

Briefing: Scope and working arrangements of the RMA Reform portfolio

Date submitted: 4 December

Tracking number: BRF-3977

Security level: CLASSIFICATION

MfE priority: Urgent

Actions sought from Ministers

<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Chris Bishop Minister Responsible for RMA Reform	Review the proposed split of functions between the RMA Reform and Environment portfolios and discuss with the Minister for the Environment	5 December 2023

Actions for Minister's office staff

Forward this briefing to: Hon Penny Simmonds, Minister for the Environment (if agreed) and set up a time for a joint meeting between the Minister Responsible for RMA Reform and the Minister for the Environment.

Return the signed briefing to the Ministry for the Environment (to rmreform@mfe.govt.nz and ministerials@mfe.govt.nz).

Appendices and attachments

- Appendix 1: Appointment letter to the Minister Responsible for RMA Reform, dated 29 November 2023
- Appendix 2: Proposed split between the RMA Reform and Environment portfolios

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Simon King	022 047 5541	
Chief of Staff	Martin Workman	022 517 3268	✓

Minister's comments

Recommendations

We recommend that you:

- a. **note** that the Prime Minister has asked you to prepare a detailed proposal for the scope and working arrangements of the RMA Reform portfolio, in consultation with the Minister for the Environment and other relevant Ministers and officials.
- b. **note** that the Prime Minister also asked you to prepare a draft letter of delegation for Parliamentary Under-Secretary Simon Court to be made in accordance with section 9 of the Constitution Act 1986.
- c. **note** the proposed split of delegations between the RMA Reform and Environment portfolios at Appendix 2.
- d. **agree** to forward a copy of this briefing to the Minister for the Environment and ask your office to arrange a meeting with her to discuss the split between your portfolios.

Yes / No

Signatures



Martin Workman
Chief of Staff

04 December 2023



Hon Chris Bishop

Minister Responsible for RMA Reform

Date

Scope and working arrangements of the RMA Reform portfolio

Purpose

1. This briefing provides advice on the scope and working arrangements of the Resource Management Act 1991 (RMA) Reform portfolio, including its relationship to the Environment portfolio.

Background

2. In your appointment letter dated 29 November 2023 (Attachment 1), the Prime Minister Rt Hon Christopher Luxon asked you to:
 - i provide a detailed proposal for the scope and working arrangements of the RMA Reform portfolio.
 - ii prepare a draft delegation letter for Parliamentary Under-Secretary Simon Court to be made in accordance with section 9 of the Constitution Act 1986.
3. This advice has been prepared to support a meeting between yourself and the Minister for the Environment to help inform a response back to the Prime Minister as soon as possible.

Analysis and advice

4. RMA Reform is a new portfolio with considerable overlap with the Environment portfolio and potentially impacts the statutory responsibilities of the Minister for the Environment.
5. The table at Attachment 2 outlines how the portfolios could potentially be split, based on the Minister Responsible for RMA Reform taking more of a system leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.
6. We propose the Minister Responsible for RMA Reform specifically takes the lead on:
 - convening an RMA Reform Ministers Group¹
 - lead Minister for integrating across the RMA Reform and Environment portfolios
 - progressing all phases of RMA reform legislation

¹ Potentially consisting of Ministers Bishop, Simmonds, Potaka, Brown, Jones, McClay, Lee and Watts.

- strategic direction, priorities, and coordination of the RMA National Direction work programme
 - spatial planning
 - Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF)
 - specific instruments related to achieving housing and infrastructure outcomes, including Medium Density Residential Standards (MDRS), National Policy Statements on Urban Development, Highly Productive Soil, Natural Hazards, and Renewable Electricity Generation.
7. Based on the above, we then propose the Minister for the Environment could be responsible for:
- administering the legislation within the Environment portfolio, including the:
 - Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
 - Environment Act 1986
 - Environmental Protection Act 2011, including oversight of the Environmental Protection Authority (EPA)
 - Environmental Reporting Act 2015
 - Fiordland (Te Moana o Atawhenua) Marine Management Act 2005
 - Hazardous Substances and New Organisms Act 1996
 - Litter Act 1979
 - Ozone Layer Protection Act 1996
 - Soil Conservation and Rivers Control Act 1941
 - Resource Management Act 1991 statutory functions (legislative amendments led by Minister of RMA Reform)
 - Waste Minimisation Act 2008
 - Jobs for Nature
 - Ministerial Land Use Inquiry (Jointly with Minister for Forestry)
 - Relevant Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023
 - More rural focussed national direction instruments.
8. Given its importance to both urban, infrastructure and rural outcomes, it is proposed that the National Policy Statement on Freshwater Management (NPS-FM) would be progressed jointly by Minister for RMA Reform and Minister for the Environment. More

targeted water instruments such as the National Environment Standard on Drinking Water (NES-DW) and new national direction on water storage would be progressed by Minister Simmonds.

Role of Parliamentary Under-Secretary for RMA Reform, Simon Court

9. In accordance with the request from the Prime Minister, we can support you to prepare a delegation letter for Parliamentary Under-Secretary Simon Court. We recommend you consider delegating him responsibility for developing new national direction policy on infrastructure policies, objectives and standards. This would also align with his responsibility as Parliamentary Under-Secretary for Infrastructure.

Role of Associate Minister for the Environment, Hon Andrew Hoggard

10. You may also wish to consider the role of Associate Minister for the Environment, Hon Andrew Hoggard. In line with the above, you could consider delegating specific national direction instruments of importance for rural productivity such as biodiversity and forestry.

Other portfolios with a statutory interest in RMA Reform

11. There are two other Ministerial portfolios with statutory obligations under the RMA:
- Minister of Conservation (Hon Tama Potaka) has specific responsibilities in relation to the mandatory Coastal Policy Statement and approving Regional Coastal Plans, as well as in the Coastal Marine Area more generally.
 - Minister of Oceans and Fisheries (Hon Shane Jones) has specific responsibilities as Minister of Aquaculture responsible for administering various statutory processes.
12. We recommend that these responsibilities can be managed in line with the same split as proposed for the Minister for the Environment above. This means their specific functions would be exercised in accordance with the overall strategic direction for the resource management system set by the Minister Responsible for RMA Reform.
13. Although many other Ministers have an interest in particular domains, the responsibility for ensuring statutory pre-requisites for making national direction sit with the Minister for the Environment under the RMA.

Next steps

14. We recommend you forward a copy of this briefing to Hon Penny Simmonds, Minister for the Environment and set up a meeting to discuss the potential split between your portfolios.
15. We recommend you direct officials to prepare the products requested by the Prime Minister following this discussion, which he has requested as soon as possible.



RT HON CHRISTOPHER LUXON
PRIME MINISTER

29 November 2023

Hon Chris Bishop
Parliament Buildings
WELLINGTON

Dear Chris

I have pleasure in forwarding the Warrants under the hand of Her Excellency the Governor-General, dated 27 November 2023, appointing you as a member of the Executive Council and to the Offices of Minister of Housing, Minister for Infrastructure, Minister Responsible for RMA Reform and Minister for Sport and Recreation. Your Oath of Allegiance and Executive Councillor's Oath are also enclosed.

Information about the agencies, votes and legislation associated with your portfolios is included in the *Directory of Ministerial Portfolios* and the *Register of Assigned Legislation*, both of which are available on the Department of the Prime Minister and Cabinet's website [Ministers and their portfolios | Department of the Prime Minister and Cabinet \(DPMC\)](#). The Cabinet Office will be updating this information as necessary to reflect the portfolio changes I have made.

The RMA Reform portfolio is new. It reflects our government's commitment to reform New Zealand's resource management system. You will be supported in this new portfolio by the Ministry for the Environment, however the portfolio's scope and working arrangements may need to be considered in fuller detail. I therefore expect that, in consultation the Minister for the Environment and other relevant Ministers and officials, you will work through these matters with a view to submitting a detailed proposal for my consideration as soon as possible.

I am pleased to advise that, in addition to your other portfolio responsibilities, you have been appointed Leader of the House and Associate Minister of Finance. I have asked the Minister of Finance to prepare an appropriate letter to you on your Associate Ministerial role in the Finance portfolio, and to consult me on the responsibilities you will have in that role.

As you know, Simon Court has been appointed Parliamentary Under-Secretary to the Minister for Infrastructure and the Minister Responsible for RMA Reform. When a Parliamentary Under-Secretary is appointed to assist a portfolio Minister, the portfolio Minister must provide in writing a clear description of the role of the supporting Parliamentary Under-Secretary in the portfolio, any delegated responsibilities, and relevant working arrangements. The control of the portfolio always rests with the portfolio (principal) Minister. The delegation is made in accordance with section 9 of the Constitution Act 1986.

You will therefore need to prepare an appropriate letter to Mr Court. The draft letter of delegation should be sent to the Secretary of the Cabinet, for my consideration and approval, before it is finalised. The delegated responsibilities, once approved by me, will be included in a *Schedule of Responsibilities Delegated to Associate Ministers and Parliamentary Under-Secretaries*, which is maintained by the Cabinet Office. In order that the Schedule can be presented to the House at the earliest opportunity, would you please provide a draft letter to the Secretary of the Cabinet as soon as possible. The Cabinet Office will be providing separate advice on this process, including a template delegations letter for your assistance.

As a Minister you will act in several different roles: as a Minister of the Crown, as a Member of Parliament, and as a private individual. In all of these roles you are accountable to me as Prime Minister for your behaviour.

I expect all Ministers to behave at all times in a way that upholds and is seen to uphold the highest ethical standards. This includes exercising a professional approach and good judgement in their interactions with the public and officials, and in all their communications, including email (both professional and personal) and social media. It also includes maintaining appropriate separation between Ministers' official duties and their personal activities.

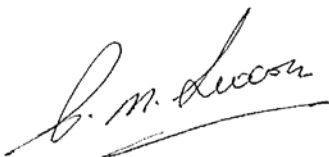
I expect all Ministers to familiarise themselves with and follow the guidance on conduct and the management of conflicts of interest in Chapter 2 of the Cabinet Manual, to provide full and prompt responses to the Cabinet Office during the regular reviews of Ministers' interests, and to seek advice from the Cabinet Office on the management of any conflict matters.

I also expect all Ministers to respect the values and principles that underpin the relationship between Ministers and officials, as enunciated in Chapter 3 of the Cabinet Manual and in the Public Service Act 2020. In particular, Ministers are expected to uphold the political neutrality of the public service and give fair consideration and due weight to the free and frank advice provided to them by their officials.

As you know, the government is operating within the framework of the *Coalition Agreement between the New Zealand National Party and ACT New Zealand* and the *Coalition Agreement between the New Zealand National Party and New Zealand First*. I expect that all Ministers and Parliamentary Under-Secretaries, irrespective of party affiliation, form good, constructive working relationships with their colleagues on a good faith and no surprises basis, consult closely on areas set out in the Coalition Agreements, and operate with mutual respect so that we can achieve our shared goal of delivering a strong, stable and successful government.

Congratulations on your appointment.

Yours sincerely



Rt Hon Christopher Luxon
Prime Minister

Copied to: CE, DPMC
Secretary to the Treasury
CE, Ministry for the Environment

Appendix 2 – Proposed split between the RMA Reform and Environment portfolios

RMA Reform	Environment	Oceans & Fisheries	Conservation
<p>Hon Chris Bishop Minister of Housing Minister for Infrastructure Minister for Sport and Recreation Leader of the House Associate Minister of Finance</p>	<p>Hon Penny Simmonds Minister for Disability Issues Minister for Tertiary Education and Skills Associate Minister for Social Development and Employment</p>	<p>Hon Shane Jones Minister for Regional Development Minister for Resources Associate Minister of Finance Associate Minister for Energy</p>	<p>Hon Tama Potaka Minister of Conservation Minister for Māori Crown Relations: Te Arawhiti Minister for Māori Development Minister for Whānau Ora Associate Minister of Housing (Social Housing)</p>
<ul style="list-style-type: none"> • <i>Chair of RMA Reform Ministers Group</i>¹ • Lead Minister for integration across the RMA Reform/Environment portfolios • RMA reform legislation (including Māori rights & interests): <ul style="list-style-type: none"> ○ Repeal NBA and SPA ○ Fast-track Bill plus targeted RMA amendments ○ Longer-term amendments • Spatial planning, including relationship with City and Regional Deal • Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF) • National Direction strategy, coordination and prioritisation • Urban, Housing and Infrastructure related National Direction Instruments: <ul style="list-style-type: none"> ○ National Policy Statement – Urban Development ○ National Policy Statement – Highly Productive Land ○ National Policy Statement – Freshwater Management (with Minister Simmonds) ○ National Policy Statement – Renewable Electricity Generation ○ National direction on infrastructure – existing policy progress (e.g. NPS-REG) and new national direction (e.g. policies, objectives and standards for infrastructure) ○ Proposed NPS Natural Hazards • Medium Density Residential Standards 	<ul style="list-style-type: none"> • Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 • Environment Act 1986 • Environmental Protection Act 2011, including oversight of the EPA • Environmental Reporting Act 2015 • Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 • Hazardous Substances and New Organisms Act 1996 • Litter Act 1979 • Waste Minimisation Act 2008 • Ozone Layer Protection Act 1996 • Soil Conservation and Rivers Control Act 1941 • Resource Management Act 1991 statutory functions (legislative amendments led by Minister of RMA reform) • Jobs for Nature • Ministerial Land Use Inquiry (Jointly with Minister for Forestry) • Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023 <p>Rural related National Direction instruments:</p> <ul style="list-style-type: none"> • National Policy Statement – Freshwater Management (with Minister Bishop) • National Environmental Standards – Drinking Water • National direction – Water Storage • Freshwater Farm Plans • New National Direction on Vegetable Growing • Biodiversity (NPS-IB and biodiversity credits) • Forestry (NES – Commercial Forestry, and other Forestry national direction if developed) 	<ul style="list-style-type: none"> • <i>Chair of Oceans & Fisheries Ministers Group</i> • Resource Management Act 1991 statutory functions as Minister of Aquaculture • National direction related to aquaculture including: <ul style="list-style-type: none"> ○ National Environmental Standards for Marine Aquaculture 2020 	<ul style="list-style-type: none"> • Resource Management Act 1991 functions as Minister of Conservation in relation to: <ul style="list-style-type: none"> ○ the mandatory NZ Coastal Policy Statement ○ approving Regional Coastal Plans ○ the Coastal Marine Area more broadly

¹ Recommend that this group could include:

Hon Chris Bishop (Chair), Hon Penny Simmonds, Hon Shane Jones, Hon Tama Potaka, Hon Simeon Brown (Energy, Local Government, Transport, Auckland), Hon Todd McClay (Agriculture, Forestry, Hunting and Fishing), Hon Melissa Lee (Economic Development), Hon Simon Watts (Climate Change)