

health and safety of all within it, including contractors, subcontractors, their employees and, as mentioned before, public, visitors and customers.

The inclusion of public and visitors within the scope of the Act raises the thorny question of responsibility and control of weekend firewood gatherers and even recreational users of forests. It will not be sufficient to place written requirements upon such forest users covering the use of protective equipment and safe working procedures, training etc. The requirements will need to be supervised and enforced. This may be an area where the Act is found to be too broadly cast and forest owners may be forced to curtail such incidental and recreational uses of their forests under the present wording.

Managers will also be daunted by the requirement to put in place effective methods for systematically identifying existing and new hazards in the workplace. Where to start in a typical logging operation! Identification of any significant hazards must be followed by hierarchical order of control of these hazards: where practicable, elimination, else isolation else minimisation and protection and monitoring. The Act places emphasis on process and methods in this regard, so a formalised, documented programme for health and safety, such as International Safety Rating System so effectively implemented by the New Zealand Forestry Corporation in the late 1980s, may provide a logical approach.

Penalties for breaches of the Act are severe:

- A fine of up to \$100,000 and or imprisonment of up to one year where a person knowing of the likelihood of death or serious harm arising from action, takes that action, contrary to a provision of the Act.
- A fine of up to \$50,000 where a person fails to comply with provisions of the Act or Regulations made under the Act and the failure caused serious harm or death.

Given the levels of personal liability faced by staff is it feasible for a forest owner, manager or contractor to consider insurance cover for themselves and employees? Current opinion is that such cover is simply not available.

At worst the Act can be seen as placing quite alarmingly high levels of duty and liability on management and staff with responsibility for places of work within our forests and mills. At best the Act may be a spur to action to improve our unsatisfactory record of health and safety within the industry.

John Galbraith

Forests Amendment Act (1993) – (An Act of Vandalism)

The Forests Amendment Act should give us reason for some pleasure to know that this country's long history of non-sustainable exploitation of its indigenous forest resource is over and has been replaced by a "sustainable" management regime. However, the Act is more remarkable for its negative rather than its positive achievements.

Reduction in Forest Value

Because it controls the uses that timber from the indigenous forests can be used for, it closes off management of many forest areas mainly in the hands of farmers. The local example in Otago/Southland is the Kamahi forest of the Catlins. There was no market for kamahi other than firewood and woodchips. The value of the forest to the owners is now nil. Indeed, it is a liability because they still have to pay rates and there is an ongoing requirement for possum control. Consequently farmers are now clearing the land for pasture rather than maintaining the forests or managing them. Many feel this is a regrettable last resort, but it remains the only option left open for them.

Crown Compensation

The Forest Heritage Trust is attempting to buy areas of ecological and visual significance but it has its work cut out because it cannot really be expected to pay more than the market value for the land. This is



NZ Beech (Mountain and Black) surrounding Lake Janet, Ashley Forest.

obviously a lot less than it was when the market for woodchip was available. Some of the immediate problems of land clearing may fade after the "hot heads" have made their political statement and cooled off but the longer-term problem remains. Forests considered priceless by the public have been rendered worthless to their owners. The public then expects to be able to pick and choose what they will buy on a market that they have created.

An "Unsustainable" Result

The same problem has occurred for the owners of beech forest. Their ability to even attempt to manage their forests has been severely compromised by the removal of the market for the 80% of the crop which is unsuitable for sawmilling or veneer milling. They are faced with either creaming or high grading their forest under the guise of sustainable management, or clearing the land completely.

A Dangerous Precedent?

Meanwhile the rest of the forest industry has sat and cheered from the sidelines because it is to their present advantage to do so. This could be a bad mistake because it is only a small step of the imagination to see the same pressures for "sustainable" management brought to bear on the plantation estate. The same can be said of the export controls: the controls have no place in sustainable management; they are merely political statements to buy electoral support from the most vocal of the environmental groups. The same sort of controls can be readily implemented for the plantation log export trade for very similar reasons.

The Institute of Forestry should push to see that the export controls are removed to create a more realistic market for the produce from indigenous forests and thus a market for the forests themselves. They should also be pushing to ensure that the Government now puts more research resources into the improvement of the uses of indigenous timbers that have not been traditionally used for high value end uses. If the value of the forests can be increased to the owners, then there is a greater chance of the forests being retained rather than felled and burnt, which is the only future for much of the resource.

Harold Heath
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