.govt.nz/news/</p>	<p>https://www.waitangitribunal.govt.nz/news/disproportionate-reoffending-rate/ <i>Waitangi Tribunal releases report into disproportionate reoffending rate</i> The Tribunal found that the Crown has not breached its partnership obligations, given that the Department of Corrections is making good faith attempts to engage with iwi and hapū. However, the Tribunal says the Crown must live up to its stated commitment to develop its partnerships with Māori. Among the Tribunal's recommendations was that the Department work with its Māori partners to design and implement a new Māori-specific strategic framework, set and commit to a Māori-specific target for the Department to reduce Māori reoffending rates, and regularly and publicly report on the progress made towards this.</p>	Country	Specified risk on the Māori being disproportionately represented in all detention centres
<p>The Indigenous World: http://www.iwgia.org/regions</p>	<p>http://www.iwgia.org/iwgia_files_publications_files/0716_THE_INDIGENOUS_ORLD_2015_eb.pdf <i>The Indigenous World 2015</i></p> <p>AOTEAROA (NEW ZEALAND) "Māori, the indigenous people of Aotearoa, represent 15% of the 4.5 million population. The gap between Māori and non-Māori is pervasive: Māori life expectancy is 7.3 years less than non-Māori; household income is 78% of the national average; 45% of Māori leave upper secondary school with no qualifications and over 50% of the prison population is Māori.¹ The Treaty of Waitangi (the Treaty) was signed between the British and Māori in 1840. There are two versions of the Treaty, an English-language version and a Māori-language version. The Māori version granted a right of governance to the British, promised that Māori would retain sovereignty over their lands, resources and other treasures and conferred the rights of British citizens on Māori. The Treaty has, however, limited legal status; accordingly, protection of Māori rights is largely dependent upon political will and ad hoc recognition of the Treaty.</p> <p>"Tribunal affirms sovereignty not ceded A particularly important development for Māori in 2014 was the Waitangi Tribunal's affirmation that the Treaty of Waitangi did not cede Māori sovereignty. This finding was made in the Waitangi Tribunal's report on stage one of the Wai 1040: Te Paparahi o te Raki inquiry, relating to the Northland region.¹⁵ The report, entitled He Whakaputanga me te Tiriti – The Declaration and the Treaty, focused on the meaning and impact of the Treaty and the Declaration of Independence. The Declaration of Independence, which was signed by 34 rangatira (Māori leaders) from the North in 1835, proclaimed New Zealand's sovereign independence. The Tribunal found:</p>	Country	Specified risk
		Country	Low risk for IP rights

	<p><i>Our essential conclusion, therefore, is that the rangatira did not cede their sovereignty in February 1840; that is, they did not cede their authority to make and enforce law over their own people and within their territories. Rather, they agreed to share power and authority with the Governor. They and Hobson were to be equal, although of course they had different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis. 16”</i></p> <p>“Significant Treaty settlement progress The year saw a significant number of completed settlements regarding Māori claims for historical Treaty breaches, spurred on by the National Party’s (unmet) target of securing deeds of settlement with all groups by 2014. According to the Office of Treaty Settlements, at least one group signed an Agreement in Principle;²¹ two groups agreed that their deeds of settlement were ready for presentation to their members for ratification;²² three groups signed deeds of settlement with the Crown;²³ and a staggering 15 had the legislation giving effect to their settlements enacted.^{24”}</p> <p>https://www.iwgia.org/images/publications//0740_THE_INDIGENOUS_ORLD_2016_final_eb.pdf <i>The Indigenous World 2016</i></p> <p>“Trade agreement threatens Treaty rights The Trans-Pacific Partnership Agreement (TPPA), agreed in October 2015 after years of negotiations,² threatens Māori Treaty rights (see The Indigenous World 2013). In July 2015, the Waitangi Tribunal considered a request that it hold an urgent hearing regarding alleged breaches of the Treaty by the Crown in the negotiation of the TPPA.³</p> <p>The claimants argued that the Crown had breached its Treaty obligation to consult with Māori in negotiations over the text. The claimants also argued that the TPPA would negatively impact the Crown’s ability to meet its obligations under the Treaty, including in relation to Māori intellectual property rights, access to affordable medicines and environmental rights. The Waitangi Tribunal initially declined to hold an urgent hearing as the secrecy of the TPPA negotiations made an assessment of its impact impossible;⁴ the complex terms of the TPPA were only made public in November, subsequent to its agreement.</p> <p>Following the TPPA’s agreement, the Waitangi Tribunal scheduled an urgent hearing to consider its effect, which is set for March 2016. The TPPA includes an exception clause on the Treaty of Waitangi, which the government argues will protect Māori rights under the Treaty. The Tribunal will consider whether the exception clause provides effective protection for Māori interests under the Treaty and what engagement with Māori is necessary before the TPPA is ratified by New Zealand.^{5”}</p>	<p>Country</p> <p>Māori land</p>	<p>Low risk for IP rights</p> <p>Specified risk for right to land</p>
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	<p>“Māori land law under review For several years, Te Ture Whenua Māori Act 1993 (the Māori Land Act), which is the primary legislation governing the administration of Māori land, has been under review (see The Indigenous World 2014). In May 2015, a draft bill replacing that Act was made public prior to its introduction in Parliament.⁶ The bill proposes a major overhaul of the law relating to Māori land. For example, it “significantly reduces the role of the Māori Land Court”, “weakens the emphasis on retention of Māori land in the hands of its owners” and “introduces a raft of new terms and definitions” that will require testing in the courts.⁷ A round of consultations were held with Māori on the draft bill and nearly 400 submissions were received on it. Concerns raised in the submissions included the increased potential for the ownership of Māori land to fall out of Māori hands.⁸ Cabinet approved some changes to the draft bill in November, although its weakened emphasis on the retention of Māori land (in contrast to the existing Act).”</p> <p>“Waitangi Tribunal finds Treaty breaches The Waitangi Tribunal released two district inquiry reports finding extensive breaches of the Crown’s Treaty obligations in 2015: the sixth and final part of its Te Urewera district report and its report on the Whanganui district.¹² The Tribunal also released its report on the Ng puhi mandate inquiry. It found that while there were flaws with the authority mandated to progress historical Treaty settlement negotiations on behalf of Ng puhi, and that the Crown had breached the Treaty in recognising that mandate, it was not necessary for the Crown to withdraw its recognition of the authority’s mandate.¹³”</p> <p>https://www.iwgia.org/images/documents/indigenous-world/indigenous-world-2018.pdf <i>The Indigenous World 2018</i></p> <p>Overview and looking forward Progress continues in the recognition of indigenous peoples’ rights in Aotearoa, with the ground-breaking Wakatū decision and momentum continuing in the settlement of historical Treaty claims. Significant concerns remain, however, including regarding flaws in the Treaty settlement process, insufficient efforts to recognise Māori self-determination, and the continued violation of Māori rights to their lands, territories and natural resources. The new Labour-led coalition government may potentially bring renewed commitment to Māori rights, but the Party has an uneven track record in its respect for Māori.</p>	Country	Low risk
United Nations Special Rapporteur on the rights of indigenous peoples:	http://www.ohchr.org/Documents/Issues/IPeoples/SR/A-HRC-18-35-Add4_en.pdf	Country	Low risk
		Country	Specified risk

	<p>funding for the Waitangi Tribunal so that it can resolve its pending caseload of historical grievances in an efficient and timely manner.</p> <p>Furthermore, with respect to Treaty settlement negotiations, the Government should make every effort to involve all groups that have an interest in the issues under consideration. Also, the Special Rapporteur encourages the Government to show flexibility in its positions during settlement negotiations. In consultation with Maori, the Government should explore and develop means of addressing Maori concerns regarding the Treaty settlement negotiation process, especially the perceived imbalance of power between Maori and Government negotiators.</p> <p>Finally, the Special Rapporteur cannot help but note the extreme disadvantage in the social and economic conditions of Maori people in comparison to the rest of New Zealand society. While some positive developments have been achieved since the visit of the former Special Rapporteur, more remains to be done to achieve the increased social and economic parity that is necessary for Maori and non-Maori New Zealanders to move forward as true partners in the future, as contemplated under the Treaty of Waitangi. ”</p>		
NZ Herald: https://www.nzherald.co.nz	<p>https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10534220 Largest ever Treaty deal 'Trelords' passes into law. 25 September 2008. In Forestry New Zealand is taking actions to protect the rights of indigenous people In 2008 Treaty Negotiations Minister Michael Cullen signed a deed of settlement with seven central North Island tribes, transferring ownership. New Zealand is failing to protect the rights of indigenous people ip of over \$400 million worth of state forest land and accumulated rentals. The so-called 'Trelords' deal (a play on the name of the earlier Sealord settlement) was the largest treaty settlement signed to that date. In addition, the tribes were to receive rentals that had accumulated since 1989 on the land, valued at \$223 million. Final comprehensive settlements were to be negotiated later with all central North Island tribes.</p>	Country	Low Risk
UN Human Rights Council Universal Periodic Review: http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx	<p>https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/80/PDF/G1318480.pdf?OpenElement Human Rights Council - Working Group on the Universal Periodic Review Eighteenth session 27 January – 7 February 2014. “The Report from the Working Group on the Universal Periodic Review (UPR) noted New Zealand’s strong record on human rights, particularly the rights of women, indigenous people and those with disabilities. ‘Reports and country visits by international experts have consistently referred to New Zealand’s very high level of human rights protection overall. The Government recognises, however, that significant on-going challenges remain and that further improvement is necessary. The Government will draw on the dialogue within the framework of the New Zealand’s UPR assessment and the recommendations from States to provide guidance on the future direction for</p>	Country Country	Low risk Specified risk

<p>UN Human Rights Committee: http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx UN Committee on the Elimination of All Forms of Racial Discrimination: http://www.ohchr.org/EN/HRBodies/CERD/Pages/CERDIndex.aspx</p>	<p>action on human rights in conjunction with New Zealand’s current human rights priorities.”</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fNZL%2fCO%2f6&Lang=en <i>UN International Covenant on Civil and Political Rights Human Rights Committee Concluding observations on the sixth periodic report of New Zealand 28 April 2016</i></p> <p>“Treaty of Waitangi and the Waitangi Tribunal 45. The Committee is concerned about the fact that, since the adoption by the Waitangi Tribunal of decision WAI 262 in 2011, the State party has not provided the relevant human rights bodies with any information regarding policies and implementation timetables. The Committee notes the State party’s insufficient engagement with indigenous communities prior to the signing in February 2016 of the Trans-Pacific Partnership Agreement, which includes provisions that may have a negative effect on the rights of indigenous peoples, in particular with regard to their free, prior and informed consent in the implementation of the Agreement, and to an effective remedy (arts. 2, 26 and 27). 46. <i>The State party should:</i> (a) <i>Strengthen the role of the Treaty of Waitangi in the existing constitutional arrangements;</i> (b) <i>Guarantee the informed participation of indigenous communities in all relevant national and international consultation processes, including those directly affecting them;</i> (c) <i>Implement technical capacity programmes for indigenous communities aiming at their effective participation in all relevant consultation and decision-making processes.”</i></p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f18-20&Lang=en <i>UN International Convention on the Elimination of All Forms of Racial Discrimination Committee on the Elimination of Racial Discrimination Concluding observations on the eighteenth to the twentieth periodic reports of New Zealand 17 April 2013</i></p> <p>“Indigenous peoples 13. While commending the State party for its repeal of the Foreshore and Seabed Act of 2004, the Committee remains concerned that the Marine and Coastal Areas (Takutai Moana) Act of 2011 contains provisions that, in their operation, may restrict the full enjoyment by Māori communities of their rights under the Treaty of Waitangi, such as the provision requiring proof</p>	<p>Country</p>	<p>Specified risk for IP rights and FPIC</p>
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	<p>of exclusive use and occupation of marine and coastal areas without interruption since 1840 (arts. 2 and 5). The Committee urges the State party to continue to review the Marine and Coastal Area (Takutai Moana) Act of 2011 with a view to facilitating the full enjoyment of the rights by Māori communities regarding the land and resources they traditionally own or use, and in particular their access to places of cultural and traditional significance.</p> <p>14. The Committee welcomes the Waitangi Tribunal's 2011 Wai 262 decision regarding Māori intellectual and cultural property rights, which makes recommendations for changes in law, policy and practice on matters relating to traditional knowledge, genetic and biological resources of indigenous species, and the relation of Māori communities with the environment in connection with conservation, language, cultural heritage, traditional healing and medicine, and proposes a partnership framework for Crown-iwi relations in this sphere. The Committee, is concerned, however, that the State party has not yet announced a timetable for implementing this decision (arts. 2, 5 and 6). The Committee recommends that the State party promptly announce a timetable to implement the Waitangi Tribunal's decision in a manner that fully protects the intellectual property rights of Māori communities over their traditional knowledge and genetic and biological resources."</p> <p>"Consultations with indigenous peoples</p> <p>18. The Committee is concerned by reports by representatives of Māori communities regarding the inadequacy of the consultations conducted by the State party before awarding deep-sea oil seismic, drilling and hydraulic fracturing contracts to commercial companies, under circumstances that may threaten these communities' enjoyment of their rights to land and resources traditionally owned or used, and before pursuing negotiation of Free Trade Agreements that could similarly affect indigenous peoples' rights. The Committee also notes the concerns expressed by representatives of Māori communities concerning the adequacy and genuineness of the consultation process surrounding the enactment of the Finance (Mixed Ownership Model) Amendment Act of 2012 and the State-Owned Enterprises Amendment Bill of 2012 (arts. 2 and 5)."</p> <p>https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/02/New-Zealand-UNPFII-questionnaire-NZHRC-201217.pdf <i>UN Permanent Forum on Indigenous Issues: Questionnaire to National Human Rights Institutions – Response from the New Zealand Human Rights Commission - 20 December 2017</i></p> <p><i>New Zealand has responded to the UN on issues and progress around the treaty process</i></p>	Country	Specified risk for IP rights
	<p>"Consultations with indigenous peoples</p> <p>18. The Committee is concerned by reports by representatives of Māori communities regarding the inadequacy of the consultations conducted by the State party before awarding deep-sea oil seismic, drilling and hydraulic fracturing contracts to commercial companies, under circumstances that may threaten these communities' enjoyment of their rights to land and resources traditionally owned or used, and before pursuing negotiation of Free Trade Agreements that could similarly affect indigenous peoples' rights. The Committee also notes the concerns expressed by representatives of Māori communities concerning the adequacy and genuineness of the consultation process surrounding the enactment of the Finance (Mixed Ownership Model) Amendment Act of 2012 and the State-Owned Enterprises Amendment Bill of 2012 (arts. 2 and 5)."</p> <p>https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/02/New-Zealand-UNPFII-questionnaire-NZHRC-201217.pdf <i>UN Permanent Forum on Indigenous Issues: Questionnaire to National Human Rights Institutions – Response from the New Zealand Human Rights Commission - 20 December 2017</i></p> <p><i>New Zealand has responded to the UN on issues and progress around the treaty process</i></p>	Country	Specified risk for IP rights and FPIC

	<p>The NZ government responded to the UN Permanent Forum on Indigenous Issues in Dec'17 reinforcing this point (bicultural partnership between Māori and the Crown is well-established in legal and political discourse (through the treaty and native land court). Each must act towards the other in good faith. The NZ government also identified other work currently occurring to clarify the law and indigenous rights.</p>	Country	Low risk for IP rights and FPIC
<p>Intercontinental Cry: http://intercontinentalcry.org/</p>	<p>https://intercontinentalcry.org/publications/indigenous-struggles-2013/Indigenous Struggles 2013 “The Maori group Nga Kaitiaki o te Awaawa o Manaia declared a halt on all mining activity in the Manaia catchment, located south of the town of Katikati in northern New Zealand. Last September, the government awarded Broken River Co. Ltd with an exploration permit giving them rights to explore for gold, silver and quartz across some 80,000 hectares. According to the local Maori, the company has yet to speak to them face to face, raising concerns that the company is avoiding them because the operation will negatively impact their lands and waterways.” “New Zealand’s government signed a rare agreement with the Maori, recognizing it historically acted “unjustly” and offering a combination of financial and cultural redress -- said to be a true act of reconciliation for the Maori. The signing took place on a site south of the city of Hamilton, where in 1863 Tamihana reached out to the invading British forces in a gesture of peace.” “Te Wharepora Hou, a group of Maori women primarily concerned with Maori wellbeing, spoke out against an alarming threat posed by the oncoming Trans-Pacific Partnership Agreement (TPP/TPPA), a trade agreement that is being negotiated between several States including Australia, Chile, Canada, Japan, Mexico and New Zealand. According to Te Wharepora Hou, the TPP would allow foreign companies to trademark any kind of indigenous intellectual property including place names and traditional medicinal practices. The group comments, “As wahine Maori, our long and deeply-held traditional values and understandings of collectivity, of manaakitanga, of kaitiakitanga (Caring for Earth Mother), for Tangaroa (god of the sea) and for their children, is in direct opposition to what is being proposed in the TPPA.”” http://intercontinentalcry.org/wp-content/uploads/2013/01/Indigenous-Struggles-2012.pdf <i>Indigenous Struggles 2012</i> Neither “New Zealand” nor the “Māori” are mentioned in this report. https://intercontinentalcry.org/trans-pacific-partnership-signed-in-new-zealand-protesters-include-indigenous-maori/ TRANS-PACIFIC PARTNERSHIP SIGNED IN NEW ZEALAND; PROTESTERS INCLUDE INDIGENOUS MAORI by Free Speech Radio News. February 5, 2016</p>	<p>Manaia catchment, northern NZ</p> <p>Country</p> <p>Country</p> <p>Country</p>	<p>Specified risk for right to resources and FPIC</p> <p>Low risk</p> <p>Specified risk</p> <p>Low risk</p>

	<p>“Chants, cheers, and the sound of honking cars echoed through the streets of Auckland on Thursday, as demonstrators took over the central city, protesting the Trans Pacific Partnership Agreement. Buchanan Cullen was there with his three children.</p> <p>“The TPPA is that, the north Pacific have already destroyed their environment, coming here to New Zealand to rape and pillage the rest of the mountains, rivers, land, and oceans and the resources,” says Cullen. “And it’s, ‘stuff you all, we’re coming to take it, and, what are you going to do about it?’”</p> <p>Representatives of 12 nations signed the controversial trade deal in a hotel-casino-convention center, and protesters weren’t far away. One group blockaded the building where the signing ceremony was held, while another went on a winding, noisy, hours-long march through the streets.</p> <p>Both demonstrations reflected the fierce anti-TPP sentiment here that has formed into a veritable protest movement in recent months, one of the most vibrant and enthusiastic the country has seen in years. And it’s a movement in which Maori voices, like Cullen’s, have been prominent.</p> <p>Maori writer and political commentator Morgan Godfery: “Personally, I haven’t seen Maori society this politicized in at least five or six years.””</p>	Country	Specified risk for right to land and resources
<p>Society for Threatened Peoples: http://www.gfbv.de/index.php?change_lang=english</p>	<p>No relevant information found on this website.</p>	Country	Low risk
<p>(Google the terms '[country]' and one of following terms 'indigenous peoples organizations', 'traditional peoples organizations', 'land registration office', 'land office', 'indigenous peoples', 'traditional peoples', '[name of IPs]', 'indigenous peoples+conflict', 'indigenous peoples+land rights')</p>	<p>https://www.culturalsurvival.org/publications/cultural-survival-quarterly/new-zealand/imbalance-powers-maori-land-claims-and-unchecked Cultural Survival 2006 <i>An Imbalance of Powers: Maori Land Claims and an Unchecked Parliament</i></p> <p>“Aotearoa/New Zealand is not known for egregious breaches of indigenous peoples’ rights. Nonetheless, New Zealand’s legal system is ineffective at implementing international and domestic laws that protect the rights of Maori. This has been seen most starkly in the Foreshore and Seabed Act of 2004, which had the effect of extinguishing Maori aboriginal title to the foreshore and seabed areas and was passed despite almost universal Maori opposition.</p> <p>The problem lies in the structure of the country’s legal system. One of the greatest impediments to the protection of human rights and indigenous peoples’ rights is the fact that the Aotearoa/New Zealand Parliament retains absolute sovereignty. Aotearoa/New Zealand is one of the only countries in the world where legislation cannot be overturned for inconsistency with human rights. This inherited colonial legal principle means that Parliament can, and does, override both domestic and international human rights and indigenous peoples’ rights, to Maori detriment.</p> <p>This power of Parliament is coupled with a second unusual aspect of Aotearoa/New Zealand: It does not have a singular written constitution. The foundation of its law is instead contained in a number of sources, including, but</p>	Country	Specified risk for right to land and resources

	<p>not confined to, legislation (such as the Constitution Act of 1986 and the New Zealand Bill of Rights Act 1990, or BORA), constitutional conventions, international law, and the Treaty of Waitangi. The “constitution,” then, is fluid and can be changed easily.”</p> <p>http://www.landcareresearch.co.nz/_data/assets/pdf_file/0017/43910/maori_values_native_forest.pdf</p> <p><i>Māori values and native forest (Ngahere)</i></p> <p>“New Zealand has a record of rapid forest destruction: Pre-human: 81% indigenous forest 1770: 51% indigenous forest 1840: 50% indigenous forest Present day: 23% indigenous forest. Most of the present indigenous forest is on steep, less productive, mountainous terrain or stepland.”</p>		
<p>New Zealand Legislation: http://www.legislation.govt.nz</p>	<p>New Zealand laws require the Government to consult with Maori Māori</p> <p>Various laws and policies in New Zealand require the Government to consult with Maori, to varying degrees, in relation to decision-making about lands, resources, fisheries, and conservation, among other matters.</p> <p>Language Act 1987 Native Land Act 1865 Te Tiriti o Waitangi Marine and Coastal Area Act 2011 Maori Land Act 1993 Plant Variety Rights Act Maori Reserve Land Act 1955 Resource Management Act 1991</p>	Country	Low risk IP rights and FPIC
<p>Human Rights Commission: https://www.hrc.co.nz/international-reporting/indigenous-rights</p>	<p>For governing identification and rights of indigenous and/or traditional peoples and UNDRIP</p> <p>The New Zealand government officially endorsed the UNDRIP in 2010, after opposing it for almost three years. It is an aspirational document, whose text is not legally binding on States. Prime Minister John Key reaffirmed that UNDRIP is an ‘aspirational’ document, and will be implemented only ‘within the current legal and constitutional frameworks of New Zealand.’</p>	Country	Low risk
<p>Xanthaki, A., & O’Sullivan, D. (2007). Research on Best Practices for the Implementation of the Principles of ILO Convention No. 169 - Good Practices of Indigenous Political Participation: Maori Participation in New Zealand Elective Bodies: Case Study. online: International Labour Organization. https://researchoutput.csu.edu.au/en/publications/research-on-best-practices-for-the-implementation-of-the-principles-of-ilo-convention-no-169-good-practices-of-indigenous-political-participation-maori-participation-in-new-zealand-elective-bodies-case-study</p>	<p>This is a quality assured commissioned research report to the International Labour Organization where cases of good practices are presented.</p>	Country	Low risk IP rights and FPIC
<p>Xanthaki, A., & O’Sullivan, D. (2009). Indigenous Participation in Elective Bodies: the Maori in New Zealand. International Journal of Minority and Group Rights, 16(2), 181-207.</p>	<p>‘The article argues that Maori political participation in New Zealand constitutes a positive example of how the current international standards on indigenous political participation can be implemented at the national level. Notwithstanding</p>	Country	Low risk IP rights and FPIC

https://researchoutput.csu.edu.au/en/publications/indigenous-participation-in-elective-bodies-the-maori-in-new-zeal	the weaknesses of the system and the challenges laying ahead, the combination of the Mixed Member Proportional electoral system, dedicated Maori seats and the establishment of the Maori Party have ensured a Maori voice in Parliament and have broadened the possibilities of effective indigenous participation in the political life of the state. Such state practice that implements the 2007 UN Declaration on the Rights of Indigenous Peoples firmly confirms the position of the Declaration within current international law.'		
US Government: Report on NZ Religious Freedom (2016): https://www.state.gov/documents/organization/268998.pdf	US report concludes that NZ law prohibits discrimination based on religious belief . Based on review of complaints from 2015-16 which showed the primary incidents of discrimination were against Muslim populations but that these were unlawful under NZ Law.	Country	Low risk on discrimination on religious belief
Council for International Development NZ: Convention Series Information Sheet Eight United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Understanding New Zealand's responsibilities under UNDRIP http://www.cid.org.nz/assets/Key-issues/Human-development/Convention-Series-8-UNDRIP.pdf	'Because UNDRIP is a Declaration as opposed to a Convention it is not legally binding under international law. However, declarations are part of the development of international legal norms and by voting in favour of the Declaration states have indicated a commitment to uphold the rights contained in it... How is New Zealand meeting these obligations? When New Zealand endorsed the Declaration the government made it clear that they considered the document aspirational rather than legally binding and it would only be implemented within the current legal and constitutional frameworks of New Zealand. New Zealand has taken steps which go towards fulfilling the rights in the Declaration such as repealing the Foreshore and Seabed Act 2004 and instituting a constitutional review which included discussions about the role of the Treaty of Waitangi, Māori representation in Parliament and local government, and the Bill of Rights Act. The UN Special Rapporteur on the rights of indigenous peoples has commented that New Zealand's Treaty settlements process, although having several shortcomings, is one of the most important examples in the world of an effort to address historical and ongoing grievances of indigenous peoples. Are there any areas in which New Zealand's obligations are not being met? The most notable way in which New Zealand's obligations are not being met is the extreme disadvantage in the social and economic conditions of Māori people in comparison to the rest of New Zealand society. The high rate of incarceration amongst Māori is a particular concern. The UN Special Rapporteur recommended that New Zealand continues to work on improving its Treaty settlement process and improving the representation of Maori at both the national and local government level.'	Country	Low risk
Waitangi Tribunal: https://www.waitangitribunal.govt.nz	https://www.waitangitribunal.govt.nz/assets/Documents/Publications/WT-Strategic-direction-2014-to-2025.pdf <i>Strategic Direction 2014-2025</i> The Tribunal has 37 districts nationwide. The historical and contemporary claims arising in one or several districts are grouped for joint inquiry. To date, the Tribunal : has reported on 18 districts ; has six inquiries under way covering 11 districts ; has eight remaining districts, which have proceeded or are proceeding to settlement without inquiry. Together, completed and active	Country	Low risk IP rights

	<p>Tribunal district inquiries embrace more than 90 per cent of the country's land area.</p> <p>The strategic update for the Waitangi Tribunal has set short term goals (until 2020) to complete historical claims and high-priority kaupapa claims, mid-term goals (from 2020 to 2025) to substantially advance or complete the kaupapa and contemporary claims.</p> <p>https://www.waitangitribunal.govt.nz/publications-and-resources/waitangi-tribunal-reports/</p> <p>There are cases where FPIC is raised but this is dealt with in the context of the treaty process (e.g. see https://www.waitangitribunal.govt.nz/inquiries/urgent-inquiries/national-fresh-water-and-geothermal-resources-inquiry/)</p> <p>In one of the quoted cases, in relation to the partial privatisation by government of a State-owned hydro-electric power company while the Tribunal had recommended that the Crown convene a discussion with key Māori interests to determine a way forward,26 ultimately the Crown delayed the sale of shares and held consultations with iwi.</p> <p>In conclusion, the treaty anticipates FPIC and where it does not seem to happen the Waitangi Tribunal is a forum to hear the arguments and rule on them.</p> <p>Conflicts of substantial magnitude were not found on these records</p>	Country	Low risk IP rights
<p>Additional general sources for 2.3</p>	<p>Additional specific sources</p>	<p>scale of risk assessment</p>	<p>risk indication</p>
<p>World Directory of Minorities and Indigenous Peoples - New Zealand Minority Rights Group International: http://www.refworld.org/docid/49749cd8c.html</p>	<p>Maori <i>Publication date: 2018</i> Current issues</p> <p>Updated January 2018</p> <p>“The Māori enjoy a relatively strong position in society compared to other indigenous peoples around the world, thanks to the Treaty of Waitangi. Māori have long been seeking more secure protection of their treaty rights through constitutional provisions. The government recently announced that it is planning to undertake a constitutional review process, which will include a review of Māori representation, the role of the Treaty of Waitangi and other constitutional issues.</p> <p>Relative to most ethnic groups in New Zealand, other than Pacific Islanders, the Māori are disadvantaged socially and economically. Most Māori are concentrated in areas of unskilled employment, where wages are low and unemployment rates are high. While there have been significant improvements over the last two decades in many areas, such as employment levels and life expectancy, significant disparities remain. Poor living conditions and health, with inadequate housing in inner urban areas and relatively high rates of</p>	<p>Country</p> <p>Country</p>	<p>Low risk</p> <p>Specified risk</p>

	<p>unemployment, have contributed to poor self-image, violence and criminal behaviour.</p> <p>A number of positive initiatives have been developed to address some of these areas of disadvantage. For example, since the adoption of the Drivers of Crime initiative, a project developed to reduce Māori offending and reoffending, the number of young Māori appearing in court has reduced by 30 per cent over the last two years. The government also launched the Youth Crime Action Plan in 2013, aiming to reduce crime and recidivism for young Māori. The 2013 census results also indicate that more Māori are achieving formal qualifications at university, with over 36,000 stating a bachelor's degree or higher as their highest qualification -- a more than 50 per cent increase since 2006.</p> <p>In many parts of the country the Māori language lost its role as a living community language in the post-war years. In the past decade there has been a steady increase in the percentage of Māori at all levels of education, and at the same time there has been a renaissance in the teaching and learning of Māori language and culture, partly through increasing numbers of bilingual classes in primary and secondary schools. There have also been growing numbers of specifically Māori-language schools (<i>Kura Kaupapa Māori</i>), extending from pre-school to secondary level. This focus on education has contributed to arresting the decline in Maoritanga (Māori culture) that tended to follow urbanization. Indeed, there has been a steady increase since the 1990s in the number of children being taught in <i>te reo Māori</i>. Policies promoting the recognition of Māori culture and the visibility of Māori identity in the national arena have been a positive factor in the revitalization of the language. An important step forward was taken in August 2017 when Rotorua became the first official bilingual city in New Zealand.</p> <p>Issues attendant on reconciliation between white settlers and the Māori community are examined by the Waitangi Tribunal, which was created by an Act of the New Zealand Parliament in 1975. The Tribunal allows the retrospective resolution of grievances. Its findings are not legally binding but the recommendations are generally respected by society. While the fundamental issue of land return or compensation is at the forefront, most land claims remain outstanding, with Māori owning only 5 per cent of the country's land.</p> <p>Through the policy of biculturalism, and the practice of the Waitangi Tribunal, New Zealand governments have sought to enable Māori development. Māori tribes (iwi) have developed programmes for local development, but have often lacked the land and capital to implement them. Much less attention has been given to the more intractable problems of urban Maori. In this regard, a major challenge is how to use Māori resources and other systems to enable development for the urban dispossessed, for whom social organizations other than the tribe (iwi) -- which is of more significance in rural areas -- have greater validity. The rapid urbanization of Māori from the 1960s saw the breakdown</p>	Country	Low risk
		Country	Low risk
		Country	Specified risk IP land rights
		Country	Low risk IP rights

	of <i>iwi</i> (tribe) and <i>hapū</i> (clan) systems. Māori leadership, however, worked to address the issues that arose from this breakdown and established multi-tribal urban authorities to help foster the economic, social and commercial development of urban Māori communities.”		
FSC Regional Office Asia-Pacific FSC Australia	The previously presented evidence of Amnesty International on the “Economic, social and cultural rights lacked sufficient legal protection. Māori (Indigenous people) continued to be over- represented in the criminal justice system.”, it is worth to note that imprisonment is closely linked to employment and education and forestry provides greater employment and education for Maori workers. The idea of a bicultural partnership between Māori and the Crown is well-established in legal and political discourse (through the treaty and native land court). Each must act towards the other in good faith. There are legal frameworks requiring deference to indigenous rights in law. The recent update of the strategy direction 2014-2025 of the Waitangi Tribunal, the regional focus and clear deadlines plus ongoing reports of the tribunals activities suggests that rights and historical wrongs are in the process of being rectified.	Country	Low risk
		Country	Low risk
		Country	Low risk
From national CW RA: FSC Controlled Wood risk assessment SPECIFIC REQUIREMENTS INTERPRETATION OF ANNEX 2B OF THE STANDARD FOR COMPANY EVALUATION OF FSC CONTROLLED WOOD FOR NEW ZEALAND (FSC-STD-40-005 V-2.1) Approval date: 02 July 2014 Geographic scope: New Zealand	FSC Indicator 2.4 There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned FSC Indicator 2.4.2 Treaty of Waitangi 1975 (tribunal) Website; (http://www.waitangi-tribunal.govt.nz/) 2.4.2 NZ Treaty of Waitangi Act (http://www.legislation.govt.nz/act/public/1975/0114/latest/DLM435368.html) Evidence The Treaty of Waitangi is the fundamental reference point for race relations in New Zealand, giving the Crown the authority to establish a Government. It sets out the basis of the relationship between the Crown and Maori (New Zealand’s indigenous people) and affirms Maori control over their own affairs and equality of citizenship for all. It is a document that provides for rights for all New Zealanders, including Maori, Pakeha (European New Zealanders) and subsequent migrants. The Waitangi Tribunal was established in 1975 by the Treaty of Waitangi Act 1975. The Tribunal is a permanent commission of inquiry charged with making recommendations on claims brought by Maori relating to actions or omissions of the Crown, which breach the promises made in the Treaty of Waitangi FSC Indicator 2.5 There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned. FSC Indicator 2.5 International Labor Organisation (ILO) (http://www.ilo.org/) Evidence	Country	Low risk

	<p>No complaints have been recorded by the ILO or the United Nations in regard to potential violation of Convention 169 by New Zealand.</p> <p>Risk Low risk</p>	Country	Low risk
<p>Conclusion on Indicator 2.3:</p> <ul style="list-style-type: none"> Māori are the original inhabitants of New Zealand and are recognized in New Zealand as indigenous peoples. This assessment confirms that Māori are indigenous peoples of New Zealand. Today, Māori comprise approximately 15 per cent (595,000) of New Zealand's population of 4.25 million. The ILO Convention 169 is not ratified by New Zealand but it has endorsed the UNDRIP in 2010. The government has taken steps which go towards fulfilling the rights in the Declaration such as repealing the Foreshore and Seabed Act 2004 and instituting a constitutional review. It is recognized the relatively strong position in society of the Maori compared to other indigenous peoples around the world thanks to the Treaty of Waitangi. The Treaty of Waitangi is the fundamental reference point for race relations in New Zealand, giving the Crown the authority to establish a Government. It sets out the basis of the relationship between the Crown and Maori (New Zealand's indigenous people) and affirms Maori control over their own affairs and equality of citizenship for all. It is a document that provides for rights for all New Zealanders, including Maori, Pakeha (European New Zealanders) and subsequent migrants. Various laws and policies in New Zealand require the Government to consult with Maori, to varying degrees, in relation to decision-making about lands, resources, fisheries, and conservation, among other matters. Through the policy of biculturalism, and the practice of the Waitangi Tribunal, New Zealand governments have sought to enable Māori development. FPIC is part of the treaty process and the tribunal does deal with cases where FPIC is perceived not to have happened. There is evidence of past conflicts resulting from the breaches of the Treaty in the late 19th and early 20th centuries. However, a process for settling claims resulting from past breaches started during the second half of the 20th century. A formal process for settling claims resulting from past breaches of the Treaty of Waitangi is provided for through the Treaty of Waitangi Act 1975 and the Waitangi Tribunal. There has been a comprehensive programme of settling Treaty claims, which in many cases includes compensation and formal apologies to address past injustices. Despite the fact that the Waitangi tribunal faces funding challenges, having relevant processes and entities working and reporting solutions is a major achievement. Due to the non-binding nature of its recommendations, the effectiveness of the Waitangi Tribunal depends largely on the existence of political buy-in from the Executive and political branches of government. As for conflicts of substantial magnitude, the dealings of the Waitangi tribunal constitute a complete record of dealings with the treaty. If there were conflicts of substantial magnitude they would be on record. The recent update of the strategy direction 2014-2025 of the Treaty of Waitangi, the regional focus and clear deadlines plus ongoing reports of the tribunals activities suggests that rights and historical wrongs are in the process of being rectified. New Zealand has a system of recognized land titles. The Māori Land Court is the responsible institution and it informs and assists owners, organisations and government agencies about the characteristics of Māori Customary and Māori Freehold Land. The Māori Land Court 's website provides information of Māori Customary and Māori Freehold Land showing the total area per Rohe. The total area Māori Customary is 755.9106 ha and Māori Freehold Land is 1,420,185.5904 ha. <p>The following low risk thresholds apply:</p> <p>(18) The presence of IP and/or TP is confirmed or likely within the area under assessment. The applicable legislation for the area where IP/TP are present does not cover all key provisions of ILO governing identification and rights of IP and/or TP and UNDRIP but other regulations and/or evidence of their implementation exist. Cases when rights were broken are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities; AND</p> <p>(19) There is no evidence of conflict(s) of substantial magnitude pertaining to rights of IP and/or TP; AND</p> <p>(21) Other available evidence do not challenge 'low risk' designation.</p>		Country	Low risk

Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview

New Zealand's biodiversity has been identified as some of the most distinctive in the world (14). The country is recognized as a globally significant biodiversity hotspot due to its high levels of endemism (Mittermeier et al, 2004 in reference 12) developed over 80 million years of biogeographic isolation (1).

Most areas with globally, regionally or nationally significant concentrations of biological diversity are protected via an extensive national network of 60 different types of protected areas (27). Although many alpine areas and native forests are formally protected, other distinctive habitats and ecosystems (i.e. lowland wetlands and peat bogs; lowland riverine systems and adjacent forests; dunelands; coastal forest, scrub and herbfields; lowland tussock grasslands; and eastern South Island braided rivers) are not protected (14).

New Zealand has 72 different naturally uncommon ecosystems which are mainly non-forested (40, 79, 80). These ecosystems typically arise due to unusual environmental conditions often support unique biodiversity, unique communities of plants and animals, many of which are rare and threatened (40, 79). Almost two-thirds of the natural uncommon ecosystems are classified as threatened under the red-list criteria of the International Union for Conservation of Nature. Of these, 18 (40%) are critically endangered, the highest level of threat, 17 as endangered and 10 as vulnerable (30, 80). They are found in a wide range of spatial extensions and locations, scattered throughout New Zealand. While some of them were historically destroyed and converted into plantations for forestry purposes in the 1920s (e.g. sand dunes) (81), the main current threats are not highlighted as being from forest management activities.

Many of New Zealand's threatened species find favourable habitats in or adjacent to exotic forest plantations (36). Threatened species of plants, birds, bats, invertebrates, amphibians, lizards and aquatic inhabitants have been identified in these sites (35).

Wilding conifers are a threat to biodiversity. While most of the most problematic species are no longer grown commercially, some of the species causing problems (e.g. Douglas-fir) are managed commercially in forest plantation. The New Zealand Wildling Conifer Management Strategy 2015–2030 (28) is reporting progress in wilding invasive species control at a national level. The legal environmental requirements for exotic forest plantations cover wilding conifer control and are being upheld (see indicator 1.10 Environmental requirements).

New Zealand has natural forests in large intact forest landscapes (IFL) that do not contain exotic forest plantations. Harvesting of natural forests is only legally allowed on privately owned lands and legal requirements are being upheld (see for example, indicators 1.4 Harvesting permits, 1.8 Timber harvesting regulations, 1.10 Environmental requirements). The IFL degradation recorded between 2013 and 2016 is minimal. More generally, the extent of IFL has not reduced dramatically since 2000 (32). And in general fragmentation of natural forests is not increasing but the trend is assessed as "neutral" according to New Zealand's Third Country Report on Montreal Process Criteria and Indicators of 2015 (8).

In 2007, New Zealand's Ministry for the Environment established a national database of land areas (called National Priority 1 land environments) that represent rare and threatened environments and ecosystems across the whole of New Zealand (31). 500 Ecosystem Management Units are being managed and monitored by the Department of Conservation, but, these places do not fully represent the full range of ecosystems, and the management is often only partially implemented, resulting in a lower ecological integrity (EI) than may be expected (45). National Priority 1 land environments are lacking information and data on the current status of conservation.

The drinking water supply for several cities in New Zealand originates in catchments containing indigenous (native) or exotic forest plantations. There are also examples where exotic plantations have been established for erosion control and flood protection purposes. Water is used for farming (irrigation and stock drinking water), power generation, drinking water, and industry (50). No concerns have been raised indicating that forest management activities threaten to reduce water quantity. Threats to water quality and water quantity are unlikely given the current controls and the nature of forest management activities. The legal environmental requirements in natural forest and exotic forest plantations explicitly consider erosion control and best practices to ensure the maintenance of the critical ecosystem services and these requirements are being upheld (see indicator 1.10 Environmental requirements).

Forests provide the basis for many traditional uses, among them collection of edible products of the forests (fruiting berries of indigenous plants, fern root, seeds, etc.), timbers for carving and building, physical remedies derived from trees, leaves, berries, fruits, bark and moss used to treat particular ailments, among others (52). However, because traditional subsistence living is almost totally absent in New Zealand, none of the above activities could be considered as being of fundamental importance to satisfy basic livelihood needs.

New Zealand has three natural and cultural international significance heritage sites designated by UNESCO under the World Heritage Convention (53). Evidence that forest management activities are a current threat to these sites was not found. There is also an extensive network of national significance heritage sites under Heritage New Zealand (for archaeological sites only) and under local authority's administration, which are scattered throughout New Zealand, but mainly are found in or around urban areas (56). There are also national significance heritage sites under the control of the Department of Conservation whose performance improved in 2015/16 (69) and has been maintained since then (68). Nationally significant Tōpuni status areas and Nohoanga sites are managed by the Department of Conservation, local administration and Ngāi Tahu. According to the Te Rūnanga o Ngāi Tahu annual report for 2018 (72) and in the annual reports from the Department of Conservation for the 2015/16 and 2017/18 (68, 69), there is no mention of previous or current destruction and/or disturbances caused by forest management activities. In general, evidence of forest management activities being a current threat to these sites was not found. This is supported by the outcomes in category 1 indicator 1.9 Protected sites and species and 1.15 Indigenous peoples' rights showing a low risk of non-compliance with legal requirements, and category 2 indicator 2.3 The rights of indigenous and traditional peoples are upheld also stating a low risk conclusion.

New Zealand is member of the Convention on Biological Diversity, the International Union for Conservation of Nature (IUCN) and the Montreal Process Criteria and Indicators Working Group (MPCI).

Experts consulted

	Name	Organization	Area of expertise (category/sub-category)
1.	Dr. Eckehard Brockerhoff	Scion	Biodiversity in planted forests (i.e. HCV 3)
2.	Kevin OGrady	Pinnacle Quality	Assessment of high conservation values, Controlled wood System
3.	Anonymous senior analyst	Ministry for Primary Industries	Resource Management Act and NES-PF
4.	Dr. Thomas Paul	Scion	Wilding conifer management

Risk assessment

Indicator	Sources of Information	HCV occurrence and threat assessment	Geographical/Functional scale	Risk designation and determination
3.0	See table of Information sources below	Data is available for determining HCV presence and distribution across New Zealand and for assessment of the threats to HCVs from forest management activities according to the requirements of each indicator. HCV5 Community needs was not identified and/or its occurrence is unlikely in New Zealand. More generally, New Zealand is a member of the Convention on Biological Diversity, and the Montreal Process Criteria and Indicators Working Group (MPCI).	Geographical scale: <ul style="list-style-type: none"> Country 	Low Risk The following thresholds are met: (1) Data available are sufficient for determining HCV presence within the area under assessment; AND (2) Data available are sufficient for assessing threats to HCVs caused by forest management activities.
3.1 HCV 1	1, 2, 4, 6, 7, 8, 11, 12, 13, 14, 21, 23, 25, 26, 27, 28, 29, 35, 36, 37, 38, 40, 51, 66, 68, 69, 77, 78, 79, 80, 81, 90.	Occurrence assessment New Zealand's biodiversity has been identified as some of the most distinctive in the world (14). At a national level New Zealand is recognized as a globally significant biodiversity hotspot due to its high levels of endemism developed over 80 million years of biogeographic isolation (1). More than 80% of all indigenous vascular plants, 90% of insects, all reptiles, 25% of birds and all terrestrial mammals (several species of	Geographical scale: <ul style="list-style-type: none"> Country Functional scale: <ul style="list-style-type: none"> Protection scheme <ul style="list-style-type: none"> Protected areas Non-protected areas Ownership <ul style="list-style-type: none"> Public Private Type of forest <ul style="list-style-type: none"> Natural forests Forest plantations 	Low Risk For natural forest and forest plantation the following threshold is met: (7) HCV 1 is identified and/or its occurrence is likely within the area under assessment, but it is effectively protected from threats from management activities. Low Risk For the 72 natural uncommon ecosystems and the rest of the country, the following threshold is met:

		<p>bats/pekapeka) found in New Zealand are endemic. This amounts to approximately 70,000 species endemic to New Zealand. The country's ecosystems are also highly distinctive, including kauri forests in the northern North Island, extensive braided river systems in the eastern South Island, karst landscapes, restiad peat bogs, coal measures, geothermal systems, and seamounts (1).</p> <p>The Department of Conservation has led the process to develop an effective and relevant species threat classification over the last 15 years for New Zealand specific conditions (11). The New Zealand Threat Classification System (NZTCS) is the outcome of these process and it has been reviewed in 2006/07 to complement the global view provided by the IUCN Red Lists of 2007 (11). Therefore, the NZTCS is focused at the national level, and provides a more sensitive classification for taxa with naturally restricted distributions and small numbers as a result of insular rarity (11). The NZTCS assesses the conservation status of groups of plants, animals and fungi, and its long-term goal is to list all extant species that exist according to their threat of extinction (23). The system is made up of manuals and corresponding taxa status lists available online (see 23 in general and for plantation forests only, see 36) and it is administered by the Department of Conservation (DOC) (23).</p> <p>Most areas with globally, regionally or nationally significant concentrations of</p>		<p>(6) There is low/negligible threat to HCV 1 caused by management activities in the area under assessment.</p>
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		<p>biological diversity are protected via an extensive national network of around 60 different types of protected areas that account for (27). The country has over 10,000 public protected areas covering almost a third of the total land area (27). The protection encompasses national parks, conservation parks, nature reserves, specially protected areas (including specific wildlife refuges and sanctuaries), scientific reserves, scenic reserves, historic reserves, other conservation land and recreation reserves (4, 27). The department of Conservation manages most public protected areas. An online map displaying public conservation areas under the management of the Department of Conservation is available in reference 77.</p> <p>Although one-third of New Zealand's land area is legally protected, the distribution of reserves has a strong bioclimatic bias toward montane and alpine regions (80). Although many alpine areas and native forests are formally protected, other distinctive habitats and ecosystems (i.e. lowland wetlands and peat bogs; lowland riverine systems and adjacent forests; dunelands; coastal forest, scrub and herbfields; lowland tussock grasslands; and eastern South Island braided rivers) are not protected (14). Moreover, in the annual reports for 2015/16 and 2017/18 from the Department of Conservation, the national performance indicator for natural heritage of "ecosystem</p>		
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		<p>representation - the full range of ecosystems protected somewhere” shows “performance declining” for marine and freshwater ecosystems, and “performance maintained” for terrestrial ecosystems, which means that overall conditions are neither improving nor declining (68, 69). This means that the extent to which protected areas represent the overall ecosystem diversity in the country has not improved.</p> <p>New Zealand has 72 different naturally uncommon ecosystems (40, 79). These ecosystems typically arise due to unusual environmental conditions, often support unique biodiversity, unique communities of plants and animals, many of which are rare and threatened (40, 79). They are found in a wide range of spatial extents and locations, from very reduced (e.g. 100 m² to a few hundreds of hectares) but geographically widespread, to larger (e.g. 10 000s of hectares) but geographically restricted (80). Many of these ecosystems occur in azonal environments that lack trees, despite often lying below the regional tree line (80). According to Landcare Research (79), these ecosystems fall into six categories: coastal, geothermal, subterranean or semi-subterranean, wetlands, inland and alpine. Landcare Research has developed extensive information on these ecosystems and has detailed maps showing their approximate locations by region and by territorial authority (79). These maps</p>		
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		<p>show that these ecosystems are scattered throughout New Zealand.</p> <p>Naturally uncommon ecosystems have been highlighted as priorities for protection of rare and threatened native biodiversity on private land and are recognised as such by government departments and territorial authorities (80). Nevertheless, they are poorly understood and not distinguished in national-scale land cover classifications (40, 79).</p> <p>WWF has identified seven temperate broadleaf and mixed forest terrestrial ecoregions in New Zealand which include areas of modified and remnant natural vegetation, most of which contain locally threatened and endemic species (2).</p> <p>Moreover, although biodiversity in plantation forests is relatively low there are significant numbers of threatened species present (35). Many of New Zealand's threatened species find favourable habitats in or adjacent to exotic forest plantations (36).</p> <p>Threatened flora and fauna that are found in plantations include(35):</p> <p>Plants. More than 20% of New Zealand's native flora have been recorded in planted forests. This includes threatened orchids, ferns, shrubs, small trees and herbs. The periodic disturbance due to harvesting creates habitats for species that colonise disturbed ground. Subsequent canopy closure allows the development</p>		
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		<p>of a microclimate favourable to shade-tolerant plants. (35)</p> <p>Birds. Common and threatened insect-eating birds are found in planted forests. Lack of nectar and fruit sources means fewer species such as Tui and Kereru are seen. In areas where kiwi are present in planted forests (e.g. in Northland), they have been found to inhabit all parts the forest, from slash piles to mature stands. Bush falcon (Karearea) also favour planted forests for their high prey density and availability of nesting sites in clear-felled pine blocks; the largest breeding population is found in Kaingaroa Forest in the central North Island. (35)</p> <p>Bats. The nationally critical/vulnerable long-tailed bats are found in planted forests from Northland to South Canterbury, with the heaviest populations in and around the central North Island. The much rarer short-tailed bats also use radiata pine forests in the central North Island for feeding, commuting and roosting. Bats choose home ranges near native forest remnants and in areas with older trees that provide roosting sites. (35)</p> <p>Invertebrates. Indigenous invertebrate diversity in planted forests is very high. This includes endangered carnivorous Powelliphanta land snails, which are found in North and South Island plantations, and Peripatus – ancient worms with legs. The terrestrial invertebrates of New Zealand are extremely diverse, and many species</p>		
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		<p>have not been studied and identified. Each habitat type is likely to have its own specific invertebrate fauna. While some invertebrates have been classified as threatened, there is insufficient data on more than 1000 taxa to assess their status. (35)</p> <p>Amphibians. The at risk/declining Hochstetter's frog (southern Northland to King Country, Coromandel, Bay of Plenty and East Cape) and vulnerable Archey's frog (the Coromandel and King Country) have been found within planted forests and associated indigenous remnants. (35)</p> <p>Lizards. Both geckos and skinks have been found associated with planted forests around the country. New Zealand has at least 110 species of indigenous geckos and skinks. The distribution and habits of many are poorly known, additional species are still being discovered, and others are being established through genetic studies. Almost half of New Zealand's reptiles are threatened or endangered by a combination of habitat loss and predation. (35)</p> <p>Threatened species such as aquatic inhabitants including galaxiids, eels (tuna) and freshwater crayfish (kōura) are also found in streams in exotic forest plantations (35).</p> <p>New Zealand has the second-highest level of endemism for vertebrates in the world, after the Madagascar and the Indian Ocean Islands region (12). New</p>		
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		<p>Zealand is a 'biodiversity hotspot' because of our high level of endemism (Mittermeier et al, 2004 in reference 12). Many of the endemic marine mammal, frog, and most endemic bat species are now threatened or at risk of extinction (12). Following the precautionary approach, HCV 1 is likely to occur throughout New Zealand.</p> <p>Threat assessment</p> <p>The 72 naturally uncommon ecosystems are considered mainly non-forested (80). Landcare Research (79) has undertaken extensive research for each one of these ecosystems and their threats. The specific threats identified for each one of the six categories these ecosystems represent do not include forest management activities (e.g. coastal ecosystems are threatened by coastal development, wetlands by agricultural and urban development, etc.) (79). The inland and alpine category would be the one natural uncommon ecosystem with a higher likelihood of being threatened by forest management activities. This category consists in 30 uncommon natural ecosystems that occupy a broad range of physical environments, but most of them are on poorly developed soils and support low-statured, open vegetation (81). Furthermore, some of these ecosystems are well represented in existing protected reserves (e.g. ultrabasic hills, cloud forests) whereas others are poorly represented and highly threatened (e.g.</p>		
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		<p>inland sand dunes, inland saline systems) (81). While some of these ecosystems (e.g. sand dunes) have historically been destroyed and converted into plantations in the 1920s (81), the main current threats currently facing them are not from forest management activities.</p> <p>In general, easily accessible areas of native vegetation in New Zealand have been and continue to be converted for urban, agricultural, and pastoral purposes. Between 1996 and 2012, according to the Ministry for the Environment, 10,000 hectares of natural forests were lost. However, none of this loss was attributable to the dairy industry, forest industry or forest management activities (12, 29). Indicator 4.1 (this assessment) shows data from FAO 2010/15 in which natural (indigenous or native) forest extent has not been reduced.</p> <p>The extent of fragmentation in New Zealand's natural forests showed little change between 2000 and 2012. Most tall natural forests occur in large (> 500 hectares) tracts of land that are in public ownership (8). Small natural forest fragments are mainly found on privately owned land. To maximise the retention of indigenous (native) biodiversity in these fragments, both farm stock and introduced pests such as brushtail possums and rats need to be excluded (8). Forest management activities are not mentioned as one factor for fragmentation in the New Zealand's Third Country Report on Montreal</p>		
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		<p>Process Criteria and Indicators of 2015 (8).</p> <p>Most areas with globally, regionally or nationally significant concentrations of biological diversity in New Zealand are protected. Over 76% of New Zealand's 5.2 million hectares of natural forests are strictly protected (8). New Zealand's protected areas are defined by national legislation. This legislation includes the Wildlife Act 1953, Reserves Act 1977, Queen Elizabeth the Second National Trust Act 1977, National Parks Act 1980, Conservation Act 1987 and the Crown Forest Assets Act 1989 (8). The Department of Conservation is the lead government agency charged with conserving New Zealand's natural and historical heritage (8). No forest management activities take place in protected areas and harvesting in government-owned natural forests is not permitted (6) (see law enforcement assessment for indicator 1.9 Protected sites and species).</p> <p>In New Zealand's fifth (and latest) National Report to the United Nations Convention on Biological Diversity in 2013 (14), it was stated that studies have indicated that the ecological integrity of public conservation land remains good, with forested environments having the greatest integrity (MacLeod et al. 2012 in 14). The most recent assessment is based on: (a) an unbiased sample of 79 non-forested and 76 forested environments on public conservation land; (b) expert-driven threat listings of ecosystems; and</p>		
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		<p>(c) land tenure and management information (Bellingham et al. 2013 in 14). Indigenous (native) plant species were found to dominate exotic species on public conservation land (ibid. in 14). Possums (<i>Trichosurus vulpecula</i>) and ungulates were found in 81% and 75% of forested samples, and 40% and 46% of non-forested samples, respectively (ibid. in 14). Earlier assessments found that plant species that are highly palatable to browsers, e.g. kāmahi (<i>Weinmannia racemosa</i>), are regenerating (MacLeod et al. 2012 in 14). Native bird species dominated both forested and non-forested environments but had a patchier distribution in non-forested environments, where some locations were dominated by introduced species (Bellingham et al. 2013 in 14).</p> <p>In the annual report from the Department of Conservation for 2017/18 (68), it is stated the 50-year outcome of national performance indicators. For the natural heritage indicator, specifically the indicators of “indigenous dominance – ecological processes are natural” and “species occupancy – the species present are the ones you would expect naturally” the status is also of “performance maintained” (68), the same trend as reported in 2015/16 (69). A “performance maintained” means the overall conditions are neither improving nor declining, and “performance improving” means overall conditions are improving (68, 69). In general, for 2015/16 and 2017/18, the national performance indicators for natural sites show no “performance declining”</p>		
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		<p>(degrading) with the exception of the natural heritage indicator of “ecosystem representation – the full range of ecosystems is protected somewhere” for freshwater and marine (68, 69). In these reports forest management activities are not mentioned.</p> <p>The area of plantation forests expanded steadily through to the early 2000s, but since then has shown a small (about 3 percent) decline as some existing plantations were converted to more profitable agricultural land uses, notably dairy farming (8). Scion has concluded that planted forests can function as a haven for some species in highly modified landscapes where they are often the only forest habitat. In fragmented landscapes, planted forests can become parts of corridors that facilitate species movement between otherwise isolated native forest patches and other habitats (35).</p> <p>New Zealand’s indigenous (native) plants and animals evolved without predatory or browsing mammals. Humans introduced animals and plants that are now considered pests and these introduced pests have a major impact on indigenous (native) biodiversity (12). Alien animal species eat indigenous animals and plants and compete with them for food or habitat. Possums, rats, and stoats pose the greatest threat to indigenous plants and animals and are present across most of the country. They prey on indigenous birds and have contributed to declines in populations of forest birds such as the North Island kōkako, kererū, kākāriki,</p>		
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		<p>yellow head (mōhua), and brown creeper. Possums also eat large quantities of indigenous vegetation and are a major cause of decreasing distributions of indigenous tree species – such as pōhutukawa, Hall's tōtara, kāmahī, māhoe, tawa, and rātā. In the process they can also change the composition and structure of native forests (12). Possums, rats and mice also slow forest regeneration by eating seeds and seedlings. Other pests, such as feral goats, red deer, and Himalayan tahr, have a more limited distribution, but when concentrated in large numbers, they can have significant effects on forest and alpine ecosystems (12).</p> <p>The Our Land report 2018 (29) states that increased visitor numbers to conservation land and inward tourism as the main cause of invasive species and their spread.</p> <p>Many introduced plants have also become pests. This includes ten exotic conifer species (Douglas fir, <i>Pinus contorta</i>, as well as cedars, cypress, larches, and spruces) (13). There are online maps showing the distributions of introduced plants in New Zealand according to the Department of Conservation documents (see reference 78). The group also includes the principal exotic plantation species in the country, radiata pine, that has spread beyond plantations or deliberate plantings infesting indigenous (native, natural) ecosystems (25). However, an expert on wilding conifers (see above list of experts consulted) commented</p>		
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		<p>that the wilding risk of radiata pine is considered very low relative to that of other exotic species and spread can be easily managed.</p> <p>Wildings are defined as tree species that:</p> <ol style="list-style-type: none"> 1. produce cones instead of flowers 2. are not native to New Zealand 3. begin growing through natural spread – seeds are self-sown by the wind 4. live outside managed conifer plantations – such as pine and Douglas-fir forests. (90) <p>Wilding conifers currently cover more than 1.8 million ha of land and are spreading at an estimated rate of 5% a year (13). They have colonised large landscape-level areas when left unchecked. Wilding conifers are a major problem in areas where there is no natural forest, such as above the bush line, in mineral belts and tussock grasslands where they grow much taller than tussock and shrubs, and when present in high numbers can dramatically change the nature of the habitat. Once they form a closed canopy virtually all native plants are destroyed because they cannot grow in deep shade (13). Wildings can grow in dense stands. They reduce the value of managed pasture, displace native biodiversity and alter the character of the landscape (8).</p> <p>Therefore, wilding conifers are a major problem in areas where there is no natural forest, such as above the bush line, in mineral belts and tussock grasslands where they grow much taller than tussock and shrubs, and when</p>		
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	<p>present in high numbers can dramatically change the nature of the habitat (13). Wilding conifers are a problem primarily in the Marlborough Sounds, the South Island high country and the central plateau of the North Island but are also invading natural habitats in Otago and the Mackenzie Basin (8).</p> <p>The legislative frameworks required to support effective wilding conifer management are largely in place through the Resource Management Act 1991 (RMA) and the Biosecurity Act 1993. The RMA provides for rules to be established by territorial local authorities about how natural and physical resources (including land) are managed to promote sustainability (7). The Biosecurity Act provides for management agencies (in particular, regional councils) to establish pest management plans to manage the impacts of pests on economic, environmental, social or cultural values (28).</p> <p>In general, the impacts of commercial operations in areas that are not under legal protection scheme are regulated by the Resource Management Act 1991 (RMA) which is implemented via Regional Plans or Resource Consents (7, 26). These impose conditions to protect ecosystems and their services such as water quality and control of erosion. This is implemented through provisions in Regional and District Plans, which for plantation forests are the same and are the National</p>		
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		<p>Environmental Standards for Plantation Forests (NES-PF) (51). A national survey undertaken by the Ministry for the Environment in 2004 found the majority (60%) of local authorities have formal strategies for protecting biodiversity and the great majority (93%) of District Plans have “rules covering clearance and disturbance of significant vegetation and significant habitat”. Evidence of enforcement is provided in Category 1.</p> <p>Management of private-owned natural forests is legally required in most cases (the only exemption applies to 9,000 ha of SILNA lands – see Table describing sources of legal timber in New Zealand) to follow a tailored sustainable management plan (see reference 21) which is approved by the Ministry for Primary Industries and which considers environmental requirements, the risk of non-compliance with these requirements is concluded as low (see indicator 1.10 Environmental requirements). Forest management activities in plantations must comply with the National Environmental Standards for Plantation Forests (NES – PF) (see reference 51) and these are based on best sustainable practices and consider environmental requirements. Under these new regulations, wilding conifer control is considered (38), and regular removal of wilding conifers is required if these are present. The risk of non-compliance with these requirements is concluded as low (see indicator 1.10 Environmental requirements).</p>		
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		<p>In New Zealand's third (and latest) on Montreal Process Criteria and Indicators in 2015 (8), it was stated that there was positive progress against the indicator 3.a Area and percent of forest affected by biotic processes and agents (e.g. disease, insects, invasive species) beyond reference conditions. It was noted that wilding conifers were spreading but it was also mentioned that measure to control them exist.</p> <p>While wilding infestations occur across New Zealand, various regions have their own strategies for dealing with them. For example, the Canterbury Regional Council launched a Pest Management Strategy in 2005 with the objective of eradicating all self-sown wilding conifers in ecologically sensitive areas in its jurisdiction (37).</p> <p>Nationally the New Zealand Wilding Conifer Management Strategy 2015–2030 (28) is a non-regulatory strategy supporting collaborative action between land occupiers, researchers, regulators and communities to address the critical issues facing wilding conifer management. The Strategy strikes a balance between minimising the negative impacts of wilding conifers, while keeping beneficial conifer plantings (“The right tree in the right place”) (37). It aims to strategically and collaboratively prevent the spread of wilding conifers, and efficiently contain or eradicate established areas of these trees, by 2030. This strategy is implemented through the National Wilding Conifer Control Programme, which brings extra funding, coordination,</p>		
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		<p>and collaboration to wilding conifer control across New Zealand. The Programme is focused on containing and removing scattered wilding conifers to prevent further spread and to protect farmland, biodiversity, iconic landscapes and sensitive water catchments (37). In the programme's first year (2016 to 2017) it controlled and prevented the spread of wilding conifers across around 1.2 million hectares of New Zealand's high country which include activities in the central North Island region, Marlborough region, Canterbury region, Otago region, Southland region (37). Nearly 400,000 more hectares were controlled in year two 2017/18. The government is adding a further 371,000 hectares to the programme in 2017 to 2018 (25).</p> <p>Of the 14 areas covered by the Programme in Year 1, eight have now had most of their problematic seed sources removed and conifer spread halted. This has protected vast tracts of land in a contiguous area from Molesworth to the Mackenzie Basin and on into the Wakatipu area. This includes high country farmland and conservation land in the Lewis, Cragieburn, Porter, Godley, Four Peaks, St Mary-Ida and Dunstan areas, as well as in the Kaimanawa area of the North Island. Follow-up control work in these areas is planned for three years' time (37). There is website where the infestations are being watched and public infestation reports can be done (see 66).</p>		
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		Progress is ongoing and there was no evidence found challenging a low risk designation.		
3.2 HCV 2	3, 5, 7, 8, 32, 39.	<p>Occurrence assessment</p> <p>The Intact Forest Landscapes (IFL) database (32) includes significant areas of natural forests in large intact forest landscapes (43,100 km², or approximately 16% of total land area) within New Zealand on both the North and South Islands. IFLs do not contain exotic plantations.</p> <p>Threat assessment</p> <p>The extent of fragmentation in New Zealand's natural forests showed little change between 2000 and 2012. Most tall natural forests occur in large (> 500 hectares) tracts of land that are in public ownership (8). Small natural forest fragments are mainly found on privately owned land. To maximise the retention of indigenous (native) biodiversity in these fragments, both farm stock and introduced pests such as brushtail possums and rats need to be excluded (8). In New Zealand's Third Country Report on Montreal Process Criteria and Indicators of 2015 the indicator 1.1c Fragmentation of forest is assessed as having a medium to high quality of information and concludes that a trend of "neutral" and forest management activities are not mentioned as one factor for fragmentation (8). In general, evidence indicating that forest management activities are a current threat to these IFLs was not found.</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> • Country <p>Functional scale:</p> <ul style="list-style-type: none"> • Protection scheme <ul style="list-style-type: none"> • Protected areas • Non-protected areas • Ownership <ul style="list-style-type: none"> • Public • Private • Type of forest <ul style="list-style-type: none"> • Natural forests • Exotic forest plantations 	<p>Low Risk</p> <p>For IFLs under legal protection, the following threshold is met: (11) HCV 2 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities</p> <p>Low Risk</p> <p>For IFLs not under legal protection, the following threshold is met: (10) There is low/negligible threat to HCV2 caused by management activities in the area under assessment.</p> <p>Low risk</p> <p>For the rest of the country the following threshold is met: (9) There is no HCV 2 identified and its occurrence is unlikely in the area under assessment.</p>

		<p>In relation to the threat of commercial logging in IFLs, no forest management activities take place in protected areas and harvesting in government-owned natural forests is not permitted under the Forests Act nor under the Conservation Act. However, timber harvesting is permitted in natural forests on private land, although this is very limited (production is only approximately 16,000 m³ per year) and strictly regulated (5).</p> <p>For the IFL area under legal protection, harvesting is forbidden and generally there is low risk of non-compliance with the legal restrictions in management in protected areas (see indicator 1.9 Protected sites and species).</p> <p>For the IFL area not under legal protection, harvest permits can only be issued for logging in privately-owned natural forests after a formal and comprehensive Sustainable Forest Management Plan (SFMP) has been prepared by the forest owner and approved by MPI. Permits must comply with the natural forestry provisions (Part 3A) of the Forests Act 1949 (3). For any harvesting of natural forests on private land, to comply with the Act and Regulations, the SFMP must specify the coupe size, species to be taken, forest condition remaining, skid tracks to be used and re-instated, run-off controls amongst other things. If natural regeneration, following harvesting, is insufficient MPI can require seedlings to be planted at the harvest site. Before harvesting can take place, operators must also provide MPI with an annual logging plan. This provides information</p>		
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		<p>on the area the trees shall come from, approved harvest volumes (by species), proposed harvest methods, location of tracks, and any requirements for specific actions, for example, directional felling to protect any adjacent forest. Operators are also encouraged to actively harvest trees with different ages and sizes and to source trees that are at risk of dying naturally. There are provisions for milling minor quantities of timber where a plan or permit is not in place, for example, naturally dead, wind thrown and salvaged timber, and timber approved for harvesting and milling for an owner's personal use, but not for commercial use. No current violations of these requirements are known and the most recent prosecution in August 2011 and was for overharvesting (see for example, indicators 1.4 Harvesting permits, 1.8 Timber harvesting regulations, 1.10 Environmental requirements).</p> <p>The Resource Management Act (RMA) is the principle environmental protection legislation applied to commercial activities in the country for all forestry types under all kinds of ownership, including private natural forest (7). The RMA is implemented via Regional Plans or Resource Consents (7). These combined with the NZ Conservation and the NZ Forests Act impose environmental conditions to protect ecosystems. Evidence of enforcement is provided (see for example, indicators 1.4 Harvesting permits, 1.8 Timber harvesting regulations, 1.10 Environmental requirements).</p>		
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		<p>No disaggregated up-to-date data are available for New Zealand on the proportion of the IFL area that lies within protected areas, but the proportion is significant. In 2000 over 70% of the intact forest in New Zealand was protected (39).</p> <p>The extent of fragmentation in New Zealand's natural forests showed little change between 2000 and 2010, and most tall natural forests occur in large (> 500 hectares) tracts of land that are in public ownership (8). It was estimated for New Zealand in the period of time between 2000 and 2012 that 1) relative forest loss in protected areas was much smaller than in non-protected areas, 2) the loss was much less for intact forest than non-intact forest (relative to total area of forest in both classes) and 3) relative loss in intact forest was much smaller in protected than non-protected areas (39). More recently, the area of publicly owned natural forest protected by legislation has increased by 3.7 percent since 2006 (8).</p> <p>The IFL degradation recorded between 2013 and 2016 is minimal and in general the area of IFL has not reduced significantly since 2000 (32).</p>		
3.3 HCV 3	14, 30, 31, 40, 41, 42, 43, 44, 45, 50, 68, 69, 79, 80, 81, 82.	<p>Occurrence assessment</p> <p>Rare, threatened and endangered ecosystems and habitats have been identified in New Zealand. In 2007, New Zealand's Ministry for the Environment established a national database of land areas (called National Priority 1 land environments) that represent rare and threatened environments and ecosystems on</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> • Country <p>Functional scale:</p> <ul style="list-style-type: none"> • Protection scheme <ul style="list-style-type: none"> • Protected areas • Non-protected areas • Ownership <ul style="list-style-type: none"> • Public • Private 	<p>Specified Risk</p> <p>Following the precautionary approach, for the areas containing priority 1 land environments not under legal protection and the non-protected plantation forest and natural forest adjacent to these areas, the following threshold is met: (17) HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.</p> <p>Low Risk</p>

		<p>private land in New Zealand (31). These ecosystems were selected based on having 20% or less remaining under indigenous (native) vegetation cover (31). The National Priority 1 land environments are found throughout New Zealand (see online maps in reference 41). Wetlands (especially swamps, fens and marshes) and active sand dunes are examples of these areas (82). The Ministry for the Environment through the Department for Conservation protects only a portion of these areas. The area of indigenous (native) vegetation remaining in Priority 1 land environments that is not formally protected in the South Island is 183,751 ha and in the North Island is 284,238 ha (41).</p> <p>New Zealand has 72 different naturally uncommon ecosystems (40, 79). They are ecosystems that are rare (they were once widespread and are now reduced in extent) and also naturally uncommon (they were never extensive) (80). They occur in unusual physical environments and include for instance unique geothermal communities and volcanic dunes. They are found in a wide range of spatial extents and locations, from very reduced (e.g. 100 m² to a few hundreds of hectares) but geographically widespread, to larger (e.g. 10 000s of hectares) but geographically restricted (80). Many of these ecosystems occur in azonal environments that lack trees, despite often lying below the regional treeline (80). According to Landcare Research (79), these ecosystems fall into six</p>	<ul style="list-style-type: none"> • Type of forest <ul style="list-style-type: none"> • Natural forests • Exotic forest plantations 	<p>For the priority 1 land environments that are under legal protection in general (in and outside of the 500 places DOC surveils), the following threshold is met: (15) HCV3 is identified and/or its occurrence is likely in the area under assessment, but it is effectively protected from threats caused by management activities.</p> <p>Low Risk</p> <p>The 72 natural uncommon ecosystems, the following threshold is met: (14) There is low/negligible threat to HCV 3 caused by management activities in the area under assessment.</p> <p>Low Risk</p> <p>For the rest of the country the following threshold is met: (13) There is no HCV 3 identified and its occurrence is unlikely in the area under assessment.</p>
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		<p>categories: coastal, geothermal, subterranean or semi-subterranean, wetlands, inland and alpine. Almost two-thirds of the naturally uncommon ecosystems are classified as threatened under the red-list criteria of the International Union for Conservation of Nature. Of these, 18 (40%) are critically endangered, the highest level of threat, 17 as endangered and 10 as vulnerable (30, 80). These ecosystems are found mainly in inland and alpine systems (30 natural uncommon ecosystems out of the 71), 15 wetlands, 13 coastal, 5 geothermal systems, 5 subterranean or semi-subterranean and 3 induced by native vertebrates (30). The inland and alpine systems present the most ecosystems critically endangered and vulnerable, but also 14 of them are categorized as “least concern” because they are not threatened with extinction (30). These ecosystems are found throughout New Zealand (see reference 40 for examples of localities that contain them). Landcare Research has developed extensive information on these ecosystems and has elaborated maps with their approximate locations by region and by territorial authority (79).</p> <p>In the annual reports for 2015/16 and 2017/18 from the Department of Conservation, the national performance indicator for natural heritage of “ecosystem representation - the full range of ecosystems protected somewhere” shows “performance declining” for marine and freshwater ecosystems, and “performance</p>		
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		<p>maintained” for terrestrial ecosystems which means that overall conditions are neither improving nor declining (68, 69).</p> <p>Therefore, the protected areas have not improved their representativeness of the overall ecosystem diversity in the country.</p> <p>Threat assessment</p> <p>The 72 naturally uncommon ecosystems are considered mainly non-forested (80). Landcare Research (79) has developed extensive research for each one of these ecosystems and their threats. The specific threats identified for each one of the six categories they represent do not include forest management activities (e.g. coastal ecosystems are threatened by coastal development, wetlands by agricultural and urban development, etc.) (79). The inland and alpine category has a higher likelihood of being threatened by forest management activities. This category consists of 30 naturally uncommon ecosystems that occupy a broad range of physical environments, but most of them are on poorly developed soils and support low-statured, open vegetation (81). Some of these ecosystems are well represented in existing protected reserves (e.g. ultrabasic hills, cloud forests), whereas others are poorly represented and highly threatened (e.g. inland sand dunes, inland saline systems) (81). While some of them were historically destroyed and converted into plantations in the 1920s (e.g. sand dunes) (81), the main current</p>		
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		<p>threats are not from forest management activities. For example, draining wetlands for agricultural and urban development over the past 150 years has significantly reduced their extent, leading to a loss of biodiversity and natural function. Wetlands occupied about 249,776ha (0.9 percent) of New Zealand's land area in 2008. This is one-tenth of their estimated extent before human habitation (2,471,083 ha or 9.2 percent) (42, 50). Wetland losses occurred historically through drainage and conversion to farmland (McGlone, 2009 in reference 50). Although we are less clear on contemporary patterns of national wetland extent, we know that losses are still occurring today (50). No evidence is found that attributes the threat of lack of protection of wetlands to forest management activities.</p> <p>Another example can be seen in the coastal naturally uncommon ecosystems which include sand dunes. In 2008, New Zealand's active sand dunes had decreased 80.5 percent (i.e. from 129,402 ha to 25,208 ha) from their predicted pre-human extent. The threat of lack of protection of wetlands is attributed to human efforts to stabilise dunes for their own use (43). The main cause of the historical decline in area of active duneland has been the stabilisation, then afforestation with <i>Pinus radiata</i>, of active dunelands, but this occurred following European settlement, and it was reported in 1911(44). The contribution of active duneland to the natural character of the New Zealand coastal environment</p>		
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		<p>received belated recognition in the New Zealand Coastal Policy Statement (Department of Conservation 1994, Policy 1.1.2) which identifies the protection of dunes as a matter of national importance. Other activities, including agricultural development, sand mining, urbanisation, uncontrolled grazing by stock, waste disposal and military activities have caused local degradation, but account for a minor proportion of the area of active duneland already lost (44). There were no records found for the last decades indicating that afforestation is occurring in dunelands.</p> <p>The Department of Conservation (DOC) manages a network of Ecosystem Management Units (EMUs) that often include several connected ecosystems and communities of threatened species, which are prioritised to ensure that the best possible representation of the full range of ecosystems is protected in a healthy and functioning state (45). However, the management that is currently being implemented and monitored at around 500 places does not fully represent this range, and this management is often only partially implemented, resulting in a lower ecological integrity (EI) than may be expected (45).</p> <p>In general, the following are key findings (45):</p> <ul style="list-style-type: none"> • Beech forest and alpine ecosystems are over-represented in the places that are currently being managed. • Bare rock (including braided rivers), dunelands, lakes and wetlands are under-represented. 		
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		<ul style="list-style-type: none"> • Naturally uncommon ecosystems, such as frost flats and geothermal areas, are under-represented. • The potential gain in EI in managed ecosystems is lower than would be expected had all planned management actions been funded in 2015/2016. • This difference between expected and actual EI is most marked in conifer broadleaved and kauri (<i>Agathis australis</i>) forest, and in dune and geothermal ecosystems (45). <p>This means that the priority 1 land environments that are under DOC control and management (part of the monitored 500 places) are not having their environmental integrity fully protected and are also not representative of the rest of the prioritized uncommon ecosystems. Nevertheless, forest management activities are not recognized in reference 45 as the factor affecting the ecological integrity.</p> <p>Moreover, for the priority 1 land environments that are under legal protection in general (in and outside of the 500 places under DOC management and monitoring) there is enforcement of the legislation that forbids or controls the harvesting and commercial forestry operations inside protected sites and across protected species (see indicator 1.9).</p> <p>For the non-protected (not legally under protection status) plantation forest and natural forest adjacent to the sites</p>		
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		<p>where HCV3 is identified or likely to occur, and for the areas containing priority 1 land environments that are not formally protected, the threat to HCV3 is latent. Regardless, forest operations are following legal requirements of providing and following sustainable forest management plans (SFMP) for natural forests and compliance with statutory environmental standards in the case of forest operations in exotic forest plantations (see Category 1). There is a lack of information to conclusively state that forest management activities in these places are not a threat to HCV3. It could be that in these places a similar case of ideal management (potentially also including forest management for commercial purposes) is not meeting the expected maintenance of the ecological integrity could be occurring as it is happening in the 500 places managed and monitored by DOC.</p> <p>In the New Zealand's fifth (and latest available) National Report to the United Nations Convention on Biological Diversity in 2013 (14), there is no explicit mention on the status of the priority 1 land environments.</p> <p>Regarding the progress in achieving the Aichi targets, 2013 New Zealand's Fifth (and latest) National Report to the United Nations Convention on Biological Diversity (14) summarizes that the discrete elements of most targets have already been largely met, such as those for terrestrial protected areas and subsidy/incentive reform. Other targets are ongoing efforts, such as those for</p>		
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		managing invasive alien species and for maintaining the genetic diversity of species. Others are in progress, e.g. the target 4 relating to the update of national biodiversity strategies and action plans. More progress is required in the elements of targets relating to freshwater or inland water quality or protection. This is an issue that is well recognised in New Zealand and around which various levels of government (as well as other actors) are taking action (14).		
3.4 HCV 4	9, 10, 15, 16, 17, 18, 19, 20, 22, 24, 33, 38, 46, 47, 48, 49, 50, 51, 83, 84, 85, 86, 87, 88, 89.	<p>Occurrence assessment</p> <p>New Zealand's planted forests provide provisioning, regulating, cultural and supporting services, such as carbon sequestration, avoided erosion, improved water quality, and flood mitigation (10)</p> <p>The drinking water supply for several cities in New Zealand originates in catchments containing indigenous (native) or exotic forest plantations. In particular the cities of Auckland, Dunedin and Rotorua with a combined population of approximately a third of the country obtain their drinking water supplies from catchments containing exotic forest plantations.</p> <p>Planted and natural forests also have an important role in controlling hydrological flows in catchments that feed rivers and lakes (83). Flooding is an issue in parts of New Zealand and leads to a range of social, economic and environmental impacts (84). Maps of New Zealand's lakes and rivers are available online</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> • Country <p>Functional scale:</p> <ul style="list-style-type: none"> • Type of forest <ul style="list-style-type: none"> • Natural forests • Exotic forest plantations 	<p>Low Risk</p> <p>For natural forest and exotic forest plantation the following threshold is met: (21) HCV 4 is identified and/or its occurrence is likely within the area under assessment, but it is effectively protected from threats caused by management activities</p> <p>Low Risk</p> <p>For the rest of the country the following threshold is met: (19) There is no HCV 4 identified and its occurrence is unlikely in the area under assessment.</p>

		<p>(15), which along with information on the likelihood of high intensity rainfall events (85) can be used to highlight areas at risk of flooding.</p> <p>The Land Resource Information System includes soil erosion type and severity maps for the country (20) and offers a second useful proxy for HCV 4.</p> <p>Both exotic plantations and natural forests occur in areas where HCV 4 may be a consideration.</p> <p>Threat assessment</p> <p>New Zealand's Environmental Reporting Series dedicated to fresh water from 2017 (50), highlights as a top finding on more than half the water allocated (or consented) by councils is for irrigation, but it is not known how much of this is actually used. Water is used for farming (irrigation and stock drinking water), power generation, drinking water, and industry (50).</p> <p>Humans have been taking water and modifying water bodies for agriculture and urbanisation, and to produce energy and protect against flooding, which have resulted in altered flow regimes. The most widespread cause of altered river flow from water takes appears to be irrigation, although other uses such as hydroelectricity are important in some catchments. There is currently no national-scale data on water use, and the analysis so far is done with consented information. Climate change is predicted to exacerbate pressures on water flows and the availability of water</p>		
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		<p>(50). Forest management was not raised as a factor threatening to reduce of water quantity.</p> <p>Moreover, a 2009 review of literature on the impacts of exotic forest plantations in New Zealand on water resources concluded that many impacts were positive (17):</p> <ul style="list-style-type: none"> • Water yield - afforestation can reduce peak catchment flood flows by up to 50%. • Water quality and leaching - planted forests have the lowest potential for nitrate and phosphorous leaching with levels similar to natural forests. • Sediment yield - afforestation of whole catchments can reduce sediment load to waterways by 50-90%. • Soil erosion - recent research provides further support that plantations mitigate soil erosion. • Impacts on soil nutrients the high level of soil organic N present in established pastures decreases markedly when the pasture is planted in pine forest (17). <p>Accelerated erosion is associated with human activities such as earthworks, forest harvesting, livestock farming, and cultivation practices (50). However, various studies have identified the vulnerability of pasture land to landslide erosion compared with that of forested land or scrub, with forests offering the least vulnerability (e.g. in reference 10: Pain and Stephens 1990; Hicks 1991; Marden and Rowan 1993; Jones et al.</p>		
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		<p>2008). Jones et al. (2008 in reference 10) suggest that planting radiata pine trees can be an effective means of controlling erosion. (10)</p> <p>Established planted forests improve the infiltration capacity of compacted soils, which in turn reduces surface runoff. These forests also improve water quality by directly shading streams and lake margins and by reducing nutrient and bacterial inputs as a replacement for agricultural crops or as stream buffers (Dyck 2003 in reference 10). Rivas Palma (2008) found that planted forests in Hawke's Bay are valued by households for their ability to contribute to better water quality. In terms of flood mitigation, Bicknell et al. (2004 in reference 10) estimated that damage due to floods cost New Zealand insurers NZ\$247 million between 1995 and 2004, excluding government compensation payments. It is recognised that tree establishment could significantly reduce flooding (Blaschke et al. 2008 in reference 10). Although valuation methods have been developed to estimate values of flood mitigation, to the best of our knowledge, no study yet has estimated the economic value of flood mitigation benefits provided by planted forests (10).</p> <p>However, a recently published study (16) compared time-series analyses of land disturbance with water quality variables of total suspended solids (TSS), turbidity, and visual clarity for the Hotoe River catchment on the North Island of New Zealand for the 2000–2013 period. During forest harvest and recovery phases, exotic forest</p>		
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		<p>plantations were the dominant disturbance, affecting up to five times the area affected by soil erosion from grassland areas used by the dairy industry; while after recovery, grasslands assumed the dominant role, for up to 16 times the area of forest disturbance. The study showed that exotic forest plantations offer greater levels of soil protection than pasture, except during harvesting and restocking periods which only are approximately 2-3 years within a rotation of 25 years (e.g. for <i>Pinus radiata</i>) (16).</p> <p>New Zealand's Environmental Reporting Series dedicated to fresh water from 2017 (50), highlights as a top finding that the nitrate-nitrogen concentrations were worsening (55 percent) at more monitored river sites than improving (28 percent). The main pressures on the quality of the fresh water result from land-based activities. Water quality at sites where the upstream land cover is mainly urban, and pastoral tends to be poorer than sites where native land cover is dominant. Urban and pastoral sites have higher nutrient (nitrate-nitrogen and dissolved reactive phosphorus) and <i>E. coli</i> concentrations, and lower visual clarity and macroinvertebrate community index scores. Nitrate leaching from agricultural soils has increased, which may be associated with the worsening trends in nitrate-nitrogen at sites in catchments where pastoral land cover is dominant. Pastoral land is assumed to be mainly used for livestock production, but it is</p>		
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		<p>also for other purposes, such as turf production (50).</p> <p>As the dairy and agriculture industries grow, they are placing an ever-greater strain on the country's water supply and raising concerns about the quality of New Zealand's water (46). Urbanisation, the drainage of wetlands and the damming or modification of rivers have all placed pressure on fresh water bodies around the country. However, according to the Ministry for the Environment, land use and population growth are the main factors affecting the health of New Zealand's fresh water. Farmland's contribution to the economy and the need to provide for a growing population are both factors in the concentrated efforts to expand New Zealand's agriculture and dairy industries. New Zealand boasts one of the world's highest rates of agricultural land intensification. Between 1990 and 2012 alone, the estimated amount of nitrogen leached from agricultural land increased by 29 percent (46). Forest management activities was not raised as a factor of concern in general for the reduction of water quality. New Zealand has many water bodies with good water quality, and these tend to be in areas of natural forest or areas with little impact from human activities (50). There are examples in the literature and media of poor forestry practices at harvesting sites. For example, in 2011, Northland Regional Council issued a press release criticizing forestry plantation companies for poor practices (19). The Northland Regional Council</p>		
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		<p>says while there's generally a high level of compliance with forestry-related resource consent conditions in Northland, the same cannot be said for 'permitted activities'. Council rules allow some aspects of forestry (mainly harvesting and related earthworks) to be carried out without resource consent as 'permitted activities', provided certain criteria are met. "Unfortunately our experience is that most of the permitted activity work done in Northland is currently non-compliant, much of it significantly so" the council's Environmental Monitoring Officer – Land Use, Franco Meyer, says in a media release in 2011. Most common problems involve slash/waste wood material finding its way into streams and sediment discharges into water and Northland is home to more than 200,000 ha of commercial forestry plantations (Franco Meyer, 2011 in 19). More recently, there have been two examples where a combination of recent harvesting and extremely high intensity rainfall events resulted in the mobilization of woody debris from exotic forest plantations and its deposition downstream (86,87). In the case of Tolaga Bay, legal proceedings have been taken against the forestry companies involved to determine whether they were in breach of the Resource Management Act (88). Despite the media attention that certain events have attracted, exhaustive online research during the development of this assessment showed that overall, they are extremely rare and do not threaten human health. Furthermore, recent</p>		
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		<p>changes to regulation such as the NES-PF (9) are aimed at reducing their likelihood of occurring. The NES-PF requires the erosion susceptibility of all current and potential future forestry land to be assessed and places restrictions on the extent and frequency of harvesting activity on high risk sites (89).</p> <p>There are examples where exotic plantations have been established for erosion control and flood protection purposes. These include the Forest Encouragement Grants Regulations 1983, the Erosion Control Funding Programme and the Afforestation Grant Scheme that were or are used to encourage the establishment of forests on agricultural land in erosion prone areas. The Erosion Control Funding Programme has facilitated the establishment of over 35,000 ha of forests through planting or reversion in the East Coast region of the North Island (22). The Motueka River/Tasman Bay Community provides a good example of integrated watershed management (18). The overall basin is about 2,200 km² and is located in the northwestern part of the South Island of New Zealand. Two-thirds of its area is steep lands covered by native southern beech (<i>Nothofagus</i> spp.), podocarps (<i>Podocarpus</i> spp.) and commercial radiata pine (<i>Pinus radiata</i>) and Douglas-fir (<i>Pseudotsuga menziesii</i>) plantations.</p> <p>There are not many sites across the country where fine sediment has been</p>		
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		<p>observed over time using consistent methods. This makes it difficult to report on the status of deposited fine sediment cover at a national level, so the Our Fresh Water 2017 report (50) relies on modelled estimates. Models suggest a significant increase in sediment cover has occurred since human occupation. Over the past 800 years, the clearing of native forests, along with farming practices and earthworks, resulted in sediment in rivers being deposited above natural levels (50). Impacts of timber harvesting on water quality attributes were greatest when clear-cut harvesting up to the stream edge. Harvest impacts were mediated by the retention of intact riparian buffers and to a lesser extent by retention of moderate quantities of logging slash across small stream channels. Temporal and spatial factors influenced the magnitude of response to harvesting activities and duration of the recovery period. Land-use comparisons generally showed improving water quality from pasture to exotic forest plantation to natural forest (22).</p> <p>Pest species in New Zealand that pose a significant risk to native fauna and flora can be managed effectively through both aerial drops and feeder distribution of sodium fluoroacetate, a poison commonly referred to as 1080. The distribution of 1080 is conducted by forest managers in private, commercial (exotic plantation) forests and the Department of Conservation in public, natural forests. According to a 2011 paper "Evaluating the Use Of 1080:</p>		
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		<p>Predators, Poisons and Silent Forests” by the New Zealand Parliamentary Commissioner for the Environment, 1080 can have a kill rate for; possum populations of between 75-100%, rat populations of ~100% and “most or all of a stoat population”. All of this with next to no negative effects on the indigenous (native) species. 1080 excels at destroying terrestrial mammals of which there are none (except for three bat species) indigenous to New Zealand (24). However, there are public concerns around the impact that use of 1080 has on water quality and human health (47).</p> <p>Despite these concerns over 1080, scientific evidence supports its continued use for pest management. A joint Federated Farmers and Forest & Bird initiative has been launched through a website from the Pest Control Education Trust to clarify and communicate publicly scientific facts around 1080 and its threats. This initiative is supported by diverse organizations (48). Numerous evidences support the use of the 1080 compound for pest control and evidence that these compound: a) does not accumulate or leave permanent residues in soil, plants, water or animals, b) is highly water soluble and breaks down rapidly in the environment to into harmless substances, c) has never been found in human drinking water supplies above the Ministry of Health tolerance level of 2 parts per billion and d) that humans are at extremely low risk of 1080</p>		
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		<p>poisoning from eating fish that have eaten 1080 bait (48).</p> <p>In New Zealand Herald in 2018 (47) it was stated that 'Dr Belinda Cridge, University of Otago Department of Pharmacology and Toxicology, said that while the use of 1080 to control possums and rats has a bad rap, scientists still say it's the best tool. "As I understand it, the ongoing concerns are around non-target species toxicity and water contamination," Cridge said. "Common concerns centre on deaths concerning other native species, such as birds and fish, and hunted species such as deer and pigs. "1080 is toxic to all species, however, birds and reptiles seem to have a degree of tolerance. "Scientifically, the understanding is that the original 1080 compound is broken down quickly in the environment and that 1080 doesn't persist in the environment or water like many other toxins. This makes it unlikely that it will accumulate in waterways and cause down-stream poisonings." Cridge said research on 1080 has slowed down in recent years as science works to develop alternatives. However, overseas research on 1080 often can't be applied to the "unique" local scene. Professor Neil Gemmell, also from University of Otago, said developing genetic tools is time consuming and expensive and the best tool currently for large-scale pest control is 1080'. In its 2016 annual report on the aerial use of 1080, the Environmental Protection Authority stated that 13 breaches (non-compliance with</p>		
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		<p>Hazardous Substances and New Organisms Act -HSNO- controls or any other requirement associated with a 1080 aerial-application operation) were reported to them in 2016, but none of these related to negative impacts on human health and referred mostly to accidental releases with follow up preventive measures (49). Therefore, the use of 1080 in exotic and natural forests to control pest species is unlikely to have a negative impact on water quality or human health.</p> <p>Water resources in New Zealand are protected by legislation, principally the Resource Management Act 1991. The RMA provides a legal framework for using water, managing its quality, and balancing the needs of different groups who affect or use water. It is considered an effective policy instrument in this regard (33). Local authorities are responsible for protecting ecosystem services under the Resource Management Act (RMA) and the 2014 National Policy Statement for Fresh Water has objectives to “safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water.” Regional councils throughout the country monitor water quality, and then decide how to manage land and effluent. For example, in consultation with the local community, a council might decide to maintain high water quality in upland rivers and lakes for recreation and biodiversity but allow some runoff and waste into lowland rivers and estuaries.</p>		
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		<p>The Ministry for the Environment and regional councils, in consultation with the scientific community, has set water-quality standards and guidelines for water and its use. There are set legal limits for the physical, chemical and biological factors affecting water quality.</p> <p>Management of forests is carefully controlled to prevent contamination of the water supply from sediment, herbicides and fertilisers (through setbacks and riparian zones around watercourses). All forest management activities are regulated under the RMA via Regional Plans or Resource Consents. Private natural forests have the additional requirement to have an SFMP if timber harvesting is to occur. These impose conditions to protect ecosystem services such as water quality and control of erosion. The new National Environmental Standards for Plantation Forestry, published in 2017 and effective from May 2018, include specific guidance around the protection of water quality and minimizing the risk of soil erosion (includes changes to Erosion Susceptibility Classifications) (9, 38). It covers 8 core plantation forestry activities, based on best practices, including harvesting techniques and activities relate to control of erosion (51). However, it allows these to be carried out as permitted activities, subject to conditions aimed at managing potential negative effects on the environment (9, 38). Where required, forest owners and operators need to prepare and keep records of their forestry earthworks management plan,</p>		
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		harvest plan, and quarry erosion and sediment management plan (51). The likelihood of non-compliance with these new standards is low (see Category 1).		
3.5 HCV 5	4, 10, 52.	<p>Occurrence assessment</p> <p>Both exotic plantation and natural forests provide recreational opportunities including hiking, mountain biking, hunting, bird watching, food collecting and medicinal plant collecting (4). Several planted forests in New Zealand provide recreational opportunities to the people who visit them, including walking, mountain biking, horse riding, running, and exercising dogs (10). Where these activities occur on private land, landowners work with local communities to agree access protocols. Exotic plantations and associated industries are often major employers in rural communities, thus supporting the livelihoods of many members of these communities.</p> <p>Forests provide the basis for many traditional uses, among them collection of edible products of the forests (fruiting berries of indigenous plants, fern root, seeds, etc.), timbers for carving and building, physical remedies derived from trees, leaves, berries, fruits, bark and moss used to treat particular ailments, among others (52). However, traditional subsistence living is almost totally absent in New Zealand, so none of the above activities could be considered as being of fundamental importance to satisfy basic livelihood needs.</p>	<p>Geographical scale:</p> <ul style="list-style-type: none"> Country 	<p>Low Risk</p> <p>The following threshold is met: (23) There is no HCV 5 identified and its occurrence is unlikely in the area under assessment.</p>

		Therefore, HCV5 sites are unlikely to be present in New Zealand's forests and hence the risk that they are adversely affected by forest management is low. Additionally, Maori traditional food gathering, collection of medicinal plants, etc. are considered cultural values and are covered under indicator 3.6.		
3.6 HCV 6	4, 10, 34, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76.	<p>Occurrence assessment</p> <p>Sites and landscapes of global and national cultural, archaeological and historical significance have been identified in New Zealand. Many of these sites have particular importance to Māori.</p> <p><i>Internationally significant heritage sites</i> World heritage sites are designated by UNESCO under the World Heritage Convention, which provides for the protection of places that are of outstanding universal value. New Zealand has three and the map from UNESCO website identifies their location on the New Zealand territory (see reference 53):</p> <ul style="list-style-type: none"> • Te Wāhipounamu – South West New Zealand: This vast wilderness covers 2.6 million hectares of the south-west of the South Island (about 10% of New Zealand). Te Wāhipounamu was listed in 1990 and is considered one of the world's foremost natural world heritage sites. It contains plants and animals that existed when New Zealand was part of the ancient Gondwana supercontinent, and has outstanding mountains, fiords and glaciers (54). This comprises public conservation land including: Westland 	<p>Geographical scale:</p> <ul style="list-style-type: none"> • Country <p>Functional scale:</p> <ul style="list-style-type: none"> • Protection scheme <ul style="list-style-type: none"> • Protected areas • Non-protected areas • Ownership <ul style="list-style-type: none"> • Public • Private • Type of forest <ul style="list-style-type: none"> • Natural forests • Exotic forest plantations 	<p>Low Risk</p> <p>For the National significance heritage sites under the Department of Conservation the following threshold is met: (29) HCV 6 is identified and/or its occurrence is likely within the area under assessment, but it is effectively protected from threats from management activities</p> <p>Low Risk</p> <p>For the International significance heritage sites and the National significance heritage sites under HNZ -archaeological sites only- and under local authorities' administration the following threshold is met: (28) there is low/negligible threat to HCV 6 caused by management activities in the area under assessment.</p> <p>Low Risk</p> <p>For the rest of the country the following threshold is met: (27) There is no HCV 6 identified and its occurrence is unlikely in the area under assessment.</p>

		<p>Tai Poutini National Park, Mount Aspiring National Park, Aoraki / Mount Cook National Park, Fiordland National Park (55).</p> <ul style="list-style-type: none"> • Tongariro National Park: Tongariro National Park is one of a very few places in the world to be listed as a world heritage site for both natural and cultural significance. It was listed in 1990 for its outstanding volcanic features, and again in 1993 as a cultural landscape of great importance to the Ngāti Tūwharetoa tribe (54). • The Sub Antarctic Islands: New Zealand's Sub Antarctic islands consist of the Snares, Auckland, Antipodes, Bounty and Campbell Island groups (54, 55), and have a total area of 76,480 hectares. These remote and largely untouched islands, with their significant seabird and marine mammal populations, were listed as a world heritage site in 1998 because of their international importance for biodiversity. The islands' plants and animals evolved in the complete absence of land mammals and browsing land birds (54). <p><i>Nationally significant heritage sites under Heritage New Zealand - archaeological sites only- and under local authorities' administration</i></p> <p>There is a list online that serves as a recognition tool and where any individual can propose new sites through a written application. The list of heritage sites of national significance is</p>		
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		<p>divided into five parts, based on the type of sites (58):</p> <ul style="list-style-type: none"> • Historic Places: such as archaeological sites, buildings, memorials <ul style="list-style-type: none"> o Category 1 historic places are of special or outstanding historical or cultural significance or value o Category 2 historic places are of historical or cultural significance or value (58) <p>Such sites are administered by Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) (34). The HNZPTA provides blanket protection for all archaeological sites such that “no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if the person knows, or ought reasonably to have suspected, that the site is an archaeological site” (34).</p> <p>An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act (HNZPTA) 2014 as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods (34).</p> <ul style="list-style-type: none"> • Historic Areas: groups of related historic places such as a geographical area with a number of properties or sites, a heritage precinct or a historical and cultural area (58). • Wāhi Tūpuna: places important to Māori for ancestral significance and 		
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		<p>associated cultural and traditional values.</p> <ul style="list-style-type: none"> • Wāhi Tapu: places sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense such as maunga tapu, urupā, funerary sites and punawai. • Wāhi Tapu Areas: areas that contain one or more wāhi tapu (58). <p>Significant heritage sites are scattered throughout New Zealand, but mainly are found in or around urban areas. (56)</p> <p><i>National significance heritage sites under the Department of Conservation</i></p> <ul style="list-style-type: none"> • Scientific reserves: (10–100 hectares). These protect ecological groupings, plant or animal communities, soils and landforms for scientific study and education. They are similar to nature reserves but are often used for intensive research or education programmes. Many have access restrictions and permit systems. For example, Turakirae Head and Waiohine Faulted Terraces scientific reserves both protect landforms that developed after earthquakes along the West Wairarapa Fault. Bankside and Eyrewell scientific reserves on the Canterbury Plains preserve small areas of original vegetation that survived when the surrounding land was turned into farms. The Wilderness Scientific Reserve protects the best surviving remnant of bog pine (<i>Halocarpus bidwillii</i>) in the Te Anau Basin. (60) • Scenic reserves: are New Zealand's most common, and probably most 		
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		<p>widespread, protected areas. They were first created when communities wanted to retain some original vegetation in an otherwise modified landscape. Most scenic reserves are attractive patches of bush, often close to roads. They vary in size – many are less than 100 hectares, but some are more than 1,000 hectares. Outstanding forested scenic reserves include Gray's Bush near Gisborne, Boundary Stream and Ball's Clearing in Hawke's Bay, and Carter Scenic Reserve in the Wairarapa. These are all islands of unspoilt nature in a sea of farmland. (61)</p> <ul style="list-style-type: none"> • Historic reserves: protect places, objects, and natural features of historic, archaeological, cultural or educational interest. They are often quite small (1–10 hectares). Two well-known Northland examples are Ruapekapeka pā, the site of a significant battle in 1846, and Pompallier House, an early Catholic mission at Russell. The Second World War fortifications at Stony Batter on Waiheke Island and the old wooden Government Buildings in Wellington are also examples of much-visited historic reserves. Sometimes neighbouring historic reserves are related – for instance, those associated with the Otago gold rushes, including the St Bathans Post Office and the former diggings at Gabriels Gully. (61) • Recreation, government and local purpose reserves: There are 2,842 found throughout New Zealand covering a total of 255,750 hectares. 		
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		<p>Many provide public access to coastlines, lakes and rivers. Most are small (1–100 hectares), but a few are very large. They include Te Pahi in Northland, which comprises nearly 19,000 hectares of New Zealand’s finest coastal landscape, and Pūponga Farm Park at the mainland end of Farewell Spit. Pelorus Bridge and the many recreation reserves of the Marlborough Sounds are well known, as are Five Mile, Whakaipo, and other reserves around the shores of Lake Taupō. (61)</p> <ul style="list-style-type: none"> o Government purpose reserves: are a diverse group which includes important wetlands through to small areas of land around lighthouses. (61) o Local purpose reserves: are usually small. Most are domains, road reserves, and land around public halls and cemeteries in rural areas. Local authorities are usually responsible for their day-to-day management. (61) • Specially protected areas <ul style="list-style-type: none"> o National park specially protected areas: there are only a few specially protected areas within national parks. They include Slip Stream in Mt Aspiring National Park, a site of great cultural significance to the Ngāi Tahu tribe. The 51,800-hectare Special Takahē Area, covering the Murchison Mountains in Fiordland National Park, protects the endangered takahē. (4) o Sanctuary areas: are also limited in number and distribution. Most were 		
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		<p>set aside by the former New Zealand Forest Service as a result of conservation activism in the 1970s and 1980s. They preserve important forest types, such as the magnificent kauri forest remnants in Northland. The 9,105-hectare Waipoua Forest Sanctuary, containing Tāne Mahuta and other giant kauri, was the first to be created, in 1952. One of the more recent is Whirinaki Sanctuary, created in the 1980s to protect the podocarp forests of Whirinaki Forest Park. (4)</p> <ul style="list-style-type: none"> o Ecological areas: are usually large (1,000–5,000 hectares) and are representative of all the main ecosystems in a defined ecological district. Like sanctuary areas, most were designated by the Forest Service as a result of forest conservation controversies in the 1970s and 1980s. Most are on the West Coast of the South Island, and in Southland and the Bay of Plenty. The public can access them, but dogs are prohibited. (4) o Wildlife refuges and sanctuaries: protect particular species in an area. For example, the Moutohorā Island Wildlife Refuge in the Bay of Plenty is notable for its breeding colony of grey-faced petrels. It is also home to many other bird species, including North Island saddlebacks (tīeke). (4) o Wilderness areas: are large areas (usually more than 40,000 hectares) of natural wild land. They are open to the public but do not 		
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		<p>have visitor facilities such as huts, tracks and bridges. To protect their natural quiet and solitude, vehicles and aircraft are prohibited. (4)</p> <p>Wilderness areas lie in the more remote, mountainous parts of the country, and offer opportunities for self-reliant recreation. Typical examples are Raukūmara Wilderness Area, around the Mōtū River and the Raukūmara Range inland from East Cape, and Tasman Wilderness Area in the Tasman Mountains of Kahurangi National Park. (4)</p> <p><i>Nationally significant heritage sites under the Department of Conservation, local administration and Ngāi Tahu</i></p> <ul style="list-style-type: none"> • Tōpuni areas: are South Island areas specially protected by Ngāi Tahu because of their significance to the tribe. The word tōpuni means ‘to cover’ – referring to the custom where a person of high rank claimed authority over areas or people by laying a cloak over them. (4, 75) • Tōpuni status has been laid over 14 areas and cover the most prominent landscape features and public conservation areas of significance to Ngāi Tahu in Te Wai Pounamu/South Island (74, 75). • Nohoanga sites: are Māori restricted seasonal occupation sites (between middle of August and the end of April each year), usually on lake shores or river banks, where fish and other resources were traditionally harvested (4, 73). They are usually no bigger than 1 hectare and are 		
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		<p>located so as not to interfere with public access or use. As Treaty of Waitangi claims are settled under the Ngāi Tahu Claims Settlement Act 1998, more Nohoanga are likely to be created as specific ‘camping’ sites to support these traditional activities (4, 73). There are 72 Nohoanga sites within the southern islands of New Zealand (70) (see their 2018 location in reference 73). Nohoanga sites in the northern islands were not identified.</p> <p>In the Māori world view, people are closely connected with land and nature. The natural environment is considered integral to identity and fundamental to a sense of well-being (10).</p> <p>Threat assessment</p> <p><i>International significance heritage sites</i> According to UNESCO (63), the factors affecting world heritage site of Te Wahipounamu – South West New Zealand in 2004 relate to oil spill and effects arising from use of transportation infrastructure. Potential logging is listed as one factor affecting the site identified in previous reports.</p> <p>The IUCN World Heritage Outlook for Te Wahipounamu – South West New Zealand in 2014 (outlook for 2017 not yet available at the time of development of this assessment) (65) stated a conservation status of “good with some concerns” with a low concern and a stable trend of values and a wide range of high to very low level on threats. The greatest threat, presenting a major</p>		
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		<p>management challenge, is from the severe impacts of invasive browsing and predatory animals on indigenous (native) vegetation and wildlife, particularly birds. Low levels of threat are associated with the growing demand for tourism facilities development, including new road and rail corridors, and the potential effects of climate change on vegetation distribution, habitat fragmentation, alien species invasion, and an already marked reduction in the volume of permanent ice. Hazards from high-magnitude natural events threaten property and public safety, in particular, but are reduced by management intervention (65).</p> <p>Factors affecting the world heritage of Tongariro National Park in 2002 were recognized as management activities, society's valuing of heritage and volcanic eruption. Logging was not identified as risk factor for 2002 or previously (63).</p> <p>In 2017, Tongariro National Park was rated as "good" for level of conservation, a "low concern" on the current state, a "stable" for the trend in values, and a "low threat" overall in the IUCN World Heritage Outlook (67). The most prominent threats are from; a) growth in visitor numbers leading to overcrowding, which exceeds the social carrying capacity of key recreation sites at peak visit times and creates greater demand for new facilities and infrastructure; b) from natural hazard events, especially lahars which have caused deaths and destroyed property; and c) from the</p>		
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		<p>impacts on native biota of introduced plants and browsing and predatory animals. Ski-field development, though largely under control, remains a latent threat to both cultural and natural values. Some indigenous groups are opposed to any commercial development including redevelopment on existing ski fields. All these serious threats to the property are being closely monitored and effectively managed for the most part. The continuing growth of tourist use, and demand remains the most difficult management challenge. (67)</p> <p>The Sub-Antarctic Islands were rated in 2017 as “good” for level of conservation, a “low concern” on the current state, a “stable” for the trend in values, and with a “low threat” overall in the IUCN World Heritage Outlook (64). The site’s World Heritage values are subject to limited threats. Currently the major threats to the site are from outside the site including climate change and invasive species. While there has been a legacy of past human impact on many of the larger islands including fire, introduced mammals and non-native plants, many of the smaller islands remain near pristine and provide breeding sites for a wide range of marine mammals and seabirds, many of which breed nowhere else.</p> <p>Evidence that forest management activities are a current threat to these sites was not found.</p>		
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		<p><i>National significance heritage sites under HNZ -archaeological sites only- and under local authorities' administration</i></p> <p>Damage can be caused to both archeological sites national heritage sites during timber harvesting, extraction and replanting.</p> <p>Potential threats to such sites from forest management is the restriction of access for Māori communities to hunt, fish, extract plants, and maintain contact with resources for traditional use and sacred places.</p> <p>Most protective mechanisms for land-based historic heritage are administered by local authorities through their District Plan policies and heritage listings under the Resource Management Act 1991, although Heritage New Zealand Pouhere Taonga (HNZPT) retains regulatory responsibilities regarding archaeological sites. (57)</p> <p>HNZPT is an autonomous Crown Entity under the Crown Entities Act 2004. It is supported by the Government and funded via Vote Arts, Culture and Heritage through the Ministry for Culture and Heritage. Its work, powers and functions are prescribed by the HNZPT Act 2014. It is currently governed by a Board of Trustees, assisted by a Māori Heritage Council. (57)</p> <p>District plans are administered by local authorities and set out the changes that can be made to a property. Most district plans control proposed changes to heritage places and sites listed in their heritage schedules. HNZPT can get involved in this process and advocate for the retention of heritage values. (58)</p>		
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		<p>An online list of nationally-significant historic and cultural heritage places is available and serves as a recognition tool, but it does not in itself prevent places being altered or sold (58). The online list does not provide information about all current proposals, heritage covenants or heritage orders. This additional information is held in a complete list that can be requested to the Heritage HNZPT offices. (58)</p> <p>Local authorities are required to notify HNZPT if a building consent application is received regarding a property on the list. This allows HNZPT to offer conservation advice to property owners and the local authority (58). The fact that a property is included in the list should be noted on any relevant land information memorandum (LIM) supplied by a local authority (58).</p> <p>Most places on the list are not accessible to the public, and rights of access and private property rights must be respected (56). No significant heritage place lost from 2016 until now has been registered as destroyed by forest management activities (see register in reference 62). Most of these heritage places are found in urban areas (see map in 56) where forest management operations are highly unlikely to occur.</p> <p>In the future is a new programme that will improve the determination and conservation of these values. The National Historic Landmark programme was officially launched in April 2019 on</p>		
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		<p>World Heritage Day. It is an initiative introduced by HNZPT to better recognise and protect those heritage places that New Zealanders care deeply about. HNZPT was charged with establishing a list of outstanding heritage places that are cornerstones of the identity as New Zealander. (59)</p> <p><i>National significance heritage sites under the Department of Conservation</i> The Department of Conservation annual report for 2017/18 (68) states the 50-year outcome of national performance indicators. For the indicator of the condition of actively conserved historic places (seeking a stable and not deteriorating condition) the outcome is “performance maintained” (68) following a report of “performance improving” for 2015/16 (69). A “performance maintained” means the overall conditions are neither improving nor declining, and “performance improving” means overall conditions are improving (68, 69). For the natural heritage, specifically the indicators of “indigenous dominance – ecological processes are natural” and “species occupancy – the species present are the ones you would expect naturally” the status is also of “performance maintained” (68), same trend as reported in 2015/16 (69). In general, for 2015/16 and 2017/18, the national performance indicators for natural heritage and historical heritage sites show no “performance declining” (degrading) with exemption of the natural heritage indicator of “ecosystem representation – the full range of ecosystems is protected somewhere” for</p>		
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		<p>freshwater and marine (68, 69). In these reports forest management activities are not mentioned.</p> <p><i>National significance heritage sites under the Department of Conservation, local administration and Ngāi Tahu</i></p> <p>The Ngāi Tahu Claims Settlement Act 1998 implements a number of settlement provisions recognising the particular cultural, spiritual, historical and traditional associations of Ngāi Tahu with particular sites, areas and species. These provisions include the identification of taonga species and the establishment of tōpuni, statutory acknowledgements and Nohoanga sites, with the purpose of improving the effectiveness of Ngāi Tahu participation in resource management. (76)</p> <p>A Statutory Acknowledgement is an instrument created as part of the Treaty of Waitangi settlement between Ngāi Tahu and the Government (Ngāi Tahu Claims Settlement Act 1998). A Statutory Acknowledgement is a means by which the Crown has formally acknowledged the statements made by Te Rūnanga O Ngāi Tahu of the particular cultural, spiritual, historic and traditional association of Ngāi Tahu with the statutory areas. Statutory Acknowledgments recognise Ngāi Tahu's mana in relation to a range of sites and areas in the South Island and provide for this to be reflected in the management of those areas.</p> <p>Each Council is bound by provisions of Part 12 of the Ngāi Tahu Claims Settlement Act in relation to its functions under the Resource Management Act</p>		
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		<p>1991 with respect to these areas. Therefore, statutory acknowledgments impact upon Resource Management Act 1991 processes concerning these areas. (76)</p> <p>Anyone applying for resource consent for an activity that is within, adjacent to, or directly impacting on a statutory area can be affected by a statutory acknowledgment. The process of resource consent authorization, the local authority is required to forward (a summary of) resource consent application to Te Rūnanga o Ngāi Tahu for its consent, following the Section 215 of the Ngāi Tahu Claims Settlement Act 1998 “Purpose of Statutory Acknowledgements” (76). In this way, any activity is consented and regulated. Tōpuni is an enduring symbol of the tribe’s commitment to conserving areas of high natural and historic values as well as ensuring an active role for Ngāi Tahu in the management of the area (74).</p> <p>The 72 Nohoanga sites are exclusively for the use of Māori from this region (70), the Ngāi Tahu whānui (71). For fairness and environmental reasons, the use of Nohoanga sites is by authorisation only, and administered by Te Rūnanga o Ngāi Tahu (70). The authorization procedure involves contact with the administration in advance, provision of basic contact and visitor details, and random checks are done to ensure both those applying for authorisation are entitled to do so, and</p>		
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		<p>that past use has been consistent with the conditions of the authorisation (70).</p> <p>In the Te Rūnanga o Ngāi Tahu Annual report for 2018 (72) and in the annual reports from the Department of Conservation for 2015/16 and 2017/18 (68, 69), there is no mention of previous or current destruction and/or disturbances caused by forest management activities in Tōpuni areas or Nohoanga sites. Overall, evidence to indicate that of forest management activities are a current threat to these sites was not found.</p> <p>Finally, category 1 indicator 1.9 Protected sites and species and 1.15 Indigenous peoples' rights shows a low risk of non-compliance with legal requirements, and category 2 indicator 2.3 The rights of indigenous and traditional peoples are upheld also has a low risk conclusion.</p>		
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Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Recommended control measures might not have been provided for all the risks that have been identified in this risk assessment. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
3.0	Not applicable
3.1 HCV 1	Not applicable
3.2 HCV 2	Not applicable
3.3 HCV 3	For the areas containing priority 1 land environments not under legal protection and the non-protected plantation forest and natural forest adjacent to these areas: evidence of a local authority biodiversity mapping assessment and protection strategy in the relevant planning documents confirms HCV3 are identified and protected in the sourcing area; or consultation with an expert confirms a HCV3 assessment has been undertaken and there is a low threat to any identified HCV3 or the HCV3 are effectively protected. (consult the Annex E of FSC-STD-40-005 V3-1 "Requirements for Sourcing FSC Controlled Wood" for more detail on the recommended control measure)
3.4 HCV 4	Not applicable
3.5 HCV 5	Not applicable
3.6 HCV 6	Not applicable

Information sources

No.	Source of information	Relevant HCV category and indicator
1.	Department of Conservation. Undated. New Zealand – a biodiversity hotspot. http://www.doc.govt.nz/nature/biodiversity/nz-biodiversity-strategy-and-action-plan/new-zealand-biodiversity-action-plan/new-zealand--a-biodiversity-hotspot/	Overview, 3.1
2.	WWF. Undated. Terrestrial ecoregions: Temperate broadleaf and mixed forests. https://www.worldwildlife.org/biomes/temperate-broadleaf-and-mixed-forests	3.1
3.	Parliamentary Counsel Office. Undated. New Zealand Legislation: The Forests Act 1949. http://www.legislation.govt.nz/act/public/1949/0019/latest/DLM255626.html#DLM256601	3.2
4.	Les Molloy. 2015. 'Protected areas - Specially protected areas', Te Ara - the Encyclopedia of New Zealand. http://www.TeAra.govt.nz/en/protected-areas/page-5	3.1, 3.5, 3.6
5.	Ministry for Primary Industries and the New Zealand Forestry industry. 2013. The legality of New Zealand's Forest Products. https://www.mpi.govt.nz/dmsdocument/13819/send	3.2
6.	Parliamentary Counsel Office. Undated. New Zealand Legislation: Conservation Act 1987. http://www.legislation.govt.nz/act/public/1987/0065/latest/DLM103610.html?search=ts_act%40bill%40regulation%40deeme_dreg_conservation_resele_25_a&p=1	3.1
7.	Ministry for the Environment. Undated. Resource Management Act. http://www.mfe.govt.nz/rma	3.1, 3.2
8.	Ministry for Primary Industries. 2015. Sustainable Management of New Zealand's Forests – New Zealand's Third Country Report on Montreal Process Criteria and Indicators. https://www.mpi.govt.nz/growing-and-harvesting/forestry/overview/montreal-process/	Overview, 3.1, 3.2
9.	Ministry for Primary Industries. 2018. Growing & harvesting: National Environmental Standards for Plantation Forestry. https://www.mpi.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/	3.4
10.	Yao et al., 2013. Planted forests. In Dymond JR ed. Ecosystem services in New Zealand – conditions and trends. Manaaki Whenua Press, Lincoln, New Zealand. http://www.landcareresearch.co.nz/_data/assets/pdf_file/0019/77032/1_4_Yao.pdf	3.4, 3.5, 3.6
11.	Townsend et al. 2008. New Zealand Threat Classification System: Manual. http://www.doc.govt.nz/Documents/science-and-technical/sap244.pdf	3.1
12.	Ministry for the Environment. Undated. Impacts on biodiversity. http://www.mfe.govt.nz/publications/environmental-reporting/environment-aotearoa-2015-biodiversity/impacts-biodiversity	Overview, 3.1
13.	Department of Conservation. Undated. Wilding conifers are invasive weeds. http://www.doc.govt.nz/nature/pests-and-threats/common-weeds/wilding-conifers/	3.1
14.	CBD. 2013. New Zealand's Fifth National Report to the United Nations Convention on Biological Diversity. Reporting period: 2009–2013. https://www.cbd.int/doc/world/nz/nz-nr-05-en.pdf	Overview, 3.1, 3.3
15.	NIWA. 2016. Map of New Zealand's rivers. https://www.niwa.co.nz/freshwater-and-estuaries/nzffd/NIWA-fish-atlas/map-of-NZ-rivers	3.4
16.	Kamarinias, et al. 2016. Nonlinear Changes in Land Cover and Sediment Runoff in a New Zealand Catchment Dominated by Plantation Forestry and Livestock Grazing. <i>Water</i> , Special Issue Land Use, Climate, and Water Resources 8, 436. http://www.mdpi.com/2073-4441/8/10/436	3.4
17.	Hock et al. 2009. Recent Findings on the Environmental Impacts of Planted forests in New Zealand. Environment and Social Technical Note. Future Forests Research, Scion.	3.4

18.	Integrated Catchment Management (ICM) Motueka Research Programme. 2007. <i>Integrated catchment management for the Motueka River</i> . Landcare Research. https://icm.landcareresearch.co.nz/	3.4
19.	Baker, J. 2014. The Environmental Effects of Plantation Forestry: The Ngunguru Catchment, Northland, New Zealand: A Discussion Document. http://www.eco.org.nz/uploads/Ngunguru/NGUNGURU%20DOCUMENT%20April%2029,%202014%20FINAL%20web.pdf	3.4
20.	Land Resource Information System, 2010. UNZLRI Erosion Type and Severity. https://iris.scinfo.org.nz/layer/48054-nzlri-erosion-type-and-severity/	3.4
21.	Ministry for Primary Industries. 2013. Indigenous forestry sustainable management: a guide to preparing draft sustainable forest management plans, sustainable forest management permit applications and annual logging plans / Indigenous Forestry Unit, MAF Policy. https://www.mpi.govt.nz/dmsdocument/3680-indigenous-forestry-sustainable-management-a-guide-to-preparing-draft-sustainable-forest-management-plans-sustainable-forest-management-permit-applications-and-annual-logging-plans/sitemap	3.1
22.	Baillie, et al. 2015. Water quality in New Zealand's planted forests: a review. <i>New Zealand Journal of Forestry Science</i> , Volume 45, Number 1. https://www.fs.fed.us/rm/pubs_journals/2015/rmrs_2015_baillie_b002.pdf	3.4
23.	Department of Conservation. Undated. New Zealand Threat Classification System. https://nztns.org.nz/	3.1
24.	New Zealand Parliamentary Commissioner for the Environment. 2011. Evaluating The Use Of 1080: Predators, Poisons And Silent Forests. https://www.pce.parliament.nz/media/1294/evaluating-the-use-of-1080.pdf	3.4
25.	Ministry for Primary Industries, 2018. Wilding conifers. https://www.mpi.govt.nz/protection-and-response/long-term-pest-management/wilding-conifers/	3.1
26.	Environment Foundation. 2018. Environment Guide: Regional Plans. http://www.environmentguide.org.nz/rma/planning-documents-and-processes/regional-plans/	3.1
27.	Les Molloy. 2015. 'Protected areas – New Zealand's protected areas', Te Ara - the Encyclopedia of New Zealand, https://teara.govt.nz/en/protected-areas/page-1	Overview, 3.1
28.	Ministry for Primary Industries, 2014, The right tree in the right place: New Zealand Wilding Conifer Management Strategy 2015–2030. https://www.wildingconifers.org.nz/about-us/programme-2/the-national-wilding/	Overview, 3.1
29.	Ministry for the Environment & Stats NZ. 2018. New Zealand's Environmental Reporting Series: Our land 2018. https://www.mfe.govt.nz/publications/environmental-reporting/our-land-2018	3.1
30.	Archive Statistics New Zealand. 2015. Rare ecosystems. http://archive.stats.govt.nz/browse_for_stats/environmental-reporting-series/environmental-indicators/Home/Biodiversity/rare-ecosystems.aspx	Overview, 3.3
31.	Ministry for the Environment, 2007. Protecting our Places - Information about the national priorities for protecting rare and threatened native biodiversity on private land. https://www.mfe.govt.nz/publications/biodiversity/protecting-our-places-information-about-national-priorities-protecting	Overview, 3.3
32.	The IFL Mapping Team. 2017. On-line Intact Forest Landscapes Map. http://www.intactforests.org/world.webmap.html	Overview, 3.2
33.	Ministry for the Environment. 2016. Compliance, monitoring and enforcement by local authorities under the Resource Management Act 1991. https://www.mfe.govt.nz/sites/default/files/media/RMA/compliance-monitoring-and-enforcement-report.pdf	3.4
34.	Parliamentary Counsel Office. Undated. New Zealand Legislation: Heritage New Zealand Pouhere Taonga Act 2014. http://www.legislation.govt.nz/act/public/2014/0026/latest/DLM4005414.html	3.6

35.	SCION. 2018. Biodiversity: New Zealand planted forests environmental facts. https://www.scionresearch.com/_data/assets/pdf_file/0003/63354/Biodiversity_info_brochure.pdf	Overview, 3.1
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37.	Department of Conservation. 2017. Prevent the spread, National Wilding Conifer Control Programme: Annual report 2016/17. https://www.doc.govt.nz/globalassets/documents/conservation/threats-and-impacts/pest-control/wilding-conifers-annual-report-2016-17.pdf	3.1
38.	Ministry for the Environment. 2018. About the National Environmental Standards for Plantation Forestry. http://www.mfe.govt.nz/land/acts-and-regulations/national-environmental-standards-plantation-forestry/about-standards	3.1, 3.4
39.	Heino, et al. 2015. Forest Loss in Protected Areas and Intact Forest Landscapes: A Global Analysis. PLoS One https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4605629/	3.2
40.	Williams, et al. 2007. New Zealand's historically rare terrestrial ecosystems set in a physical and physiognomic framework. <i>New Zealand Journal of Ecology</i> , 31(2), 119–128. https://newzealandecology.org/nzje/2829.pdf	Overview, 3.1, 3.3
41.	Ministry for the Environment. Undated. National Priority 1 data and biodiversity maps http://www.mfe.govt.nz/more/biodiversity/national-policy-statement-biodiversity/statement-national-priorities-biodiversity	3.3
42.	Ministry for the Environment & Stats NZ. 2015. Wetland extent. http://archive.stats.govt.nz/browse_for_stats/environment/environmental-reporting-series/environmental-indicators/Home/Fresh%20water/wetland-extent/wetland-extent-archived-27-04-2017.aspx	3.3
43.	Ministry for the Environment & Stats NZ. 2015. Active sand dune extent. http://archive.stats.govt.nz/browse_for_stats/environment/environmental-reporting-series/environmental-indicators/Home/Land/sand-dune-extent.aspx	3.3
44.	Hilton, et al. 2000. Inventory of New Zealand's active dunelands: Science for conservation 157. https://www.doc.govt.nz/Documents/science-and-technical/sfc157.pdf	3.3
45.	Department of Conservation. 2016. Management of priority ecosystems - Ecosystem representation and change in ecological integrity of managed ecosystems. This factsheet is technical information complementary to the Annual Report 2015-16. https://www.doc.govt.nz/our-work/monitoring-reporting/national-status-and-trend-reports-20152016/ecosystem-representation-of-managed-ecosystems/	Overview, 3.3
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48.	Pest Control Education Trust. Undated. 1080: The Facts. http://www.1080facts.co.nz/	3.4
49.	Environmental Protection Authority. 2016. Annual Report on the aerial use of 1080: For the year ended 31 December 2016. https://www.epa.govt.nz/assets/RecordsAPI/c1c60b686f/EPA-annual-report-on-aerial-1080-operations-2016.pdf	3.4
50.	Ministry of the Environment. 2017. New Zealand's Environmental Reporting Series: Our fresh water 2017 http://www.mfe.govt.nz/sites/default/files/media/Environmental%20reporting/our-fresh-water-2017_1.pdf	Overview, 3.3, 3.4
51.	Ministry of the Environment. 2017. National Environmental Standards for Plantation Forestry: Overview of the regulations. http://www.mfe.govt.nz/sites/default/files/media/RMA/Final%20web_NES%20Plantation%20Forestry.pdf	3.1, 3.4

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53.	UNESCO. Undated. New Zealand: Properties inscribed on the World Heritage List (3). http://whc.unesco.org/en/statesparties/NZ	Overview, 3.6
54.	Les Molloy. 2015. 'Protected areas - Internationally recognised areas', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/protected-areas/page-7	3.6
55.	Ministry for the Environment. 1997. State of Environment: New Zealand's Cultural Heritage. http://www.mfe.govt.nz/publications/environmental-reporting/state-new-zealand%E2%80%99s-environment-1997-chapter-two-place-and	3.6
56.	Heritage New Zealand Pouhere Taonga. 2018. Search the List: Heritage list. http://www.heritage.org.nz/the-list	Overview, 3.6
57.	Heritage New Zealand Pouhere Taonga. Undated. Introduction to Heritage New Zealand. http://www.heritage.org.nz/about-us/introduction	3.6
58.	Heritage New Zealand Pouhere Taonga. Undated. About the List: Heritage list. http://www.heritage.org.nz/the-list/about-the-list	3.6
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60.	Les Molloy. 2015. 'Protected areas - Conservation parks, nature and scientific reserves', Te Ara - the Encyclopedia of New Zealand. https://teara.govt.nz/en/protected-areas/page-3	3.6
61.	Les Molloy. 2015. 'Protected areas - Scenic, historic, recreation and other reserves', Te Ara - the Encyclopedia of New Zealand. https://teara.govt.nz/en/protected-areas/page-4	3.6
62.	Heritage New Zealand Pouhere Taonga. Undated. Lost Heritage 2016-2020. http://www.heritage.org.nz/the-list/lost-heritage/heritage-lost-2016-to-2020	3.6
63.	UNESCO. Undated. State of Conservation. https://whc.unesco.org/en/soc/?action=list&id_search_state=115	3.6
64.	IUCN. 2017. World Heritage Outlook: New Zealand Sub-Antarctic Islands https://www.worldheritageoutlook.iucn.org/explore-sites/wdpaid/168239	3.6
65.	IUCN. 2014. IUCN Conservation Outlook Assessment 2014 (archived). https://www.worldheritageoutlook.iucn.org/explore-sites/wdpaid/26652#collapse--field--name-assessments-download-links	3.6
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67.	IUCN. 2017. World Heritage Outlook: Tongariro National Park. https://www.worldheritageoutlook.iucn.org/explore-sites/wdpaid/26649	3.6
68.	Department of Conservation. 2018. Annual Report for the year ended 30 June 2018. https://www.doc.govt.nz/about-us/our-role/corporate-publications/annual-reports-archive/annual-report-for-year-ended-30-june-2018/	Overview, 3.1, 3.3
69.	Department of Conservation. 2016. Annual Report for the year ended 30 June 2016. Statement of intent 2016-2020. https://www.doc.govt.nz/about-us/our-role/corporate-publications/annual-reports-archive/annual-report-for-year-ended-30-june-2016/	Overview, 3.1, 3.3
70.	Te Pānui Rūnaka online newsletter. 2015. Nohoanga. https://www.tepanui.co.nz/2015/11/nohoanga-3/	3.6
71.	Te Rūnanga o Ngāi Tahu. Undated. Who We Are. https://ngaitahu.iwi.nz/ngai-tahu/who-we-are/	3.6

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73.	Te Rūnanga o Ngāi Tahu. 2018. Nohanga Management Plan. https://ngaitahu.iwi.nz/wp-content/uploads/2018/08/2018-Nohoanga-Management-Plan-Master.pdf	3.6
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76.	Southland District Council. 2016. Proposed Southland District Plan 2012. Appeal Version October 2016. https://southlanddc.govt.nz/assets/proposed-district-plan-2016-09/5Schedules.pdf	3.6
77.	Department of Conservation. Undated. Public conservation areas map. https://koordinates.com/layer/754-doc-public-conservation-areas/	3.1
78.	Department of Conservation. Undated. ArcGIS online platform. https://deptconservation.maps.arcgis.com/apps/MapSeries/index.html?appid=410223ce267545eb927b66ed72469295	3.1
79.	Landcare Research. Undated. Naturally Uncommon Ecosystems. https://www.landcareresearch.co.nz/publications/factsheets/rare-ecosystems	Overview, 3.1, 3.3
80.	Wiser, et a. 2013. New Zealand's naturally uncommon ecosystems. https://www.landcareresearch.co.nz/_data/assets/pdf_file/0018/77031/1_3_Wiser.pdf	Overview, 3.1, 3.3
81.	Landcare Research. Undated. Inland & Alpine. https://www.landcareresearch.co.nz/publications/factsheets/rare-ecosystems/inland-and-alpine	Overview, 3.1, 3.3
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84.	Centre for Advanced Engineering. 2005. Managing flood risk: the case for change. https://ir.canterbury.ac.nz/bitstream/handle/10092/11779/Flood_Case_for_Change.pdf?sequence=1	3.4
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88.	Gisborne Herald. 2019. Guilty pleas to RMA breaches. http://gisborneherald.co.nz/localnews/4148031-135/guilty-pleas-to-rma-breaches	3.4
89.	Ministry for Primary Industries. 2019. Erosion Susceptibility Classification. https://www.teururakau.govt.nz/growing-and-harvesting/forestry/national-environmental-standards-for-plantation-forestry/erosion-susceptibility-classification/	3.4
90.	Environment Canterbury Regional Council. Undated. Wilding Conifers What you need to know. https://www.ecan.govt.nz/document/download?uri=3438608	3.1

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

Risk assessment

Indicator	Source of information	Functional scale	Risk designation and determination
<p>4.1 Conversion of natural forests to plantations or non-forest use in the area under assessment is less than 0.02 % or 5000 hectares average net annual loss for the past 5 years (whichever is less), OR Conversion is illegal at the national or regional level on public and private land.</p> <p>Note: The following changes are not considered applicable conversion according to the indicator: (legal) road construction, logging landings and infrastructure development to</p>	<p>Applicable laws and regulations</p> <ul style="list-style-type: none"> • The Forests Act 1949 • Resource Management Act 1991 • Conservation Act 1987 • Heritage New Zealand Pouhere Taonga Act 2014 • Wildlife Act 1953 • Environment Act 1986 • National Parks Act 1980 • Reserves Act 1977 • Queen Elizabeth II National Trust Act 1977 • Crown Forests Assets Act 1989 • South Island Landless Natives Act 1906 • <p>Sources</p> <ul style="list-style-type: none"> • The New Zealand Forest Accord • MPI, 2015. MPCl Report • Forestry New Zealand, undated. Harvesting and milling indigenous timber • NZ Forest Owners Association • MPI, 2013. The sustainable management of indigenous forests • NZFOA, undated. A unique Undertaking • NZ Wood, undated. Sustainable forest management of native three species in New Zealand 	<p>-Country</p>	<p>This assessment considers natural forest are indigenous forests. The Ministry of Forestry New Zealand defines indigenous flora as: A species of flora that occurs naturally in New Zealand or arrived in New Zealand without human assistance (MPI, 2013).</p> <p>Assessment based on legality</p> <p>Content of the law</p> <p>NZ laws and regulatory framework prohibit felling or other clearance of indigenous forests (The Forests Act 1949) except in limited circumstances in private indigenous forests under a Sustainable forest management plan provide for the long-term management of a forest, which includes an annual logging plan (Forestry New Zealand, undated). Essentially these restrictions on harvest are so strict and the quantities you can harvest so limited that it would be considered impractical, unfeasible and very time consuming to convert an indigenous forest to plantation forestry, ultimately the process would not be considered commercially viable. Add to this the fact that all indigenous forests are required by law to be harvested at a sustainable rate. According to the MPI, this means the rate at which you fell indigenous trees needs to be at least matched by the rate at which you are successfully replanting those tree. For example, according to the Indigenous Forestry Standards and guidelines an Annual Logging Plan must be submitted to MPI for each year that a harvest (or other forest management operation) is proposed and must be approved prior to work in a forest area being undertaken. Annual Logging Plans must comply with the Second Schedule of Part 3A of the Forests Act 1949. This schedule requires any Annual Logging Plan to specify the area proposed to be harvested and harvest volumes by species; indicate locations of roads, tracks and landings, both existing and proposed; show waterways; describe topography; and specify proposed methods of harvesting and any special logging requirements. The government agencies DOC and MPI monitor illegal activities and enforce the legislation within the indigenous forest on public, private and Maori land (See category 1, which is low risk). This process ultimately prevents any kind of conversion from indigenous forest to plantation forest. South Island Landless Natives (SILNA) forests also exist. These are indigenous forests on land allocated to Māori under the South Island Landless Natives Act 1906. SILNA forests are also monitored for illegal activities by DOC. SILNA owners may harvest forests on their land without needing a sustainable forest management (SFM) plan or permit – provided they adhere to the Resource Management Act (RMA). Their exemption is in recognition of the history of their peoples and the compensation granted to them in 1906 Harvesting without an SFM plan or permit means the felled timber may only be sold on the domestic market. To</p>

<p>support forestry operations.</p>	<ul style="list-style-type: none"> • The World Bank, 2018. Worldwide Governance Indicators (WGI) project • The World Justice Project, 2017. New Zealand Profile • Transparency International, 2017. Corruption Index 2017 • FAO, 2015. Global Forest Resources Assessment 2015 Country Report New Zealand 	<p>export their timber, SILNA owners must bring their forests under a sustainable forest management plan or permit. The MPI will contract additional consultants if needed.</p> <p>Is the law enforced? Regional Council staff is able to monitor compliance with the Resource Management Act for any legally-sanctioned clearance for public good projects and the legislation is considered to be enforced. This finding is backed up by the fact that in 2017 the World Bank's Worldwide Governance Indicators ranked New Zealand for rule of law in the 98th position (out of 100, being the highest rank for a country). This indicator reflects perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. The World Justice Project in 2017-2018 ranks New Zealand as the 6th country (out of 113 countries) for regulatory enforcement with a score of 0.85. Transparency International's Corruption Index 2017 New Zealand score was 89 points (out of 100), giving the 1st ranking out of 180 countries (Transparency International, 2017).</p> <p>In 1991, the NZ Forest Owners Association and the Farm Forestry Association signed the NZ Forest Accord, a voluntary agreement currently still existing, between the forest industry and environmental and recreational stakeholders designed to protect and conserve the remaining natural indigenous forests. This accord is the equivalent of a peace treaty. The NZ Forest Accord states that when establishing plantation forests, one will exclude from land clearing and disturbance all areas of naturally occurring indigenous flora based on strict criteria. These criteria are highlighted in detail in the NZ Forest Accord. These criteria are so restrictive that it would be economically, administratively and legally impractical for any company or organization to attempt to convert an indigenous forest into a plantation forest of any sort. In 2007, many of the signatories re-convened and renewed their commitments on stopping conversion of indigenous forest to plantation, plus some additional clauses related to climate change initiatives. At the 10 years anniversary of the accord (NZFOA, undated) there were no indications of the accord not performing the function it was designed for.</p> <p>Assessment based on spatial data</p> <p>The Land Cover Database (LCDB), which is produced by Landcare Research for the New Zealand Government, provides spatially-explicit information on land use change for New Zealand. Between 2008 and 2012 there was a total reduction in the area of indigenous forest of 2243 ha (i.e. <450 ha/yr). In 2008 the total area of indigenous forests in New Zealand was 6,310,961 ha, so this change corresponds to a loss of 0.007% p.a. The next version of the LCDB as of 2017 is still in production, so this cannot be used to determine land use change over the past five years. There is no evidence that this threshold has been exceeded in the last five years either as there has not been any marked shift in land use patterns. More specifically, there is no evidence that indigenous forests are being converted to plantations. The National Exotic Forest Description produced by the Ministry for Primary Industries shows</p>
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		<p>that afforestation for the period 2013 to 2017 was 15500 ha (average of 3100 ha per year). To be included as afforestation, planting must not have occurred on land that contained trees, so none of this afforestation would have resulted in the conversion of indigenous forests to plantations.</p> <p>Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met? In the National Report for New Zealand from the Global Forest Resources Assessment 2015 (FAO 2015) there are figures for primary forest and other forest regenerated in a natural way. 2, 144,000 ha and 5,925,000 ha for 2010 respectively, and 2,160,000 ha and 5,905,000 ha for 2015 respectively. This source also reports values for planted forest, but planted forest was not considered indigenous forest's gain in this calculation because all reported planted forest figures are from exotic species predominately grown for wood or wood fibre (based on data and information from FAO, 2015). Between 2010 and 2015, the estimation of average annual loss for primary forest is a gain of 0.15% in relation to primary forest hectares in 2010, and other naturally regenerated forest is 0.07% in relation to naturally regenerated forests in 2010. The estimation of both (primary forest and other naturally regenerated forest) is 0.01% in relation of both types of forests' hectares in 2010. (estimations used data from FAO 2015)" There are no incentives for conversion in indigenous forest and in fact it is not allowed apart from some very minor areas removed e.g. for urban development or access of for health and safety reasons. The very small amount and the legislative controls demonstrates this. NOTE: this is not to be confused with the removal of plantations to non-forest uses. This is entirely driven by economic factors e.g. production of higher value dairy lands. This is not considered as conversion.</p> <p>Risk conclusion Low risk Low Thresholds (1), (2) and (3) are met: (1) thresholds provided in the indicator are not exceeded; AND (2) Applicable legislation for the area under assessment covers laws that prevent conversion (to the outcome required by the indicator), AND the risk assessment for relevant indicators of Category 1 confirms that the law is enforced ('low risk'); AND (3) other available evidence do not challenge a "low risk" designation.</p>
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Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
4.1	Not applicable.

Controlled wood category 5: Wood from forests in which genetically modified trees are planted

Risk assessment

Indicator	Sources of information	Functional scale	Risk designation and determination
5.1 There is no commercial use of genetically modified trees	<ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996 • Hazardous Substances and New Organisms (Genetically Modified Organisms— Information Requirements for Segregation and Tracing) Regulations 2008 • Beehive.govt.nz, 2016. GMO regulations clarified • Ministry for the Environment (MfE), undated a. About genetic modification in New Zealand • Ministry for the Environment (MfE), undated b. Convention on Biological Diversity • Convention on Biological Diversity (CBD), undated. Cartagena Protocol: List of Parties • Chikazhe, 2015. New Zealand public attitudes towards genetically modified food. Master thesis Lincoln University • Environmental Protection Agency (EPA), undated. GM field tests • Environmental Protection Authority (EPA), undated a. Database search: HSNO application register 1 • Environmental Protection Authority (EPA), undated b. Database search: HSNO application register 2 • SCION, 2017. Field test GMF100001 - Annual Report to the Environmental Protection Authority (EPA) • Environmental Protection Authority (EPA), 2013. Environmental Risk Management Authority Decision: Amended on 6 March 2013 under section 67A of the HSNO Act 	-	<p>The New Zealand Environmental Protection Agency (EPA) is responsible for regulating new organisms, which includes plants that are genetically modified.</p> <p>There is no outright ban on genetically modified trees in the New Zealand legislation. However, the Hazardous Substances and New Organisms Act includes stringent requirement for gaining approvals for containment trials, field testing and final EPA approval before any commercialization of genetic modification technology could occur. In 2010, approval was given for an outdoor field trial involving <i>Pinus radiata</i> in a secure containment facility, and this is the only field test of GM trees currently operating according to EPA. There is a private company researching with seedlings of genetically engineered trees in restricted nurseries, the seedlings are exclusively exported to other countries and the genetically engineered seedlings are not planted nor sold in New Zealand, These experimental nurseries have been approved “with controls” as genetic research activity by the EPA, and there are no evidences of lack of control of these nurseries which have been running for years and there are also no registries of public consultations that have been done to approve them for commercialization in New Zealand. There is no commercial use of genetically modified trees in New Zealand. The process required to gain approval for commercial release of genetically modified trees is rigorous, requiring a full ecological assessment of the likely impacts of genetically modified trees. All applications for release of genetically modified organisms must be publicly notified and go through full public consultation. This means that commercial use of genetically modified trees is extremely unlikely in the next five years as, according to a Lincoln University paper published in 2015 (Chikazhe, 2015), New Zealand remains generally opposed to the use of GMOs only allowing GMOs for research under strict conditions (MfE undated a). New Zealand has signed in 2000 and ratified in 2005 the Cartagena Protocol on Biosafety to the</p>

	<ul style="list-style-type: none"> • The Library of Congress, 2015. Restrictions on Genetically Modified Organisms: New Zealand • Rubicon, undated. ArborGen • GE-Free New Zealand, 2017. Alarm Bells Ring Over Threat of GE Trees. 4 July 2017 • Scoop Independent News, 2009. NZ Raised GE Eucalyptus Trees Intended for U.S. 29 June 2009 • The Encyclopedia of New Zealand, undated. Story: Radiata pine • Expert consultation 1. December 2018. EPA scientific researcher • Expert consultation 2. December 2018. MIP contact 		<p>Convention on Biological Diversity (CBD, undated; MfE undated b). This protocol is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health (CBD, undated).</p> <p>Risk conclusion Low risk Thresholds (2) and (3) apply. (2) There is no commercial use of GMO (trees) in the area under assessment, AND (3) Other available evidence does not challenge a 'low risk' designation.</p>
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	GMO Context Question	Answer	Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).
1	Is there any legislation covering GMO (trees)?	<p>Yes. The Hazardous Substances and New Organisms Act 1996 covers all GMOs including trees. In this legislation a new organism is defined as:</p> <p>(a) an organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:</p> <p>(b) an organism belonging to a species, subspecies, infra-subspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation:</p> <p>(c) an organism for which a containment approval has been given under this Act:</p> <p> (c.a) an organism for which a conditional release approval has been given:</p> <p> (c.b) a qualifying organism approved for release with controls:</p> <p>(d) a genetically modified organism:</p>	<ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996 • Hazardous Substances and New Organisms (Genetically Modified Organisms—Information Requirements for Segregation and Tracing) Regulations 2008 • Beehive.govt.nz, 2016. GMO regulations clarified

		(e) an organism that belongs to a species, subspecies, infra-subspecies, variety, strain, or cultivar that has been eradicated from New Zealand.	
2	Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?	There is no outright ban on GMO trees in New Zealand in the legislation. However, the importation, development, field testing, and release of “new organisms,” including genetically modified organisms (GMOs), are regulated by the Hazardous Substances and New Organisms Act 1996 (HSNO Act). Section 25 of the HSNO Act states that no new organism shall be imported, developed, field tested, or released unless approval is granted under the Act. Section 27 sets out the types of approval that may be granted by the Environmental Protection Authority (EPA), including for the import for release or release from containment of any new organism, and for the import of any new organism into containment, or to field test or develop any new organism in containment. In approving any application related to GMOs, the EPA is required to take into account various factors related to the potential risks and benefits of the proposal. These include environmental, economic, social, cultural, and public health considerations. Public notification of applications is required under the legislation. The current regulatory approach is largely based on the findings and recommendations of the Royal Commission on Genetic Modification that were released in 2001. Various aspects of the HSNO Act relating to GMOs were incorporated through amending legislation that was passed in 2003, including provisions relating to the conditional release of new organisms, a civil liability and pecuniary penalties regime, as well as a requirement to establish an advisory committee to inform decision makers about matters of concern to Māori.	<ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996 • Hazardous Substances and New Organisms (Genetically Modified Organisms—Information Requirements for Segregation and Tracing) Regulations 2008 • Beehive.govt.nz, 2016. GMO regulations clarified
3	Is there evidence of unauthorised use of GM trees?	No. various criminal offenses are set out in section 109 of the HSNO Act, including, in contravention of the Act, developing or field testing a new organism; knowingly importing or releasing a new organism; knowingly, recklessly, or negligently possessing or disposing of a	<ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996 • The Library of Congress, 2015. Restrictions on Genetically Modified Organisms: New Zealand • Chikazhe, 2015. New Zealand public attitudes towards genetically modified food. Master thesis Lincoln University

		<p>new organism illegally imported, manufactured, developed, or released; failing to comply with any controls imposed by any approval granted under the Act; and failing to report any new information of any adverse effect of a new organism.</p> <p>There have been no prosecutions but other incidents that have generated some controversy have involved containment breaches. For example, in March 2013 it was reported that a genetically modified fungus had been discovered outside containment facilities at a university. Some groups raised concerns, but government authorities investigating the incident indicated that it presented very low biological risks. There have also been reports of various activities by anti-GM protestors. For example, genetically modified pine trees that had been contained at a research center were destroyed by protesters in 2012 (The Library of Congress, 2015). In general NZ public's attitudes towards genetically modified organisms are and have remained negative (Chikazhe, 2015).</p>	
4	Is there any commercial use of GM trees in the country or region?	<p>There are currently no genetically modified commercial crops or GM for commercial use, including forest tree species, in New Zealand. The process required to gain approval for commercial release of genetically modified trees is rigorous, requiring a full ecological assessment of the likely impacts of genetically modified trees. All applications for release of genetically modified organisms must be publicly notified and go through full public consultation. This means that commercial use of genetically modified trees is extremely unlikely in the next five years as, according to a Lincoln University paper published in 2015, New Zealand remains generally opposed to the use of GMOs only allowing GMOs for research under strict conditions.</p>	<ul style="list-style-type: none"> • Environmental Protection Authority (EPA), undated a. Database search: HSNO application register 1 • Environmental Protection Authority (EPA), undated b. Database search: HSNO application register 2 • Hazardous Substances and New Organisms Act 1996 • Ministry for the Environment (MfE), undated a. About genetic modification in New Zealand • Chikazhe, 2015. New Zealand public attitudes towards genetically modified food. Master thesis Lincoln University • Beehive.govt.nz, 2016. GMO regulations clarified
5	Are there any trials of GM trees in the country or region?	<p>Yes, the New Zealand Forest Research Institute Limited (Scion) has field trials of GM radiata pine trees at its Rotorua campus according to EPA. The approvals for these trials came with strict controls on containment and</p>	<ul style="list-style-type: none"> • SCION, 2017. Field test GMF100001 - Annual Report to the Environmental Protection Authority (EPA) • Environmental Protection Authority (EPA), 2013. Environmental Risk Management Authority Decision:

		<p>monitoring. The approval process (See Sections 38, 41 and 44 of the Act) considers a wide range of risks to the environment and to society, including the potential impact on NZ's ability to produce GM-free timber.</p> <p>The company Rubicon (which owns one third of ArborGen, an organization known by its research on genetically engineered trees) states to operate facilities in New Zealand. ArborGen's operations in New Zealand have been approved "with controls" as genetic research activity by the EPA in 2000 and 2001 (e.g. EPA Database search: HSNO application register 1 and 2). These are research nurseries and the seedlings are exported outside New Zealand without reaching the size of a tree for harvesting (Scoop Independent News, 2009). These nurseries have been confirmed by EPA that the organisms have never been approved for release in New Zealand (expert consultation 1, 2018). There are no evidences of lack of control of these nurseries which have been running for years and there are also no registries of public consultations that have been done to approve them for commercialization in New Zealand.</p>	<p>Amended on 6 March 2013 under section 67A of the HSNO Act</p> <ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996 • Rubicon, undated. ArborGen • Environmental Protection Authority (EPA), undated a. Database search: HSNO application register 1 • Environmental Protection Authority (EPA), undated b. Database search: HSNO application register 2 • Scoop Independent News, 2009. NZ Raised GE Eucalyptus Trees Intended for U.S. 29 June 2009 • Expert consultation 1. December 2018. EPA scientific researcher
6	Are licenses required for commercial use of GM trees?	<p>Yes. Section 25 of the HSNO Act states that no new organism shall be imported, developed, field tested, or released unless approval is granted under the Act. Section 27 sets out the types of approval that may be granted by the Environmental Protection Authority (EPA), including for the import for release or release from containment of any new organism, and for the import of any new organism into containment, or to field test or develop any new organism in containment.</p>	<ul style="list-style-type: none"> • Hazardous Substances and New Organisms Act 1996
7	Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)	<p>There are no licenses issued for the commercial release of GM trees. However, the New Zealand Forest Research Institute Limited (Scion) has permission to undertake field trials of GM radiata pine trees at its Rotorua campus. These trials are undertaken in a secure containment facility and the Environmental Protection Authority has placed strict</p>	<ul style="list-style-type: none"> • SCION, 2017. Field test GMF100001 - Annual Report to the Environmental Protection Authority (EPA) • Environmental Protection Authority (EPA), undated a. Database search: HSNO application register 1 • Environmental Protection Authority (EPA), undated b. Database search: HSNO application register 2 • Expert consultation 2. December 2018. MIP contact

		<p>controls on them. And these containment facilities must first be approved by MPI under sections 39/40 of the Biosecurity Act before testing can take place (also corroborated by expert consultation 2, 2018). According to a 2010 application report for GM testing on radiata pine amended in 2013 (EPA, 2013) these containment protocols mean “the organisms are unlikely to escape and the possibility of a self-sustaining population forming after an escape event is remote”.</p> <p>The company Rubicon states that it operates for ArborGen in New Zealand. In 2000 and 2001 ArborGen’s EPA approved genetic research activities in nurseries. These nurseries have been confirmed by EPA that the organisms have never been approved for release in New Zealand (expert consultation 1, 2018). There are no evidences of lack of control of these research nurseries or operations which have been running for years and there are also no registries of public consultations that have been done to approve them for commercialization in New Zealand.</p>	<ul style="list-style-type: none"> • Environmental Protection Authority (EPA), 2013. Environmental Risk Management Authority Decision: Amended on 6 March 2013 under section 67A of the HSNO Act • Rubicon, undated. ArborGen • Expert consultation 1. December 2018. EPA scientific researcher
8	What GM ‘species’ are used?	<p>The trials currently undertaken by Scion are for radiata pine (<i>Pinus radiata</i>) according to EPA GM field tests register.</p> <p>ArborGen’s genetic research activities in nurseries involved Eucalyptus (<i>Eucalyptus grandis</i>, <i>Eucalyptus dunnii</i>, <i>Eucalyptus urophylla</i> <i>Eucalyptus saligna</i>, <i>Eucalyptus camaldulensis</i>, <i>Eucalyptus nitens</i>), radiata pine (<i>Pinus radiata</i>), American sweetgum (<i>Liquidambar styraciflua</i>) and tree-tobacco (<i>Nicotiana glauca</i>, <i>Nicotiana tabacum</i>) (as stated in the approval online documentation: Environmental Protection Authority. Database search: HSNO application register 1 and 2.</p>	<ul style="list-style-type: none"> • Environmental Protection Agency (EPA), undated. GM field tests • Environmental Protection Authority (EPA), undated a. Database search: HSNO application register 1 • Environmental Protection Authority (EPA), undated b. Database search: HSNO application register 2
9	Can it be clearly determined in which MUs the GM trees are used?	<p>The trials undertaken at Scion are in at their Rotorua campus. This facility is strictly monitored by the Environmental Protection Authority.</p> <p>According to expert consultation 1 (2018) EPA is not required to list locations of nurseries, though these may</p>	<ul style="list-style-type: none"> • SCION, 2017. Field test GMF100001 - Annual Report to the Environmental Protection Authority (EPA) • Expert consultation 1. December 2018. EPA scientific researcher • Expert consultation 2. December 2018. MIP contact

	<p>be found within individual reports. The locations of all registered facilities are held by the MPI (expert consultation 2, 2018). Seedlings from these species are not likely to become trees and to enter the supply chain in New Zealand, therefore, nurseries are not considered to be management units of GM trees in this assessment. For example, the typical life cycle of Pinus Radiata from seedling to mature tree is between 25-30 years, after 5 years they usually only reach 4 meters in height (The Encyclopedia of New Zealand, undated). There are no cases known of organisms from these nurseries entering the timber supply chains in New Zealand. There are no other research trials containing GM trees or commercial plantings of GM trees.</p>	<ul style="list-style-type: none"> • The Encyclopedia of New Zealand, undated. Story: Radiata pine
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Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

Indicator	Recommended control measures
5.1	Not applicable.