

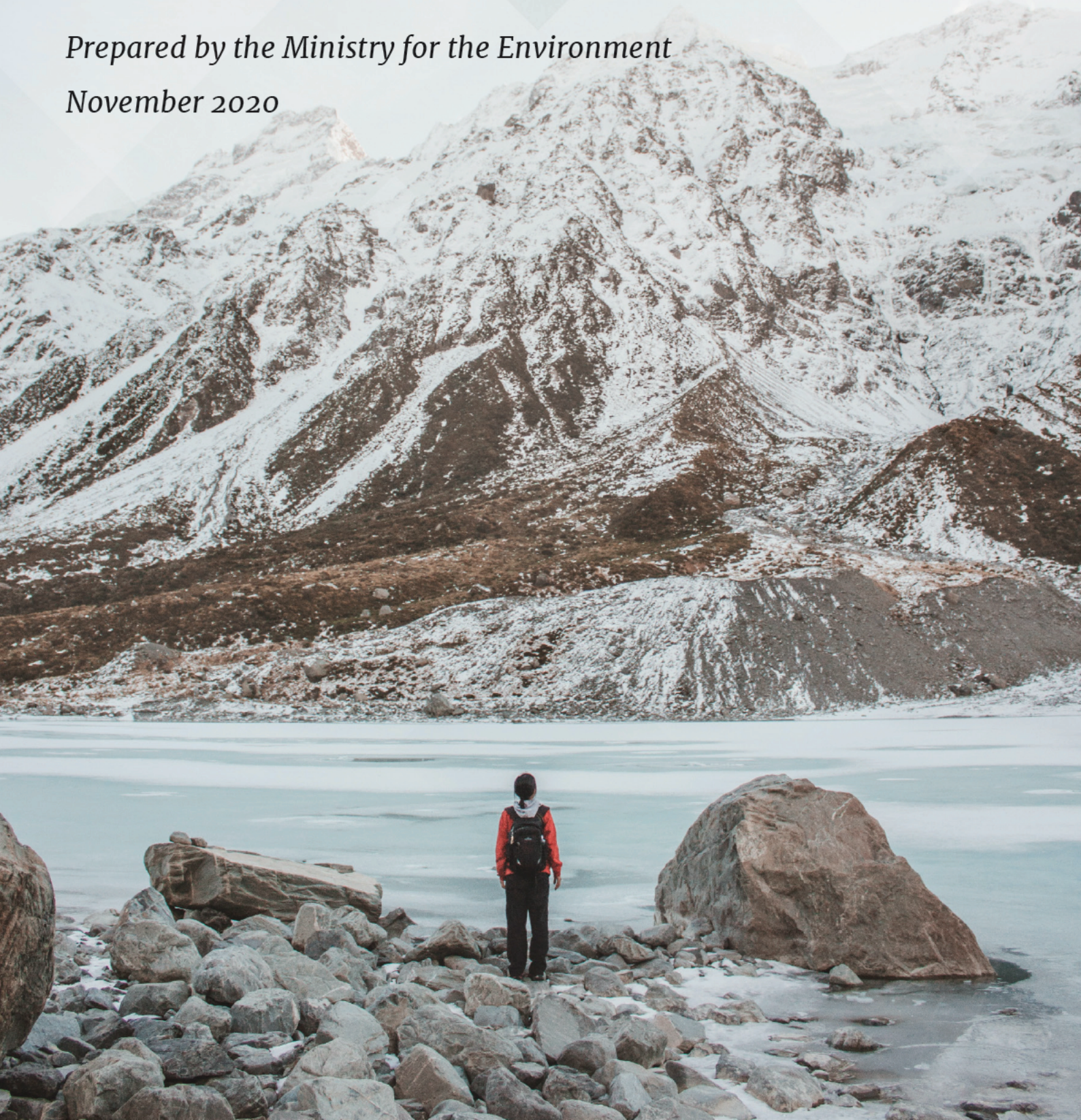


Ministry for the  
**Environment**  
*Manatū Mō Te Taiao*

# Briefing for Incoming Ministers Environment and Climate Portfolios

*Prepared by the Ministry for the Environment*

*November 2020*





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# Introduction

## What this briefing offers

1. This document offers you and your Associate Ministers an introduction to the Environment and Climate Change portfolios, the current work programmes, and your responsibilities in these portfolios.
2. It is supported by specific briefings on key Ministry for the Environment work programmes covering environmental management system reforms, the freshwater system, climate change, waste and resource efficiency, and Jobs for Nature.
3. These key work programmes are shown on Figure 1 below:

Key MfE Work Programmes				
<i>This advice relates to the following:</i>				
Environmental Management System Reform	Freshwater System Policy and Implementation	Jobs for Nature	Waste and Resource Efficiency	Climate Change
Scope and objectives	Allocation	Jobs for Nature roles and responsibilities	Waste Levy implementation	Mitigation
Partnering and engagement	Rights and interests	Te Mana O Te Wai	Waste Strategy and WMA Review	Markets
Interagency working arrangements	Governance and oversight	Freshwater Improvement Fund	Container Return Scheme, Product stewardship	Adaptation
Initial policy decisions	Implementation	Other investment		Funding
	Freshwater regulations			Governance

Figure 1: Key MfE Work Programmes

# The environment is under increasing pressure

4. The Secretary for the Environment and the Government Statistician are responsible for reporting regularly on the state of New Zealand's environment under the Environmental Reporting Act 2015. This includes state of the environment reports such as Environment Aotearoa 2019<sup>1</sup> as well as reporting on environmental indicators by Statistics New Zealand<sup>2</sup>.
5. Key environmental pressures highlighted in recent reports are shown in Figure 2 below.

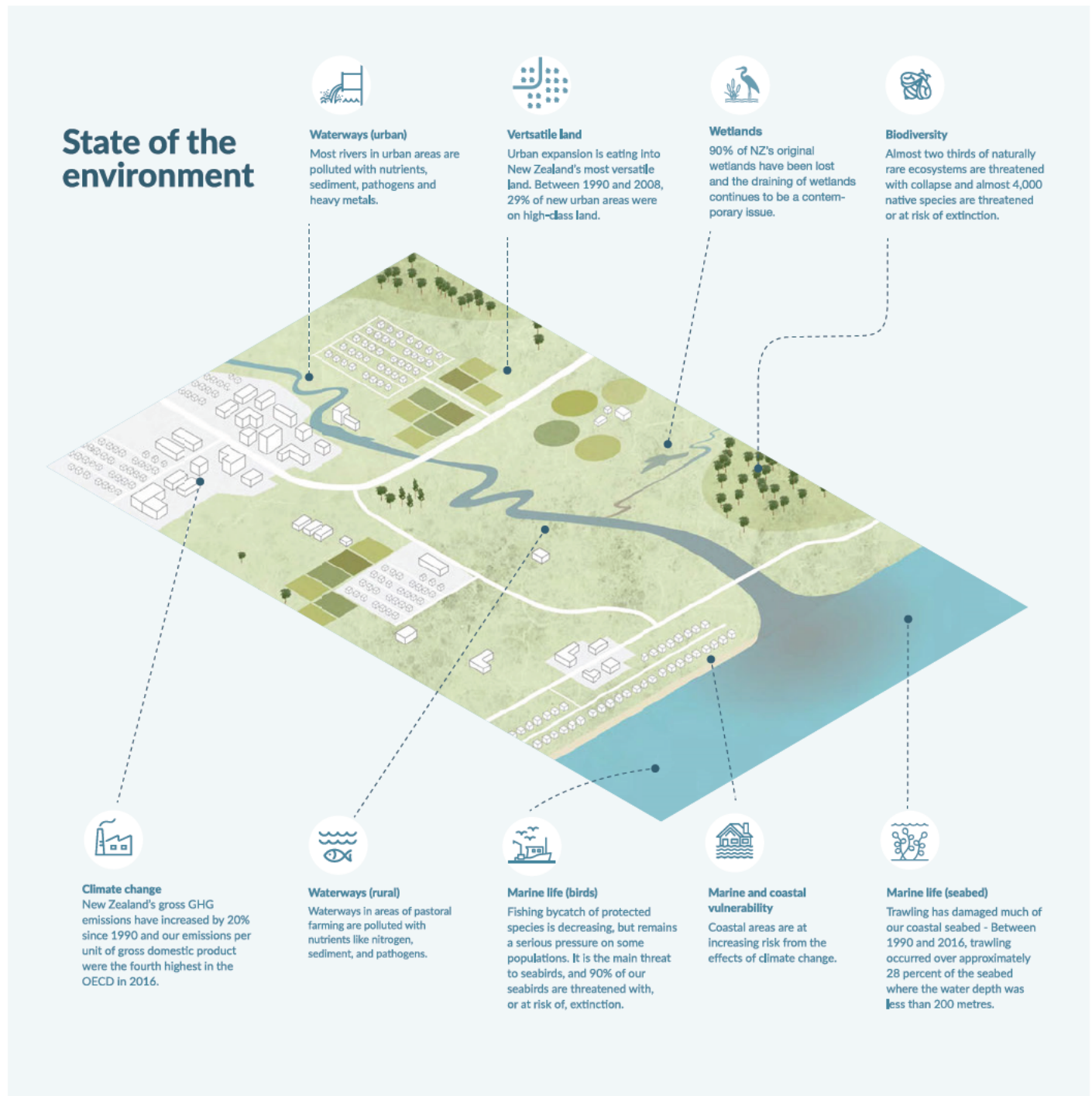


Figure 2: Key environmental pressures

1 <https://www.mfe.govt.nz/environment-aotearoa-2019>

2 See Statistics New Zealand's environmental indicators at <https://www.stats.govt.nz/tools/environmental-indicators>

6. The story is familiar. These reports point to the challenges we face in climate change, biodiversity loss, the loss of ecosystem function, and increasing resource scarcity, especially water. While there are many drivers of this decline, the underlying issue is the impact on the environment of the choices people make in how to live and make a living.
7. Climate change poses particular and pervasive challenges. For example, the National Climate Change Risk Assessment highlights that in Aotearoa New Zealand, over the coming decades, drought severity will increase in most regions, flooding will become more frequent, and gradual, accumulating changes (particularly rising sea levels), will render some locations uninhabitable.
8. These environmental changes affect people's wellbeing now, and pose risks to the sustainability of wellbeing into the future, to the extent they will limit the choices and opportunities future New Zealanders have to live the sorts of lives they value.
9. These issues have taken some time to develop and will take some time to address. The long timeframes involved – both to allow for the necessary transition and adjustment in society and the economy, and for the biophysical changes in the environment itself – reinforce the need to take action now, if sudden and disruptive changes are to be avoided.
10. The response to COVID-19 and the associated recovery remain a significant challenge and will continue to demand significant resource across government. The recovery also presents an opportunity to pursue environmental improvements alongside the economic and social priorities.

## Progress so far

11. Work to date has put in place key foundations in a number of areas:
  - a. Environmental management system reform – the Resource Management Review (Randerson Report, 2020) has recommended significant reform of the environmental management system.
  - b. Freshwater and sustainable land management -- the Essential Freshwater package puts in place a framework to ensure healthy freshwater resources. Implementation of that package is underway.
  - c. Climate Change – the Climate Change (Zero Carbon) Amendment Act established the framework and institutions to help New Zealand shift to a low emissions and climate resilient economy.
  - d. Waste and resource efficiency – Cabinet has agreed to significant expansion of the waste levy and consultation is underway on the phase out of certain plastics.
12. This is alongside specific initiatives aimed to support economic recovery from the COVID-19 pandemic:
  - a. The Fast-track Consenting Act – aims to promote the economic recovery from the COVID-19 pandemic while continuing to promote the sustainable management of natural and physical resources.
  - b. Jobs for Nature programme – investment in community projects that will create jobs to address long-term environmental issues.
  - c. COVID-19 Response and Recovery fund – investment in recycling infrastructure that will support Aotearoa New Zealand to build back better from COVID-19.

# Early decisions needed

13. More needs to be done in all these areas to deliver on your objectives and improve environmental outcomes.
- a. Environmental management system reform – Cabinet is yet to formally decide on its response to the Randerson Report. Early decisions will be needed on the scope and timing of system reform, Ministerial and cross-government governance arrangements, and working arrangements with Treaty partners and local government. These reforms provide the opportunity to maintain the commitment to environmental outcomes and improve these outcomes within the next generation.
  - b. Freshwater and sustainable land management – agree an approach to water allocation, including addressing Māori rights and interests as a priority. There are also areas for further development for the farm planning system, and possible amendments to existing regulations (eg, stock exclusion maps) to aid their implementation.
  - c. Climate Change – decisions needed to set the direction for New Zealand’s adaptation and mitigation response, including: publication of the National Adaptation Strategy and an approach to the National Adaptation Plan; the role of adaptation legislation in the environmental management system reforms; setting up to deliver the first set of emissions budgets and the first emissions reduction plan; and funding and financing across the climate response.
  - d. Waste and resource efficiency – agree next steps for the waste levy expansion, including confirmation of timing, progress and plans for implementation. Agree priorities for levy management and fund management, as well as an approach on phasing out hard-to-recycle plastics.
  - e. Jobs for Nature programme – decide funding for round two and discuss programme opportunities. Decide the funding strategy for Te Mana o Te Wai. There are opportunities to refocus funding to better support environmental outcomes, including increased capability and capacity of people across the freshwater management system in areas such as farm planning, catchment management, data collection and monitoring.

## Common factors for success

14. There are some critical success factors that will be common across the work programme:
- a. Engagement with Treaty partners – effective engagement with iwi/Māori will be important in developing the future environmental management system and delivering the Crown’s commitments and obligations under Te Tiriti o Waitangi. This will require your agreement on engagement with Treaty partners.
  - b. Local government capability and capacity – the local government sector is under pressure due to a combination of financial constraints and a large regulatory implementation programme. Work across your priorities should be advanced cognisant of this and engaging well with the sector.
  - c. Timing – meeting aspirations for these work programmes in the next three years will
  - d. require early direction-setting and sustained momentum. It will require prioritisation across your work programme and possibly wider Government work programmes, particularly in

the context of COVID 19 impacts.

- e. Funding and financing – implementing this programme and managing the transition to a more sustainable and climate-resilient economy will require investment. Developing approaches to finance this investment, including consideration of who pays, will be central to the programme's success.
- f. Cross-government action – environmental objectives cannot be met through environmental policy alone. Addressing these challenges will require action with your colleagues across Ministerial portfolios, given the deep interrelationship between social, financial, economic, and environmental systems. Setting up public sector governance and Ministerial groupings will be important to get the desired momentum.
- g. Joining it all up – there are important dependencies across this work programme (for example environmental management system reforms and water allocation). This highlights the need for alignment of policy and process across the programme, and the likely need to progress the work as a package.



# Key people at the Ministry



**VICKY ROBERTSON**  
SECRETARY FOR THE  
ENVIRONMENT AND  
CHIEF EXECUTIVE



**AMANDA MORAN**  
CHIEF OPERATING  
OFFICER AND DEPUTY  
SECRETARY,  
ORGANISATIONAL  
PERFORMANCE



**ANNE HAIRA**  
DEPUTY SECRETARY,  
PARTNERSHIPS AND  
CUSTOMERS AND  
CLIMATE ADAPTATION  
AND EVIDENCE



**NATASHA LEWIS**  
DEPUTY SECRETARY,  
STRATEGY AND  
STEWARDSHIP



**SAM BUCKLE**  
DEPUTY SECRETARY,  
WATER POLICY AND  
RESOURCE EFFICIENCY



**JANINE SMITH**  
DEPUTY SECRETARY,  
NATURAL AND BUILT  
SYSTEMS AND CLIMATE  
MITIGATION (ACTING)



**MARTIN WORKMAN**  
DEPUTY SECRETARY FOR  
SUSTAINABLE LAND USE  
DELIVERY (ACTING)



**MELANIE MARK-  
SHADBOLT**  
KAIHAUTŪ - CHIEF  
MĀORI ADVISOR



**DR ALISON COLLINS**  
KAITOHUTOHU MĀTANGA  
PŪTAIAO MATUA



**JEREMY CORBAN**  
CHIEF ADVISOR TO THE  
CHIEF EXECUTIVE



# Vote Environment at a glance

## Vote Environment Departmental Output Expenses 2020/21

Waste Levy Admin  
\$7.6m



Climate Change  
\$22.4m



Markets 6.9m  
Mitigation 6.7m  
Data and Evidence 4.6m  
Adaptation 4.1m

Improving New Zealand's Environment  
\$82.2m



Water Delivery 22.9m

Natural and Built Systems 21.3m

Resource Efficiency 12.5m

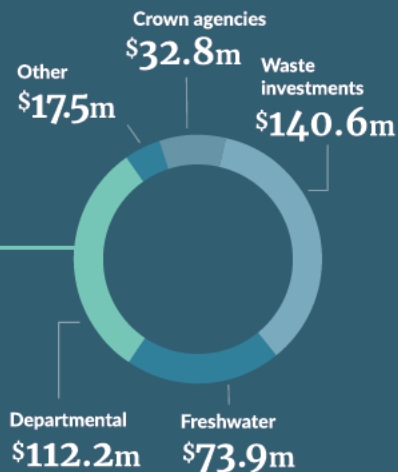
Environmental Reporting and Data 6.4m

Fast Track Consenting 2.7m

RM System Reform 10.5m

Water Allocation, Rights & Interests 5.6m

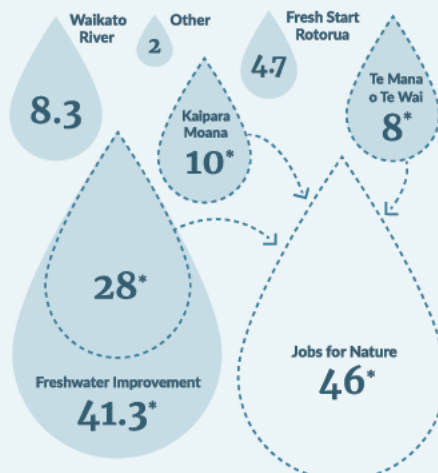
## Vote Environment Budget 2020/21



### Emissions Trading Scheme

The total Emissions Trading Scheme appropriations of \$1.177b for 2020/21 are not included in the above graph.

## Freshwater Investments (\$73.9m)



\*Jobs for Nature comprises: 28m freshwater improvement, 10m Kaipara Moana and 8m Te Mana o Te Wai. Appropriations have time-limited funding in out-years.

## Waste Minimisation & Infrastructure Investments (\$140.6m)



\*Appropriations have time-limited funding in out-years.

## Vote Environment – total appropriations

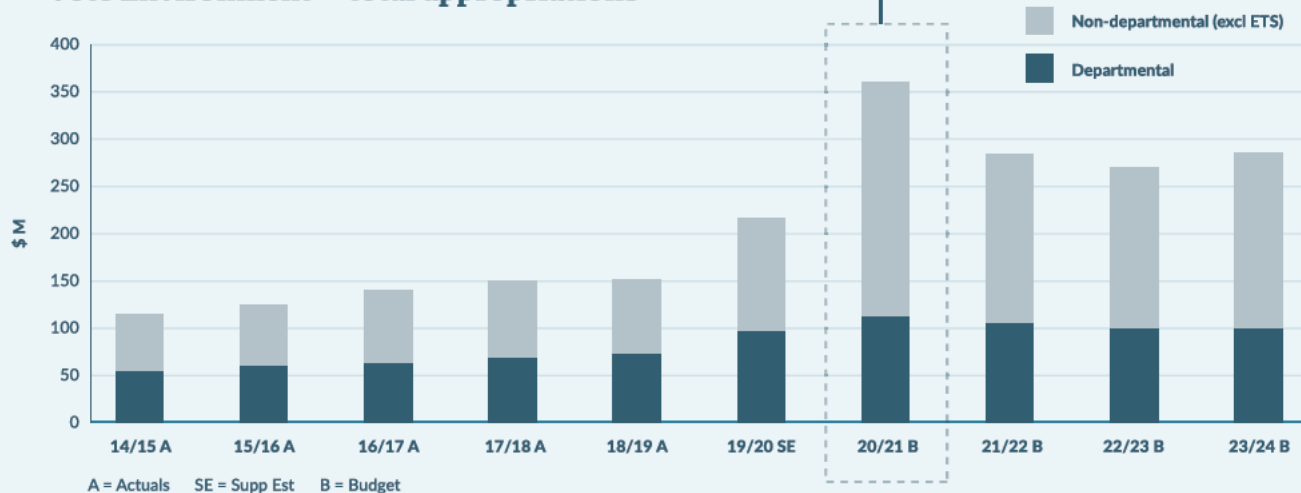


Figure 3: Vote Environment at a glance

## Other material to support you

15. This briefing is accompanied by more detailed second tier briefings prepared by the Ministry. These documents are tailored to your portfolio responsibilities. They contain more information about your respective roles, how the Ministry can support you to achieve outcomes, and key events or issues for your early attention.
16. The Ministry looks forward to discussing this advice with you, in support of the priorities set out by you and your government.
17. Appendix 1 provides our consideration of the Government's commitments and the inter-linkages of these with the current work programme, and across Ministerial portfolios.
18. Appendix 2 sets out relevant statutory responsibilities, delegations, and board appointments. This includes the role and responsibilities for the Ministry for the Environment. You also have obligations and responsibilities under specific Treaty of Waitangi Settlement Acts and Te Tiriti o Waitangi. We will brief you separately on these matters.

# Appendix 1



## Who to talk to about the Government's commitments

Government commitments regarding COVID 19 recovery, climate change & the environment	Who you can expect to talk to about this priority  (Lead agency & responsible Ministry for the Environment deputy secretary)	Where you will see initial advice on this priority
Prevent, reduce, recycle waste consistent with a zero waste approach (design out waste and pollution)	Ministry for the Environment (Ministry)-led  Ministry point of contact: Sam Buckle [REDACTED]	Waste second tier briefing
Repeal the Resource Management Act 1991 and replace it with a Natural and Built Environments Act, and a Strategic Planning Act	Ministry-led  Ministry point of contact: Janine Smith [REDACTED]	Resource Management reform second tier briefing
Stop further degradation, making immediate improvements, and reversing past damage to our freshwater resources, waterways and ecosystems	Joint-led by the Ministry for the Environment (The Ministry) and Ministry for Primary Industries (MPI)  Ministry point of contact: Sam Buckle (policy) [REDACTED]  Ministry point of contact: Martin Workman (implementation and delivery) [REDACTED]	Freshwater system second tier briefing
Efficient and fair allocation of freshwater resources, having regard to all interests including Māori	Ministry-led  Ministry point of contact: Sam Buckle [REDACTED]	Freshwater system second tier briefing
The Government will extend the National Policy Statement for Freshwater Management to cover estuaries	Ministry-led  Ministry point of contact: Sam Buckle [REDACTED]	Freshwater system second tier briefing
Continue to roll out Jobs for Nature projects which invest in community projects to address long-term environmental issues like wilding pines and cleaning up our waterways	Ministry-led  Ministry point of contact: Martin Workman [REDACTED]	Jobs for Nature second tier briefing



Reform New Zealand's drinking water and waste water system, and upgrade water infrastructure to create jobs nationally	Department of Internal Affairs-led Ministry for the Environment point of contact: Sam Buckle [REDACTED]	Subsequent freshwater advice
Continue work towards New Zealand's goal of planting one billion trees by 2028	Te Uru Rakau-led Ministry for the Environment point of contact: Sam Buckle [REDACTED]	Climate second tier briefing
Continue to work with the agricultural sector to develop integrated farm plans to remove duplication of reporting requirements and achieve our goals of clean water, lowering emissions, and sustainable farming	Ministry for the Environment, and Ministry for Primary Industries (MPI) – joint led Ministry point of contact: Martin Workman [REDACTED]	Freshwater system second tier briefing.
NPS-PF: Empower local councils to decide what land can be used for plantation and carbon forests through the resource consent process	Te Uru Rakau-led Ministry point of contact: Sam Buckle [REDACTED]	
Update marine protected areas legislation	Department of Conservation (DoC)-led Ministry point of contact: Janine Smith [REDACTED]	Subsequent Marine advice
Continue to support aquaculture across New Zealand through an aquaculture strategy	Department of Conservation (DoC)-led Ministry point of contact: Janine Smith [REDACTED]	Subsequent Marine advice
Zero-emissions buses to be purchased for the public bus fleet by 2025 and target decarbonising the fleet by 2035	Ministry of Transport (MoT) and New Zealand Transport Agency (NZTA)-joint led Ministry point of contact: Janine Smith [REDACTED]	
Increase investment in world leading research that helps us reduce emissions	Ministry for Business Innovation and Enterprise (MBIE) and MPI joint-led Ministry point of contact: Janine Smith [REDACTED]	
Reshape New Zealand's energy system to bring forward our 100% renewable energy target to 2030 and investigate dry year storage options such as pumped hydro	MBIE led Ministry point of contact: Janine Smith [REDACTED]	

Progress the Government's tripartite Industry Policy focused on supporting industries in transition and growing high-value export firms	MBIE and NZTA – led Ministry point of contact: Janine Smith [REDACTED]	Climate second tier briefing
Diversify our trade relationships. Expand opportunities including through trade deals with the EU and the UK, and the Agreement on Climate Change, Trade, and Sustainability	Ministry of Foreign Affairs and Trade and New Zealand Trade and Enterprise led Ministry point of contact: Anne Haira [REDACTED]	
Restart and reimagine a more sustainable tourism industry	MBIE led Ministry point of contact: Natasha Lewis [REDACTED]	
Protect, preserve and restore our natural heritage and biodiversity, and promote the recovery of threatened species	DoC led Ministry point of contact: Sam Buckle [REDACTED]	Subsequent Freshwater advice
Planning for long-term growth and removing barriers to housing	Urban Growth Agenda agencies Ministry point of contact: Janine Smith [REDACTED]	Subsequent Urban advice
Strengthen Māori housing outcomes through collaborative partnerships, home-ownership models, and papakāinga provision	Te Puni Kokiri & Urban Growth Agenda agencies Ministry point of contact: Janine Smith [REDACTED]	Subsequent Urban advice
Commit to progressing the findings of the Wai262 Claim 'Ko Aotearoa Tēnei'	All of Government Ministry point of contact: Anne Haira [REDACTED]	
Support wider work in research, science and innovation to advance Mātauranga Māori	All of Government Ministry point of contact: Natasha Lewis [REDACTED]	
Ensure Māori are involved in the development of a new Resource Management Act to deliver better outcomes	Ministry led Ministry point of contact: Janine Smith [REDACTED]	RM reform second tier briefing

Areas of cooperation - Cooperation agreement between the New Zealand Labour Party and the Green Party of Aotearoa New Zealand	Who you can expect to talk to about these areas  (Lead agency & responsible Ministry for the Environment deputy secretary)	Where you will see initial advice on these areas
Achieving the purpose and goals of the Zero Carbon Act through decarbonising public transport, decarbonising the public sector, increasing the uptake of zero-emission vehicles, introducing clean car standards, and supporting the use of renewable energy for industrial heat	Ministry of Transport (MoT), New Zealand Transport Agency (NZTA)-led on transport.  MBIE-led on energy.  Ministry point of contact: Janine Smith 	
Protecting our environment and biodiversity through working to achieve the outcomes of Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020, protecting Kauri, building on pest management programmes, and taking action to minimise waste and problem plastics	DoC led on biodiversity Ministry-led on waste and plastics.  Ministry point of contact: Sam Buckle 	Biodiversity and waste second tier and third tier briefings



# Appendix 2

## Statutory roles, boards and delegations

### **Statutory responsibilities on the Minister for the Environment**

#### Environmental Protection Authority Act 2011

1. This Act establishes the Environmental Protection Authority (EPA) to carry out specific functions and duties set out in the Act and a range of other environmental Acts.
2. You oversee and manage the Crown's ownership, policy, and regulatory interest in the EPA. This includes appointing the EPA Board and approving the Board's appointments to certain committees (see Ministerial appointed boards for current board membership).
3. As a Crown agent the EPA is relatively closer to the core Crown compared to other kinds of Crown entities. For example, you are able to issue a direction to the EPA to give effect to Government policy under the Crown Entities Act 2004, and EPA members can be removed from office at your discretion. However, some EPA functions and powers must be exercised independently, meaning the Minister cannot direct how the EPA carries them out. Examples include EPA decision-making under the Hazardous Substances and New Organisms Act 1996, marine consent decisions under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), and the EPA's enforcement functions under a range of legislation.

#### Resource Management Act 1991

4. The Resource Management Act 1991 (RMA) is the principal legislation that sets out how we manage our environment sustainably. As well as managing air, soil, freshwater and the coastal marine area (and the effects of human activity on these resources), the RMA regulates land use and the provision of infrastructure, which are integral components of New Zealand's planning system.
5. The Ministry administers the RMA, with most decision-making under the RMA devolved to local authorities or to boards of inquiry, appointed by you, for nationally significant proposals (supported through the EPA).
6. You are responsible for:
  - making decisions on national policy statements, national environmental standards, and other regulations under the RMA
  - deciding whether to refer a proposal of national significance to a board of inquiry or the Environment Court for a decision
  - making decisions on requiring authority or as heritage protection authority applications
  - referring and making decisions on water conservation order applications
  - monitoring the effect and implementation of the RMA system (including any regulations in

force under it), national policy statements, and water conservation orders

- you may appoint freshwater commissioners, including the Chief Freshwater Commissioner, and determine their remuneration

7. You have additional powers to:

- investigate and make recommendations on the exercise or performance of local authorities' functions, power or duties
- appoint people to carry out the functions of a local authority, if it is not performing its functions or powers to the extent necessary to achieve the purpose of the RMA
- direct a regional council or territorial authority to prepare or change a regional or district plan to address a resource management issue
- direct a regional council to begin a review of the whole, or any part, of its regional plan or direct a territorial authority to begin a review of the whole, or any part, of its district plan
- request a local authority, heritage protection authority, or requiring authority to supply information at no cost to you as Minister
- make grants and loans to help achieve the purpose of the RMA

## COVID-19 Recovery (Fast-track Consenting) Act 2020

8. This Act shortcuts the current resource consent process under the RMA to support New Zealand's recovery from the impacts of COVID-19. The Act's purpose is to urgently promote employment to support New Zealand's recovery and the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.
9. Any person can apply to you to refer a project to an expert consenting panel. You determine whether the project meets the purpose of the Act and the statutory eligibility criteria and allows the project to go through the fast-track process. This is done via an Order in Council approved by Cabinet and the Governor General. Prior to making a referral decision, you must obtain and consider a report prepared jointly by the Ministry for the Environment and Te Arawhiti on the relevant iwi authorities and settlements relating to the project area and other Treaty of Waitangi matters. If the application relates, at least in part, to the coastal marine area, the decision will be made jointly with the Minister for Conservation. You must appoint a current or former Environment Judge to convene the expert consenting panel which consider the fast-track applications. The current panel convener is Judge LJ Newhook.

## Soil Conservation and Rivers Control Act 1941

10. You have powers under this Act to make grants and loans for fencing, planting and other works to prevent soil erosion.

## Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act)

11. This Act aims to protect our oceans from the potential environmental risks of activities like petroleum exploration activities, seabed mining, marine energy generation, and carbon capture developments. The EPA is responsible for marine consent decisions under the Act.

12. You can recommend to the Governor-General the making of regulations that include:
- prescribing requirements, methods or technical standards for activities and effects of activities carried out in the exclusive economic zone and in some instances, the territorial sea, or in waters above and beyond the continental shelf
  - prescribing requirements, methods, or technical standards relating to the discharge of harmful substances, the dumping of waste or other matter
  - requiring the holder of a marine consent to gather information and keep records relating to the exercise of the consent and to supply information to the EPA
  - establishing and using a process that gives iwi adequate time and opportunity to comment on the subject matter of proposed regulations
  - recovering from an applicant the actual and reasonable costs incurred in relation to a board of inquiry.
13. You can direct the EPA in certain matters in relation to the processing of a joint application with the Resource Management Act 1991, such as directing that a joint application be referred to the Environment Court instead of the EPA if you consider the application is a matter of national significance. You can also issue EEZ policy statements, which provide the EPA with direction on how to undertake decision-making under the EEZ Act.

## Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

14. This Act establishes the Fiordland (Te Moana o Atawhenua) Marine Area (FMA), including eight marine reserves. It also establishes the Fiordland Marine Guardians and implements measures to help preserve, protect, and sustainably manage the marine environment and biological diversity.
15. Your responsibilities as Minister are to:
- appoint the Fiordland Marine Guardians (see Ministerial appointed boards for current membership)
  - provide direction to the Fiordland Marine Guardians on their procedures
  - initiate reviews to determine the effectiveness of the management of the area.
16. A protocol between the Fiordland Marine Guardians and all management agencies (the Ministry for the Environment, Department of Conservation, Ministry for Primary Industries, and Environment Southland) sets out how integrated management of the FMA will be achieved.

## Hazardous Substances and New Organisms Act 1996 (HSNO)

17. This Act aims to prevent or manage the adverse effects of hazardous substances and new organisms, including genetically modified organisms within New Zealand. The EPA is responsible for the operation and implementation of the Act.



18. Your responsibilities as Minister are to:

- approve board appointments to any decision-making committee
- make regulations under the Act, for example for administrative matters, to classify particular substances or organisms for the purposes of the Act, or to prescribe certain prohibitions, restrictions or controls at a national level
- decide whether an application fits the limited circumstances that would justify calling in the application, using the EPA as advisors rather than the EPA making the decision.

## Imports and Exports (Restrictions) Act 1988

19. You have the power to permit the export of living modified organisms through the Imports and Exports (Living Modified Organisms) Prohibition Order 2005 (created under 3A(1) of this Act).

## Waste Minimisation Act 2008

20. The aim of the Waste Minimisation Act 2008 is to encourage waste minimisation and decrease waste disposal to protect the environment from harm and to provide environmental, social, economic, and cultural benefits.

21. You have powers, functions, and responsibilities to:

- review the effectiveness of the waste levy in 2011 and subsequently every three years
- determine, in consultation with the Waste Advisory Board, priority products that will be subject to mandatory product stewardship schemes
- develop guidelines about the contents and expected effects of product stewardship schemes for priority products
- grant government accreditation to voluntary and mandatory product stewardship schemes
- approve funding of projects that promote or achieve waste minimisation
- appoint a person to collect the waste levy from landfill operators
- set performance standards for implementing waste management and minimisation plans prepared by territorial authorities and recommend, through an order in council process, that territorial authorities amend their waste management and minimisation plans
- set the terms of reference for the Waste Advisory Board, request nominations for members, and, in consultation with the Minister of Māori Affairs, appoint between four and eight members to the Board (see Ministerial appointed boards for current membership)
- seek the advice of the Waste Advisory Board on various matters including developing guidelines about product stewardship schemes
- recommend to the Governor-General the making of various regulations relating to priority products, accredited product stewardship schemes, the operation of the waste levy and waste minimisation schemes (for instance, container deposit schemes and take-back services for products), and the collection of records, information and reports for various waste management and minimisation purposes.

## Environmental Reporting Act 2015

22. The purpose of the Environmental Reporting Act 2015 is to require regular reports on New Zealand's environment. The Act makes responsibilities for independent, fair and accurate environmental reporting explicit, and sets the broad framework for the scope of reporting and timing for reporting products.
23. Under the Act, you and the Minister of Statistics have joint responsibility for recommending to the Governor-General the making of regulations prescribing the topics for reporting and presenting published reports to the House of Representatives.

## Ozone Layer Protection Act 1996

24. The purpose of this Act is to protect human health and the environment from adverse effects resulting from human activities that may deplete the ozone layer and to phase out ozone-depleting substances as soon as possible. The Act also gives effect to New Zealand's obligations under the Montreal Protocol. The EPA implements the regulations associated with the import and export of ozone-depleting substances.
25. You are responsible for reviewing the reduction timetables for ozone-depleting substances and for annual reporting to the House. A report on the reduction timetables will be provided at the end of this year. You are also responsible for making regulations under the Act.

# Statutory responsibilities on the Minister for Climate Change

## Climate Change Response Act 2002

26. The Climate Change Response Act 2002 puts in place a legal framework to support New Zealand to respond to climate change and meet its international obligations. It also establishes the New Zealand Emissions Trading Scheme.
27. As Minister for Climate Change, you have the following mandatory functions and responsibilities under the Climate Change Response Act:
- consult with iwi and Māori representatives before making recommendations on such matters as the development of certain regulations and setting emissions budgets
  - establish a committee to nominate candidates to you as Minister, for appointment to the Climate Change Commission (the Commission).
  - prepare and publish an emissions reduction plan that has a strategy to mitigate and recognise the impacts on iwi, and adequately consult with Māori.
  - prepare a national adaptation plan which takes into account the economic, social, health, environmental, ecological, and cultural effects of climate change on iwi and Māori.
  - set an emissions budget for each emissions budget period, starting 31 December 2021, with adequate consultation.
  - prepare and make publicly available an emissions reduction plan setting out the policies and strategies for meeting the next emissions budget.
  - prepare the first national climate change risk assessment.
  - respond to the Commission's progress reports on the national adaptation plan, no later than six months after publication of the report and make the response publicly available.
  - ensure greenhouse gas reductions match excess units released at auction as a reserve amount or allocated above an emissions budget period.
  - prepare a report that outlines a system to put a price on emissions from agricultural activities, as an alternative to the emissions trading scheme by 31 December 2022.
28. The Minister of Finance also has powers which may be exercised under the Climate Change Response Act in relation to the Emissions Trading Scheme.



# Statutory responsibilities on the Ministry for the Environment

## Environment Act 1986

29. The Environment Act establishes both the Parliamentary Commissioner for the Environment and the Ministry for the Environment. The Act aims to ensure that, in the management of natural and physical resources, full and balanced account is taken of:
- the intrinsic values of ecosystems
  - all values which are placed by individuals and groups on the quality of the environment
  - the principles of the Treaty of Waitangi
  - the sustainability of natural and physical resources
  - the needs of future generations.
30. The Parliamentary Commissioner for the Environment's role is to provide independent review of the environmental management system.
31. The functions of the Ministry for the Environment include:
- advising you as the Environment Minister on all aspects of environmental administration
  - gaining information to support advice to the Government on environmental policies
  - advising the Government and other public authorities on:
    1. the application of the Acts the Ministry is responsible for
    2. procedures for assessing and monitoring environment impacts
    3. pollution control and the co-ordination of the management of pollutants in the environment
    4. identifying and reducing the effects of natural hazards
    5. controlling hazardous substances
  - facilitating and encouraging the resolution of conflicts in relation to policies and proposals which may affect the environment
  - promoting and assisting effective public participation in environmental planning
  - carrying out other functions conferred on the Ministry by any other Acts.

## Litter Act 1979

32. The Ministry is responsible for the Litter Act 1979. This Act was established to make better provision for the abatement and control of litter. The Act is a basic mechanism for local government to prevent littering. The functions of the Act include:
  - establishing enforcement officers and litter wardens who may issue fines and abatement notices for litter offences
  - allowing territorial authorities to force the removal of litter
  - allowing public authorities to make by-laws pursuant to the provisions of the Act.
33. The Litter Act delegates powers and responsibilities for litter reduction and control to Keep New Zealand Beautiful Incorporated and local councils. The Act does not include reporting or monitoring requirements.
34. Under clause 5 of Schedule 6 of the Public Service Act 2020 (previously section 28 (1) of the State Sector Act), ministers can delegate statutory powers under an Act or regulations to a chief executive of a ministry for which they are responsible.
35. The Ministers for the Environment and Climate Change have delegated to the Chief Executive of the Ministry for the Environment a number of statutory powers. The Ministers agreed to these powers being sub-delegated by the Chief Executive as outlined below.

## Ministerial appointed boards

Board	Members	Finish
<p>Environmental Protection Authority</p> <p>The EPA Board is the strategic governing body of the EPA and is directly accountable to the Minister for the Environment for its performance. It directs and oversees the EPA's Chief Executive and leadership team which run the day-to-day operations.</p> <p>You are required to appoint no fewer than six, and no more than eight, persons as members of the EPA.</p> <p>The EPA currently has eight members.</p>	Julie Hardaker (Chair)	31 July 2021
	Steven (Tipene) Wilson (Deputy Chair)	31 July 2021
	Dr Gerda Kuschel	31 July 2021
	Dayle Hunia	30 June 2021
	Prof. Jeroen Douwes	31 July 2021
	Mary-Anne Macleod	30 June 2022
	Dr Greg Ryder	30 June 2022
	Dr Andrea Byrom	30 June 2023
<p>Environmental Legal Assistance Fund Advisory Panel</p> <p>You appoint an independent advisory panel to assess applications to the Environmental Legal Assistance Fund against criteria that have been set by you as the Minister.</p>	Phil Page (Chair)	30 June 2023
	Frank Boffa	30 June 2021
	Ani Pitman	30 June 2021
	Loretta Lovell	30 June 2023
	Rachel Devine	30 June 2023
	Sarah Dawson	30 June 2023
	Gregory Carlyon	30 June 2023

<p>Community Environment Fund</p> <p>You appoint an independent panel to assess applications and make recommendations for funding.</p> <p>Note: the money has been fully allocated for the next five years, so there are no plans to appoint a new panel at this stage.</p> <p>* Indicates reserve members</p>	Maggie Bayfield	September 2020
	Arapeta Tahana	September 2020
	Bill Dahlberg	September 2020
	John Tregidga*	September 2020
	Ali Ballantine (nee Timms)*	September 2020
<p>Waikato River Authority</p> <p>The Authority is a Crown/Iwi organisation responsible for overseeing a vision and strategy for the improved health and wellbeing of the Waikato River and Waipa River.</p> <p>The Waikato River Authority consists of 10 members. You are required to appoint five members to the Waikato River Authority in accordance with Schedule 6 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.</p> <p>Non-Crown appointed members are: Roger Pikia (Co-Chair), Rangi Mahuta, Danny Loughlin and Weo Maag (Deputy Co-Chair).</p>	Erina Watene-Rawiri	2023
	Dylan Tahau	2023
	Stu Kneebone	2023
<p>Whanganui River Te Pou Tupua</p> <p>As Whanganui River has its own legal personhood, it is represented by Te Pou Tupua - the human face of Te Awa Tupua. Both Whanganui River iwi and the Crown put forward a nominee who are then jointly appointed.</p> <p>Te Pou Tupua act and speak on behalf of Te Awa Tupua, carry out landowner functions and administer <b>Te Korotete o Te Awa Tupua</b> (\$30m contestable fund supporting health and wellbeing of Te Awa Tupua)</p>	<p>Dame Tariana Turia (Crown nominee)</p> <p>Turama Hawira (Whanganui iwi nominee)</p>	June 2021



<p><b>Fiordland Marine Guardians</b></p> <p>The Guardians provide you and management agencies with advice and recommendations to achieve the purpose of the Fiordland (Te Moana o Atawhenua) Marine Area.</p> <p>You are required to appoint no fewer than five, and no more than eight, persons as members of the Fiordland Marine Guardians.</p> <p>The Guardians currently has eight members.</p>	Ali Ballantine	31 October 2022
	Mark Peychers	31 October 2020
	Jerry Excell	31 October 2020
	Rebecca McLeod (Chair)	31 October 2020
	Jonathan Clow	31 October 2020
	Stewart Bull	9 June 2021
	Kerri-Anne Edge Hill	31 October 2022
	Peter Young	31 October 2022
<p><b>Waste Advisory Board</b></p> <p>The board provides you with independent advice in relation to functions under the Waste Minimisation Act, as well as broader waste minimisation matters.</p> <p>You are required to appoint at least four, but no more than eight members to the Waste Advisory Board.</p>	Darren Patterson (Chair)	30 July 2021
	David Carter	16 August 2020
	Linda Cooper	16 August 2020
	Don Chittock	10 November 2020
	Sue Coutts	30 July 2021
	Julian Kroll	30 July 2021
	Jacqui Forbes	5 November 2022
	Denise Roche	5 November 2022

<p>Waste Minimisation Fund</p> <p>An independent panel assesses applications and makes recommendations for funding.</p> <p>* Indicates reserve members</p>		December 2020
		December 2020
		December 2020
		December 2020
		December 2020

## Statutory delegations

1. Under clause 5 of Schedule 6 of the Public Service Act 2020 (previously section 28 (1) of the State Sector Act), ministers can delegate statutory powers under an Act or regulations to a chief executive of a ministry for which they are responsible.
2. The Ministers for the Environment and Climate Change have delegated to the Chief Executive of the Ministry for the Environment a number of statutory powers. The Ministers agreed to these powers being sub-delegated by the Chief Executive as outlined below.

Act	Delegator	Delegate / Sub-delegate	Provision	Summary of powers and functions and duties	Date
Hazardous Substances and New Organisms Act 1996	Minister for the Environment	Secretary for the Environment	Section 68	Only relating to the power to consider and decide that an application for approval made under the Act has:  no, or only minor cultural, economic, environmental, ethical, health, international, or spiritual effects; or  (b) no, or only minor, effects in an area in which the Environmental Protection Authority lacks sufficient knowledge or experience.	07/10/13 20/02/18
Public Finance Act 1989	Minister for the Environment	Secretary for the Environment / Director, Legal and Procurement	Section 7C	Power to make funding decisions under the Environmental Legal Assistance Fund.	14/06/17 31/08/17 20/02/18
		Secretary for the Environment / Deputy Secretaries Directors / Managers	Section 7C	Power to incur expenses in accordance with non-departmental appropriations for Vote Environment to give effect to funding decisions made under the various decision-making mechanisms for each appropriation.	28/08/13 03/02/14

Resource Management Act 1991	Minister for the Environment	Secretary for the Environment	Section 27	For the purpose of carrying out the Ministry for the Environment's National Monitoring System process only:  To request information from local authorities, network utility operators, and bodies corporate approved as heritage protection authorities	20/02/18
			Clause 76(3) of Schedule 1	Seeking further information in writing from a local authority in support of assessing a request to use the streamlined planning process	17/08/20
			Clause 81(2) of Schedule 1	Considering and determining a time extension of up to 60 working days to a direction under the streamlined planning process	17/08/20
			Clause 80(4) of Schedule 1	Amending a direction that has no more than a minor effect or is the correction of a technical error	17/08/20
			Clause 88(4) of Schedule 1	Revoking a direction following a local authority publicly notifying the withdrawal of a planning instrument subject to a streamlined planning process	17/08/20



COVID-19 Recovery (Fast-track Consenting) Act 2020	Minister for the Environment	Secretary for the Environment / sub-delegated to Director level	Section 21(2)(a)	To invite written comments from relevant local authorities on applications for referred projects under the COVID-19 Recovery (Fast-track Consenting) Act 2020	19/08/20
			Section 21(3)	To invite written comment from any other person, other than Ministers	19/08/20
			Section 22	To request further information about an application from the applicant or the relevant local authority	19/08/20
			Section 25(1)(b)	To issue the notice of decisions to any parties that were invited to comment on the application, with the exception of notices to be serviced on your Ministerial colleagues	19/08/20
			Section 25(2)	To issue the notice of decisions, where a decision is made to refer all or part of a project to an expert consenting panel, to all of the parties	19/08/20
Waste Minimisation Act 2008	Minister for the Environment	Secretary for the Environment / Director, Investments and Partnerships	Section 15(3)	To seek further information from the manager of a product stewardship scheme or any other person likely to be significantly affected by the scheme, before deciding to accredit a product stewardship scheme.	07/10/13 12/01/11 20/02/18

Climate Change Response Act 2002	Minister for Climate Change	Secretary for the Environment	Section 77	<p>With respect to fishing allocation:</p> <p>To give notice inviting any persons to apply for an allocation.</p> <p>To make preliminary determinations and determinations in accordance with an allocation plan and to give notifications to the applicants for determinations.</p>	25/01/11 2018
			Section 78	<p>With respect to fishing allocation:</p> <p>To revoke and replace determinations made under section 77 being determinations made in accordance with an allocation plan.</p>	
			Section 79	To amend or revoke any direction under section 77(8)(d) or give a new direction under s78(8)(d) as the result of a new determination with respect to fishing allocation.	
			Section 161D(5)	To give notice requiring further information from persons who provided information in response to a notice under section 161D(1), and specify the date by which the further information specified in the notice must be provided.	
			Section 161D(6)	To give notice requiring information from persons who fail to comply with a notice under sections 161D(1) or 161D(5) and advising such persons that if they do not provide the information they will be ineligible for an allocation of New Zealand units.	
			Section 5ZW(1)-(8)	To request information from listed organisations in the Act to inform development of the National Adaptation Plan.	01/08/20 August 2020