

<b>Title</b>	<b>Describe the application of law to arboriculture in New Zealand</b>		
<b>Level</b>	<b>5</b>	<b>Credits</b>	<b>6</b>

<b>Purpose</b>	People credited with this unit standard are able to describe: the objectives, principles and provisions of the Resource Management Act 1991 and its application to arboriculture; employment law in New Zealand and how it applies to arborists; the purpose of the Accident Compensation Corporation in relation to arboriculture; the application of law to tree protection in New Zealand; the application of law and bylaws to working with trees; and contract law in New Zealand, and the application of standard clauses in arboriculture contracts.
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<b>Classification</b>	Horticulture > Arboriculture
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<b>Available grade</b>	Achieved
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### Guidance Information

Legislation relevant to this standard includes but is not limited to:

- Biosecurity Act 1993;
- Consumer Guarantees Act 1993;
- Employment Relations Act 2000;
- Fencing Act 1978;
- Forests Act 1949;
- Fire and Emergency NZ Act 2017;
- Hazardous Substances and New Organisms Act 1996;
- Health and Safety at Work Act 2015;
- Health and Safety in Employment Regulations 2016;
- Historic Places Act 1993;
- Native Plants Protection Act 1934;
- Parental Leave and Employment Protection Act 2002;
- Privacy Act 2020;
- Property Law Act 2007;
- Reserves Act 1977;
- Resource Management Act (RMA) 1991;
- Land Transport Act 1998;
- Treaty of Waitangi Act 1975;
- Trespass Act 1980;
- local bylaws.

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## Outcomes and performance criteria

### Outcome 1

Describe the objectives, principles and provisions of the Resource Management Act 1991 (RMA) and its application to arboriculture.

#### Performance criteria

- 1.1 Describe the objectives and principles of the RMA in terms of how they apply to arboriculture in specific regions.
- 1.2 Describe the provisions of the RMA in terms of how they apply to arboriculture.
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| Range | provisions include but are not limited to – district plans, heritage orders, reserves, resource consents, riparian zones, subdivision of land, sustainable land management, tree protection, local authority planning functions; evidence of four provisions is required. |
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### Outcome 2

Describe employment law in New Zealand and how it applies to arborists.

#### Performance criteria

- 2.1 Describe the main objectives and provisions of the Employment Relations Act 2000 in terms of how they apply to arborists.
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| Range | objectives include but are not limited to – build productive employment relationships, good faith; provisions may include but are not limited to – freedom of association, bargaining, personal grievances (discrimination, sexual harassment, duress, procedures, remedies), disputes (procedures, penalties); evidence of two provisions is required. |
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- 2.2 Describe the requirements of the Health and Safety legislation as they apply to employers and employees in arboriculture.

### Outcome 3

Describe the purpose of the Accident Compensation Corporation (ACC) in relation to arboriculture.

**Performance criteria**

3.1 Describe ACC in terms of its purpose in relation to arboriculture.

Range purpose includes but is not limited to – injury prevention, levies, claims, rehabilitation, compensation.

**Outcome 4**

Describe the application of law to tree protection in New Zealand.

**Performance criteria**

4.1 Identify groups with an interest in tree protection in terms of their roles.

Range groups may include but are not limited to – Department of Conservation, local authorities, Ministry of Primary Industries (MPI), Royal New Zealand Institute of Horticulture; lobby groups – Royal Forest and Bird Protection Society; regional tree organisations  
evidence of two groups is required.

4.2 Describe the provisions of the Forests Act 1949, Historic Places Act 1993, Native Plants Protection Act 1934 and RMA in terms of the protection they provide to trees.

4.3 Describe the powers of local authorities under District and Regional Plans in terms of tree protection.

4.4 Describe the application of the Electricity (Hazards from Trees) regulations 2003 on trees around powerline.

4.5 Describe the application of the Land Transport Management Act 2003 on trees in state highway designations.

**Outcome 5**

Describe the application of law and bylaws to working with trees.

**Performance criteria**

5.1 Describe statutes in terms of their application to arboriculture work.

Range statutes may include but are not limited to – Fencing Act 1978, Fire and Emergency NZ Act 2017, Reserves Act 1977, Land Transport Management Act 2003, Treaty of Waitangi Act 1975, Trespass Act 1980, Property Law Act 2007, Biosecurity Act 1993; evidence of three statutes is required.

5.2 Describe the application of bylaws from local authorities to arboriculture work.

## Outcome 6

Describe contract law in New Zealand, and the impacts of standard clauses in arboriculture contracts.

### Performance criteria

6.1 Describe a valid contract in terms of its requirements.

Range requirements include but are not limited to – offer and acceptance, competent parties, lawful subject, proper consideration, genuine consent.

6.2 Describe the standard clauses in arboriculture contracts in terms of how they affect the parties involved.

Range clauses may include but are not limited to – insurance (public liability and private indemnity), health and safety, competent personnel, professional standards; evidence of three clauses is required.

<b>Planned review date</b>	31 December 2026
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### Status information and last date for assessment for superseded versions

Process	Version	Date	Last Date for Assessment
Registration	1	28 January 1995	31 December 2023
Revision	2	24 February 1997	31 December 2023
Review	3	23 November 1999	31 December 2023
Revision	4	13 February 2002	31 December 2023
Revision	5	24 February 2006	31 December 2023
Review	6	11 December 2009	31 December 2023
Review	7	24 June 2021	N/A
Revision	8	26 May 2022	N/A

<b>Consent and Moderation Requirements (CMR) reference</b>	0032
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This CMR can be accessed at <http://www.nzqa.govt.nz/framework/search/index.do>.

### Comments on this unit standard

Please contact Muka Tangata – People, Food and Fibre Workforce Development Council [qualifications@mukatangata.nz](mailto:qualifications@mukatangata.nz) if you wish to suggest changes to the content of this unit standard.