



Forestry, the State and Society: Social responsibility and private concerns*

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Summary

This paper describes how forestry businesses, and the forestry professionals employed by them, operate within the legal, societal and institutional frameworks currently existing within New Zealand. It primarily addresses these issues from the perspective of plantation forest management.

Forestry managers and practitioners must conform to a challenging web of statutory requirements, community expectations and institutional policies, guidelines and codes. The principal external requirements are the Resource Management Act, NZ Forest Accord and the recent principles for Commercial Plantation Forest Management.

The process of consultation often brings these practitioners into direct contact with parties potentially affected by planned activities and it is the conduct of the consultation, as much as the content, which determines the outcome. Recent case studies referred to illustrate the often extensive and protracted nature of consultation.

Introduction

Some negative public views of large corporations are often revealed in comments made by individuals and community groups during consultation and conflict resolution discussions, e.g.

"your company is only interested in the dollars"

"big businesses are not interested in small local issues"

"big companies are willing to trample on lifestyle/sacred sites to get their logs out"

"your strings are being pulled by someone in Auckland/New York".

These comments illustrate a sense of helplessness when individuals and community groups become concerned with the potential impacts of company activi-

ties on their own lifestyles and values. The comments also question the morality of how businesses develop their strategies and conduct themselves.

In late 1996, the Director of the New Zealand Business Round Table, Roger Kerr, sparked a national debate on a similar theme when he was reported as saying: "Those who argue that companies have a social responsibility beyond enhancing shareholder value are mistaken" ... "Corporations have a responsibility to maximise profits for shareholders." One of the many responses in the national press included a quotation from Baron Thurlow, Lord Chancellor of England, of some 200 years ago:

"Did you ever expect a corporation to have a conscience, when it has no soul to be damned, and no body to be kicked?" (Dawson 1997).

I certainly hope, and believe, that the practice and perception of corporations has improved considerably in the two centuries since Baron Thurlow. Nevertheless, the earlier comments suggest that people in the community still see corporations as more mechanical than biological in their interactions with society.

Professional forestry managers and practitioners within corporations operate within a comprehensive and challenging web of statutory requirements, community expectations, institutional policies, guidelines and codes; and of course are guided by their own morals, values and beliefs. Much of the web is currently concerned with the environmental sustainability of forest management practices, and I shall deal with the subject of this paper – Social Responsibility and Private Concerns – in terms of environmental management processes in New Zealand.

The principal external influences within New Zealand in this regard are:

- Resource Management Act (1991).
- Voluntary Industry Accords and Principles.
- Internal Company Policies and Guidelines.

Resource Management Act

The Resource Management Act (RMA) which became operative on October 1,

1991, provides the legislative framework for the development of rural and urban land use and coastal planning in New Zealand. The Act repealed 19 regulations and orders as well as 59 statutes, and differs from previous legislation in being 'effects based' rather than focusing on control of activities (Dyck and Carter 1995).

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management is defined as:

"Managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- avoiding, remedying or mitigating any adverse effects of activities on the environment."

For any activity or operation which is not already expressly permitted under a local authority plan, a resource consent must be obtained from the local consent authority under the RMA. A process of consultation is used to advise potentially affected parties of the planned activity, to identify the potential adverse effects of the activities, and to facilitate measures for avoiding, remedying or mitigating adverse effects. The process to be followed in consultation is not well defined in the RMA, but is being developed in case law. Key components of satisfactory consultation are now seen as being provision of adequate information, genuine effort, and sufficient time.

A special duty for consultation is rapidly becoming apparent with respect to the satisfaction of a consent authority's obligations under the Treaty of Waitangi, and particularly the (Authority's) requirement to recognise and provide for the rela-

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tionship of Maori with their ancestral lands, water sites, waahi tapu, and other taonga (Sections 6(e), 7(a) and 8, RMA).

Voluntary Agreements

The forestry sector has a number of voluntary Codes of Practice that provide guidelines for best management practices. The Forest Code of Practice (LIRO 1990) was developed by the forest industry to promote the use of best practices in regard to water, soil and landscape values. Most large plantation owners have adopted this code and apply it to their management operations. The code is widely referred to in resource consent conditions as a concise reference to the requirement for the consent holder to use best management practices. Other codes of practice cover the use of timber preservatives and anti-sap stain chemicals, the use of pesticides in plantation forestry operations, and the application of agrichemicals.

The New Zealand forestry sector has a unique agreement – The New Zealand Forest Accord – with the country's major conservation groups. The New Zealand Forest Accord aims both to protect the nation's remaining natural forest from logging and to promote plantation forestry as a means of producing wood products on a sustainable basis. The New Zealand Forest Owners' Association is a signatory to the Accord, thus committing the major New Zealand forestry companies to abide by the agreement. The objectives of the New Zealand Forest Accord (1991) are:

- To define those areas where it is inappropriate to establish plantation forestry.
- To recognise the important heritage values of New Zealand's remaining natural indigenous forests and the need for their protection and conservation.
- To acknowledge that the existing area of natural indigenous forest in New Zealand should be maintained and enhanced.
- To recognise that commercial plantation forests of either introduced or indigenous species are an essential source of perpetually renewable fibre and energy, offering an alternative to the depletion of natural forests.
- To acknowledge the mutual benefits emanating from an Accord between New Zealand commercial forestry enterprises and conservation groups, and the example that this unique Accord can provide for the international community.

The main constraint that the Accord proposes on the forestry signatories is to greatly restrict the conversion of indigenous forest and scrubland to plantation forestry. For most forestry managers the practical effect of the Accord is to define

the maximum areas of different types of naturally occurring indigenous vegetation which may be cleared or disturbed. Such areas can now be identified and separated out from forest establishment plans or for protection when harvesting adjacent plantation areas. Of course, there are significant benefits arising from the Accord too, including strong support from environmental groups in New Zealand for plantation forestry.

In a further progression from the Accord, the New Zealand Forest Owners' Association worked closely with the nature conservation groups to develop a set of agreed principles for plantation management, resulting in the document 'Principles for Commercial Plantation Forest Management in New Zealand' (1995). The key points of agreement within the Principles are:

- the interdependence of ecological, economic and social sustainability must be recognised;
- efficient and effective monitoring is required in the implementation of these Principles;
- in the implementation of sustainable land management, rural land users should be treated equitably, based on the environmental effects of their activities;
- management practices must meet or improve on all statutory requirements and accepted best practices.

The document sets out a series of principles under the headings Ecological, Social and Economic (Appendix 1).

It is worth reminding ourselves that these voluntary agreements arose not from policy or direction by organisations or Government, but from the initiative and personal perception of a few individuals in companies and in conservation groups who believed in creating a positive framework for their practitioners to work within. As such, the agreements have a strong sense of ownership by both the forestry organisations and the conservation groups.

Company Policies and Guidelines

Carter Holt Harvey Limited is a major plantation forest owner in New Zealand and one of the largest forest and building products manufacturers in the southern hemisphere. The company owns and manages 330,000 ha of plantation forests in New Zealand, which is around 25% of the exotic forest estate. These forests are managed on a sustainable basis, and from this forest base the company exports a wide range of downstream forest products to Pacific Rim growth markets.

A core value contained in the company's mission statement is to manage the business in an environmentally responsi-

ble manner. To ensure that all employees are aware of these values and are implementing them in their activities, the company has produced a comprehensive policy and guidelines which are disseminated and promoted amongst operating staff. The policy initially sets out five guiding principles, which are to govern the behaviour of all employees. These include equal priority to environmental management, the minimisation of environmental risk, the efficient use of natural resources, minimisation and elimination of waste, and good housekeeping.

The policy imposes a number of general obligations on all company staff as to the means by which they will undertake their functions. The detail of the policy advises a set of specific management obligations, including the scope and responsibility for achievement of the various parts. It sets out the specific performance standards expected of site managers and the requirements for obtaining environmental information, the assessment of environmental risks and the preparation of documents defining specific performance improvement targets and contingency plans.

Under the RMA, liability for environmental damage and breach of standards in New Zealand is personal as well as corporate (the search for Baron Thurlow's 'body to be kicked'!) While it is not the primary reason for the company policy to avoid regulatory sanctions, it is accepted that the seriousness of the penalties which may result from inappropriate performance also warrant some degree of management control. The policy applies to all Carter Holt Harvey operations, whether in New Zealand or overseas. Site managers are primarily responsible for giving effect to the provisions of the policy, and environmental performance is an explicit part of most managers' performance agreements. Managers are also required to seek continuous improvement of environmental performance and to ensure that all staff on site are made aware of the environmental risks arising from their particular activities, the means by which those risks may be minimised, and the legal and environmental consequences of both normal and abnormal operations.

Over the last two years company staff have completed comprehensive risk assessments in respect of each of the forest areas, assessing risks both existing and potential, arising from their sites and activities.

The environmental policy is accompanied by a set of comprehensive guidelines which are intended to guide staff in fulfilling their obligations under the policy. Important sections of the guidelines with respect to forestry activities include

processes and procedures for gaining resource consents, including public consultation processes.

The Practice of Social Responsibility

Much of the discussion thus far deals with the framework within which individual employees and practitioners are required to operate. The framework is the theory but, as with most things in life, what really matters is what happens on the ground. This is where individuals introduce their own values, beliefs and morals, and it is these which influence the style and tenor of interactions with other parties and, most importantly, help shape the perceptions of the other party. An effective congruence of individual values and beliefs, with those of the employing corporation's policy, provides the most powerful argument against Baron Thurlow's perception of the 'soulless' corporation.

This practice can be illustrated by reference to some recent practical examples of the conduct and resolution of resource consent consultation processes and other community interactions, in which the author has been involved.

Public Road Use

The first example deals primarily with conflict over intended use of public roads by logging trucks.

Mahurangi Forest comprises approximately 8000 ha of plantations established by NZ Forest Products Ltd near Warkworth, in the period 1974 to 1981. Fast tree growth in the area and a desire to spread out the harvest of the narrow band of age classes has prompted planning to start harvest early and to spread it over a period of up to 12 years. The topography and soils present a challenge to harvesting from a soil and water protection point of view, and much of the forest will be logged by cable systems to landings and roads located on the drier, more stable ridge tops.

In preparing its application for a resource consent the company consulted with DOC, local iwi and Forest and Bird and presented plans to a public meeting. The resource consent application was originally planned for a five-year term, but the consent authority, Auckland Regional Council, issued an initial non-notified consent for the first year's harvesting so that both parties could gain experience in the activities before issuing the longer-term consent. The company has since been successful in gaining a consent for a 15-year term. The consent includes 17 special conditions, of which nine relate to soil and water protection and three relate to biological monitoring and management strategies with particular

regard to Hochstetter's frog (an ancient and relatively rare species of native frog). Two of the conditions specifically require the consent holder to adhere to the provision of the Forest Code of Practice and Principles referred to previously.

The key issues that have emerged from the consultation processes, however, have been the proposed upgrading and use of local roads by logging trucks, which actually falls outside of the RMA consent process. In two of the initial blocks, low-quality public roads required upgrading to carry a reasonably heavy flow of logging trucks and related service vehicles for a number of years into the future. As the forest is first rotation, neither the roads nor the residents living on them had any history of logging truck use, and minimal experience of any heavy vehicle use.

In the case of one of the roads, the company has made a significant contribution to the upgrade, has installed a traffic light system over a narrow steep section and, in consultation with the local residents, has developed speed and noise control measures for truck use. In the case of the other road, however, the residents there have opposed the use of the public road and want the company to develop alternative access. This latter option is much less favourable on economic, environmental and safety grounds. Again the company offered to impose special speed and noise controls on its trucks using the public road, and has contributed to the cost of the road upgrade. In spite of these offers, the residents applied for an enforcement order under the RMA to prevent use of the road, or in the alternative, to seal the road and provide compensation.

In the two and a half years since the initial consultation meetings, there has been a large number of meetings, discussions and field visits with the residents involved, to try to reach understanding and resolution of the issues of concern. The principal concerns are dust and noise generation and the safety of pedestrians and other road users. The local authority, the Rodney District Council, constituted a special Road Use Monitoring group under its auspices and including representatives of the residents and the company, as a forum for the communication and resolution of issues.

A draft agreement between the company and residents' group now incorporates the proposed measures for speed control of trucks, communication with any future school bus operation, sealing and/or stabilisation of the road surface adjacent to houses, siting of harvesting landings and timing of road use. Upgrading of the road had recently been completed and some use by logging trucks has com-

menced, although the agreement had not finally been completed at the time of writing.

Lessons arising from this long and at times acrimonious dispute include:

1. The need to start advice and consultation as early as possible. In this case, not anticipating the degree of concern and opposition likely to arise, the joint meetings organised by the Council and company with the residents preceded the start of intended road upgrade activity by only few weeks. The short notice aggravated the feelings of imposition and inadvertently gave a message of advice rather than consultation.
2. A recognition that road neighbours who locate in a rural area for principally lifestyle reasons are likely to be less accepting of rural road use for production purposes than the more typical rural community involved in farming and other primary production activities. The Rodney District Council has attempted to address this growing issue in a proposed change to its District Plan by determining 'Productive Activity Areas' and noting that:

"The plan also acknowledges that some of the external effects created by primary production operations that can bring them into conflict with rural lifestyles (e.g. sprays, noise of livestock, use of machinery early in the morning, bird-scaring devices) are to be regarded as normal and acceptable aspects of life in the Production Activity Area. This attempt to establish that primary producers should not be unduly hampered by complaints from neighbouring rural lifestyles is counterbalanced by making the main provision for countryside living elsewhere than in the Production Activity Area."

The forest industry in New Zealand faces many more such potential conflict issues over rural road use as it commences harvesting in the 'new' forest areas.

Historic and Cultural Sites in Forests

The second example deals with the issues of identification and protection of historic and cultural sites and values within plantation forests.

The Whangamata Peninsula, Tairua forest, faces the resort township of Whangamata and includes 270 ha of 1966 and 1967 radiata pine originally scheduled for clearfelling over the period 1994 to 1998. The current crop is actually the second rotation; the original plantings of minor pine species in the 1930s were not successful and were mainly felled and burnt in the mid 1960s.

The area has high visual amenity and recreational value, and also contains a rel-

atively high concentration of cultural and archaeological sites from long-term Maori occupation. The coastal fringe of mainly native vegetation is administered by the Department of Conservation. The topography is not very challenging for harvesting from a soil and water protection point of view.

Detailed harvest planning commenced early in 1993 and an environmental impact assessment of the proposed harvesting was commissioned (Maunder 1993). The planning and assessment phase included consultation with the public and various interest groups which culminated in a presentation of the proposed harvesting and subsequent forest management plans to a public meeting in the town in October, 1993. Iwi (tribal) consultation was facilitated by the Hauraki Maori Trust Board and site inspections of proposed road and landing work were carried out in September, 1993 with a group of kaumatua (elders). Reviews of previous archaeological surveys and some new survey work were carried out in conjunction with iwi consultation. The harvesting area borders the Te Puia pa (stockaded village) site and contains recorded archaeological sites, primarily shell middens but also some terraces and pits. Resulting from the survey and consultation, applications for authority to modify sites were lodged with the Historic Places Trust in November 1993 and subsequently granted. The principal authority to modify concerned the removal of pine trees from the outer terraces and features of the Te Puia pa.

Road and landing construction was carried out in the summer of 1993-94. These works were permitted activities under the regional plan. An application for a resource consent for the harvesting and re-establishment was lodged with Environment Waikato in March 1994, and subsequently notified for public submission.

Four submissions were received by the closing date in mid-May; from DOC regarding management issues in the coastal zone, from Transit NZ regarding traffic and intersection issues on the State Highway and two iwi submissions. It was notable that there were no submissions from the public.

Given the importance of visual and public use amenity values noted before, and the highly sensitised attitude of the local population to, for example, mining issues, it can be assumed that public acceptance of the plans was a result of the extensive public consultation and the high level of forest management performance in the area in recent years. In particular, the forest stands directly behind the Whangamata golf course had been successfully harvested and re-established in the preceding two years. There is no doubt

that the now common practice of over-sowing clearfelled areas with grass species prior to replanting not only achieves its weed control and surface stabilisation objectives, but also helps the visual amenity with rapid regreening at the cutover.

Returning to the submissions: DOC's concern was readily satisfied and the Transit and iwi submissions were addressed at a pre-hearing conference. Meetings with the iwi submitters, representing a whanau (family) and hapu (sub-tribe), continued up to the eve of the consent hearing on August 5, 1994. The resource consent was issued containing some reasonably standard soil and water protection conditions, and also a number of conditions relating to identification and management of waahi tapu (lit. sacred place) and taonga (treasure).

Unfortunately, the representatives of a submitting whanau became disaffected with the process and lodged an appeal against the resource consent with the Planning Tribunal. Following unsuccessful attempts to resolve the matter beforehand, the appeal was finally heard in February and March 1995 and the consent upheld.

One of the outcomes of the iwi consultation process during 1994 was the realisation by the company and the iwi authority that the more traditional approach of consultation with kaumatua was not necessarily sufficient, as it did not include the younger people becoming aware of their heritage and ancestral land and did not necessarily represent all the whanau and hapu involved in an area of land.

The Hauraki Maori Trust Board was therefore commissioned in August 1994 to identify the particular groups and their representatives that should be consulted over different areas of Tairua Forest. This proved to be a long process and at the resolution of the appeal in May 1995 the company was still trying to involve the identified parties. This was finally resolved after a series of hui (meetings) and field visits in mid 1995 and the appointment of an interim consultation group by the hui. The nominated group, named the Kaitiaki (guardianship) Tairua Team, then worked with the company staff to survey areas prior to harvesting to identify waahi tapu sites and agree on protection and management of the sites during harvesting and re-establishment.

Harvesting work finally started on the Peninsula in September 1995, some two-and-a-half years after detailed planning started. The impact of the delays meant significant frustration to the staff involved and high costs of legal services, iwi consultation and shifting of harvesting crews around to keep mills supplied with logs.

Realisations and lessons from this case include the following:

1. Although the relationship between the iwi representatives and company was reasonably positive from the start, it has been surprising how long it has taken to build a sound trusting relationship with the wider iwi. There has been a much higher level of scepticism and mistrust of company intentions by the tangata whenua (people of the land) than was ever anticipated or, in my biased eyes, ever earned. This situation is no doubt influenced by the wider changes occurring within New Zealand society in terms of the aspirations of Maori people. Much of this debate is to do with what is loosely termed 'Maori Sovereignty' – a desire for self-determination – and means many different things to different people (see Melbourne 1995 and Archie 1995). It is my opinion that the very extensive and demanding processes now being experienced with respect to cultural site identification and management in some forests is a local manifestation of this same desire for involvement and determination and that the RMA and its consultation process provides an encouraging framework for this to occur.
2. As a result, consultation with iwi over potential impact on cultural sites and values will become more and more important in both the resource consent and operating processes. This is particularly the case now in Crown Forest Licence areas which are the subject of intense interest and research by Waitangi Tribunal claimants, but there is also a growing and similar interest on freehold land.
3. The delegation of the Crown's responsibility to Treaty principles through the RMA is now being pushed through to resource consent applicants and there is a need to add cultural awareness and iwi consultation skills and procedures to the environmental management process.

Conclusions

The foregoing examples are based on the author's experience in one organisation and do not attempt to speak for the industry or profession at large. Fordyce (1997) describes a recent resource consent process within her company which illustrates very extensive and pro-active consultation and willingness to listen and act on feedback from consultation. There are many more good examples of forestry people adapting positively to the opportunity that consultation processes can provide to responsibly consider the impact of activities on individuals, communities and

society, as well as the more traditional consideration of effects on natural resources.

In New Zealand the Resource Management Act and the forestry sector's own principles look for a desirable balance between ecological, social and economic considerations. Perhaps the following comment from a recent resource consent applicant submission illustrates the elusive nature of that balance:

"All we ask is that the same consideration that has been accorded to iwi and ... frog be accorded to the ... residents."

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Professional registration*

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Summary

The New Zealand Institute of Forestry (NZIF) implemented a registration process for members on October 1, 1996. This has evolved from the NZIF Consultant Recognition Scheme which was started in 1966 and which grew successfully to the extent that there were 86 Recognised Forestry Consultants at the transition date. An important feature of the Registration Scheme is that all Full Members can apply for Registration. Registered Forestry Consultants are a subset of Registered Members – i.e. those Registered Members who provide consultancy services to the public.

The NZIF Registration Scheme represents an important step forward in the development and promotion of professional standards in New Zealand forestry. It reflects a response by the NZIF to the need for an increased level of quality assurance on the advice and practice being offered within the forestry sector.

Introduction

The issue of professionalism was a theme of the New Zealand School of Forestry 25th Anniversary Conference in 1995. At that conference Sutherland (1996) described the characteristics of professionalism at the level of both the individual and the Institute. He described four broad characteristics required by a professional:

- Competent – by virtue of initial education and training followed by continuing professional development.
- Responsible – take personal responsibility for decisions and actions.

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- Ethical standards – imposed by a code of ethics.
- Service – to humanity through responsible application of knowledge and skills.

He suggested that the roles of a professional institute are:

- Gatekeeping – to prescribe, determine and accredit qualifications for membership of the institution.
- Maintaining standards – to enhance the practice of the profession.
- Facilitating information transfer – to obtain and share information and knowledge about the profession and related professions.
- Provision of member services.
- Promoting the profession.

At the same conference, Galbraith (1996) noted the need for an increased level of quality assurance on the advice and practice being offered within the forestry sector. He also referred to "calls for the NZIF to offer higher standards of protection for the public, including those interested in investing in the industry as well as those using forestry services for harvesting and marketing of existing investments".

This paper describes how the NZIF has responded to these calls by the implementation of a professional registration process. The evolution from a consultant recognition scheme is reviewed, and the recently-enacted NZIF Registration Scheme is described and compared with overseas registration models.

NZIF Consultant Recognition Scheme

The NZIF's concern about maintaining the standard of forestry consultants resulted in the initiation in the 1960s of a Consultants Recognition Scheme. Groome (1996) records that "following a four-year period of doubt and debate" the first Forestry Consultants (Viv Fail and John Groome) were recognised in 1966.

He also notes that "the protection of the public's interest was given more importance than the protection or promotion of the practitioner".

Eligible members were, depending on their experience and expertise, recognised either as General Forestry Consultants or Specialist Forestry Consultants. General Forestry Consultants were recognised as having expertise over the broad range of forestry disciplines, whereas Specialist Forestry Consultants were recognised in specified disciplines.

The Recognition Scheme was administered by the NZIF Consultants Committee supported by a Registrar who maintained the register of Recognised Forestry Consultants. An important feature has been that recognition has been available only to individuals and not corporate bodies. Groome (1996) comments that "in the early 1980s a very strong move to have companies 'recognised' was forestalled in favour of individuals only having to bear full responsibility for their advice".

The number of Recognised Forestry Consultants has increased steadily since the inception of the Scheme with a marked increase since 1990 (Fig. 1). This recent increase reflects a number of factors including:

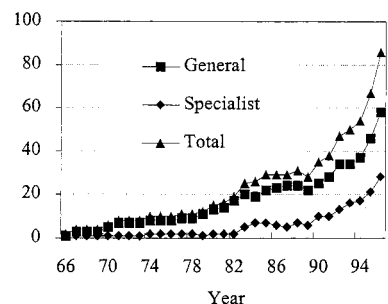


Figure 1. Number of NZIF Recognised Forestry Consultants