



## Briefing: Confirming the scope and working arrangements of the RMA Reform portfolio

Date submitted: 14 December 2023

Tracking number: BRF - 4003

Security level: CLASSIFICATION

MfE priority: Urgent

Actions sought from ministers		
Name and position	Action sought	Response by
To Hon Chris Bishop <b>Minister Responsible for RMA Reform</b>	<b>Approve</b> the attached letter outlining the proposed scope and working arrangements of the RMA Reform Portfolio  <b>Approve</b> the attached delegation letter to Parliamentary Under-Secretary, Simon Court MP  <b>Note</b> these letters will be forwarded to the Cabinet Office for approval and finalisation	15 December
CC Hon Penny Simmonds <b>Minister for the Environment</b>	For information	N/A

### Actions for Minister's office staff

**Forward** Appendix 1 to the Cabinet Office, once approved by Minister Bishop.

**Forward** Appendix 2 to the Cabinet Office, once approved by Minister Bishop.

**Return** the signed briefing to Ministry for the Environment ([ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz)) — please send both hard *and* soft copies to ensure we meet our public record obligations.

### Appendices and attachments

- Appendix 1: Letter to Prime Minister Rt Hon Christopher Luxon outlining the scope and responsibilities of the RMA Reform and Environment portfolios.
- Appendix 2: Letter of delegation to Parliamentary Undersecretary for RMA Reform.
- Appendix 3: Proposed split between the RMA Reform and Environment portfolios.

### Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Author	Bonnie Hartfield		
Chief Advisor	Simon King	0220475541	
Chief of Staff	Martin Workman		ü

## Confirming the scope and working arrangements of the RMA Reform portfolio

### Purpose

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1. This briefing outlines the proposed scope and working arrangements of the RMA Reform portfolio for consideration and approval by the Prime Minister, Rt Hon Christopher Luxon. A draft letter for the Prime Minister is at **Appendix 1**.
2. This briefing also provides advice on delegations to the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform, Simon Court MP. A draft delegation letter to Mr Court using the template provided by the Cabinet Office is at **Appendix 2**.

### Background

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3. In your appointment letter dated 29 November 2023, the Prime Minister Rt Hon Christopher Luxon asked you to provide a detailed proposal for the scope and working arrangements of the RMA Reform portfolio. He also asked you to prepare a draft delegation letter for the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform in accordance with section 9 of the Constitution Act 1986.
4. Officials provided you with initial advice on these matters on 4 December [BRF-3977 refers].
5. On 13 December 2023, you met with Hon Penny Simmonds, Minister for the Environment, to discuss this advice and confirm the split of responsibilities between the RMA Reform portfolio and the Environment portfolio.
6. Our understanding of your agreed split of responsibilities is at **Appendix 3**. This split also notes the specific statutory responsibilities for the Minister of Oceans and Fisheries and the Minister for Conservation under the Resource Management Act 1991.

### Advice

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7. The proposal for the Prime Minister's consideration requires the Minister Responsible for RMA Reform to play a leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.
8. You will take responsibility for:
  - convening an RMA Reform Ministers Group
  - integrating across the RMA Reform and Environment portfolios
  - progressing all phases of RMA reform legislation
  - strategic direction, priorities and coordination of the RMA National Direction work programme

- spatial planning
  - 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
  - National Policy Statement on Freshwater Management (NPS-FM) and the corresponding National Environmental Standard on Freshwater (NES-F).
9. While you would hold the primary instruments for setting the broad direction for freshwater policy (the NPS-FM and NES-F), responsibility for the farm-facing instruments that direct certain aspects of freshwater policy will be delegated to Associate Minister for the Environment Hon Andrew Hoggard. This would include freshwater farm plans, stock exclusion regulations, the national environment standards for sources of human drinking water and new national direction on water storage. We are providing separate advice to the Minister for the Environment on this delegation.
10. You will also take responsibility for Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF), supported by the Minister for the Environment. Your office would lead on OPQs, WPQs, OIAs, and Correspondence that relate to Pou Taiao and Freshwater.

#### **Delegation to the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform**

11. We recommend you delegate responsibility for to the Parliamentary Under-Secretary to the Minister for RMA Reform for developing:
- national direction policy on infrastructure policies, objectives, and standards
  - national direction on offshore wind energy generation.
12. As this relates closely to the Energy portfolio, we recommend you discuss this with Minister Brown.
13. A draft letter that reflects these proposed delegations is at **Appendix 2**.

#### **Recommendations**

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We recommend that you:

- a. **Note** that the Prime Minister Rt Hon Christopher Luxon has asked you to prepare:
- a detailed proposal for the scope and working arrangements of the RMA Reform portfolio
  - a draft letter of delegation for the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform

b. **approve** the draft letter to Prime Minister Rt Hon Christopher Luxon (Appendix 1) detailing the scope and working arrangements of the RMA Reform Portfolio and the Environment Portfolio (Appendix 3)

Yes | No

c. **agree** to discuss the the draft letter of delegation to Simon Court MP with Minister Brown, given the close connection to the Energy portfolio

Yes | No

d. **approve** the draft letter of delegation to Simon Court MP setting out his delegations as Parliamentary Under-Secretary to the Minister Responsible for RMA Reform

Yes | No

e. **direct** your office to forward the letters (if approved) to the Cabinet Office to be considered and finalised by the Prime Minister, in accordance with the process outlined in his letter of 29 November

Yes | No

f. **agree** that your office would lead on OPQs, WPQs, OIAs, and Correspondence that relate to Pou Taiao and Freshwater.

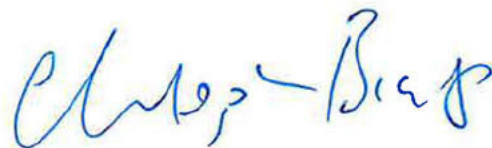
Yes | No

## Signatures

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Simon King  
Chief Adviser  
**Office of the Chief Executive**  
**6 December 2023**



Hon Chris Bishop  
**Minister for RMA Reform**  
Date 18/12/2023

## **Appendix 1 – Letter to Prime Minister – RMA Reform portfolio split with Environment portfolio**

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Rt Hon Christopher Luxon  
Prime Minister  
Parliament Buildings

Dear Prime Minister,

In your letter dated 29 November 2023, you requested a detailed proposal on the scope and working arrangements of the RMA Reform Portfolio. I have worked with the Minister for the Environment and my officials to refine the roles and responsibilities for this new portfolio, as outlined in the table enclosed with this letter.

As the Minister Responsible for RMA Reform, I will take a leadership role in setting the strategic direction for the environmental management system and facilitating integration between and across other Ministerial portfolios.

I will retain responsibilities for RMA reform legislation, spatial planning, National Direction strategy, Urban/Housing/Infrastructure National Direction Instruments, and Medium Density Residential Standards. I will lead legislative amendments to the Resource Management Act 1991.

The Minister for the Environment will retain responsibility for environmental reporting, the oversight of the Environmental Protection Agency, Hazardous Substances and New Organisms and Waste Minimisation, Jobs for Nature, and statutory functions under the Resource Management Act 1991. They will also be responsible for rural related National Direction instruments and Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023.

There are also specific statutory responsibilities for the Minister of Oceans and Fisheries and the Minister for Conservation under the Resource Management Act 1991.

I will hold responsibility for the instruments that set the broad direction for freshwater policy, the National Policy Statement – Freshwater Management and National Environmental Standards – Freshwater. I will work closely with the Associate Minister for the Environment Hon Andrew Hoggard who will be delegated responsibility for the farm-facing instruments that direct critical aspects of freshwater policy. This includes freshwater farm plans, stock exclusion regulations, the national environment standards for sources of human drinking water and new national direction on water storage.

I will take the lead on Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF), with support from the Minister for the Environment.

I also propose convening an RMA Reform Ministers Group, which will meet regularly to ensure our resource management system is integrated and aligned.

I believe the scope and working arrangements for the RMA Reform portfolio outlined will enable the Government to meet our commitments in our 100-day action plan and coalition agreements, as well as delivering better housing and infrastructure for all New Zealanders.

Yours sincerely,



Hon Chris Bishop

**Minister Responsible for RMA Reform**

## **Appendix 2 – Hon Simon Court delegation letter**

Simon Court MP  
Parliamentary Under-Secretary to the Minister Responsible for RMA Reform  
Parliament Buildings

Dear Parliamentary Under-Secretary,

Congratulations on your appointment as a Parliamentary Under-Secretary in relation to the Office of the Minister Responsible for RMA Reform.

As you know, Parliamentary Under-Secretaries are appointed by the Governor-General, by warrant, under section 8 of the Constitution Act 1986. Their role is to assist Ministers, and their authority derives from the Minister they are assisting. Parliamentary Under-Secretaries exercise those functions and powers assigned to them by the relevant portfolio Minister, in accordance with section 9 of the Constitution Act.

As the relevant Minister in relation to your Parliamentary Under-Secretary role in the RMA Reform portfolio, I set out below a description of your role in the portfolio, your specific responsibilities, and relevant working arrangements.

### **Functions and responsibilities**

In accordance with section 9 of the Constitution Act, I assign the following responsibilities to you:

#### National direction policy on infrastructure policies, objectives, and standards

Matters relating to the development of new national direction policy on infrastructure policies, objectives, and standards.

#### Offshore wind

Matters relating to the development of new national direction on offshore wind energy generation.

This responsibility does not include amendments to the National Policy Statement for Renewable Energy Generation 2011 which I will continue to lead on with the Minister of Energy.

#### Ministerial correspondence

Responsibility for responding to correspondence about matters within my portfolio that is referred to your Office.

#### Other initiatives

Any other initiatives as agreed from time to time by us.

As the portfolio Minister, I will retain direct control of all matters within the RMA Reform portfolio, including matters which have been specifically assigned to you.

The above matters are subject to the conditions set out in this letter. Please also refer to the relevant provisions of the Cabinet Manual, in particular paragraphs 2.48-2.51 (relating to Parliamentary Under-Secretaries) and other general provisions in Chapter 2 relating to conduct, public duty, and personal interests.

### **Financial and statutory responsibilities**

Hon Penny Simmonds (Minister for the Environment) and myself (Minister for RMA Reform) will have final responsibility for, and overall control of, the Ministry for the Environment and all Crown entities within the portfolio. We are also responsible for Vote Environment and for all relevant statutory functions of the Minister.

### **Policy**

Any significant policy decisions should be discussed with me.

### **Public Statements**

I expect you to take responsibility for all general Ministerial correspondence regarding your areas of responsibility (your letters should commence with wording such as "The Minister Responsible for RMA Reform has asked me to respond to you on ...").

However, Ministerial correspondence concerning significant policy issues should be prepared by the Ministry for the Environment for my signature, where appropriate.

I will make public statements on policy issues.

My Office can provide assistance with media, communication strategies or talking points if you require.

From time to time, I may ask you to meet with individuals and groups to make speeches or statements on my behalf.

### **Relations with the Ministry for the Environment**

You may contact the Ministry for the Environment on all matters for which you have delegated responsibility. All such inquiries should be made via the Chief Executive.

I expect to be kept fully informed of all significant issues and the Secretary for the Environment is free to raise any matter concerning your delegated responsibilities with me.

You are welcome to attend regular briefing sessions with departmental officials that are held in my office [at time/day of week]. You may arrange, through my office, to have your own regular briefing sessions or ad hoc meetings with departmental officials to discuss matters relating to your areas of responsibility. A designated member of my office may attend any such meeting.

You may wish to discuss with the Secretary for the Environment on the support that the Ministry for the Environment can provide your Office.

### **Communications between us**

You should ensure that I am fully briefed on the actions that you think are necessary to undertake in relation to your delegated responsibilities. All significant papers, letters, and directions to the Ministry for the Environment should be copied to me for my information. In particular, you need to ensure I receive the earliest warning of any issues that have the potential to become controversial.

I will keep you informed of my actions that relate to your areas of responsibility. I will consult you on policy issues, and any matters related to the implementation of the RMA Reform portfolio generally.

To ensure maximum co-operation and co-ordination, I propose that we meet regularly to co-ordinate our actions and to share views and ideas.

**Cabinet and Cabinet committee papers**

The rules on the submission of papers to Cabinet and Cabinet committees are set out in chapter five of the Cabinet Manual. In relation to any Cabinet and Cabinet committee submissions relevant to your area of responsibility, the paper should be signed out jointly by you and me.

If you are a member of a Cabinet committee, you will have access of the submissions and minutes of that committee (for example, via Cabinet). You will also receive submissions and minutes on matters relating to your delegated responsibilities that are dealt with at other Cabinet committees.

You are bound by the principle of collective responsibility detailed in section 5.31 of the Cabinet Manual, except as provided in sections 5.26 - 5.30.

**Information held by you as Parliamentary Under-Secretary**

All information held by you in relation to your Parliamentary Under-Secretary responsibilities will be held by you on behalf of the Minister Responsible for RMA Reform. All Official Information Act requests in the areas of your delegated responsibility should be directed to me, as the portfolio Minister. I may seek your assistance in responding to such requests.

Similarly, you will be treated as my agent, where necessary, for the purposes of the Privacy Act 2020.

**Parliamentary Responsibilities**

As a Parliamentary Under-Secretary, you are not subject to Standing Order 388 which guides oral questions to Ministers; you can only be asked oral questions in the House in the same way that any MP who is not a Minister can be questioned (Standing Order 389). However, you may answer questions on my behalf in the same way that Associate Ministers can answer (Standing Order 395(2)).

**Next steps**

A summary of the above delegations will be included in a *Schedule of Responsibilities Delegated to Associate Ministers and Parliamentary Under-Secretaries*. The Schedule will be presented to the House of Representatives to clarify Ministerial accountability (so that, for example, Parliamentary questions can be directed to the appropriate member).

I look forward to working with you in the RMA Reform portfolio. Please do not hesitate to discuss these delegations with me at any time.

Yours sincerely,



Hon Chris Bishop

**Minister for RMA Reform**

Copy to:        Minister for the Environment  
                      Secretary of the Cabinet  
                      Secretary for the Environment

### Appendix 3: Proposed split between the RMA Reform and Environment portfolios

RMA Reform	Environment	Oceans & Fisheries	Conservation
<b>Hon Chris Bishop</b> Minister of Housing Minister for Infrastructure Minister for Sport and Recreation Leader of the House Associate Minister of Finance	<b>Hon Penny Simmonds</b> Minister for Disability Issues Minister for Tertiary Education and Skills Associate Minister for Social Development and Employment	<b>Hon Shane Jones</b> Minister for Regional Development Minister for Resources Associate Minister of Finance Associate Minister for Energy	<b>Hon Tama Potaka</b> Minister of Conservation Minister for Māori Crown Relations: Te Arawhiti Minister for Māori Development Minister for Whānau Ora Associate Minister of Housing (Social Housing)
<ul style="list-style-type: none"> <li>• <i>Chair of RMA Reform Ministers Group</i><sup>1</sup></li> <li>• Lead Minister for integration across the RMA Reform/Environment portfolios</li> <li>• RMA reform legislation (including Māori rights &amp; interests):               <ul style="list-style-type: none"> <li>○ Repeal NBA and SPA</li> <li>○ Fast-track Bill plus targeted RMA amendments</li> <li>○ Longer-term amendments</li> </ul> </li> <li>• Spatial planning, including relationship with City and Regional Deal</li> <li>• Māori rights and interests and the relationship with the National Iwi Chairs Forum (NICF) (supported by Minister Simmonds)</li> <li>• National Direction strategy, coordination and prioritisation</li> <li>• Urban, Housing and Infrastructure related National Direction Instruments:               <ul style="list-style-type: none"> <li>○ National Policy Statement – Urban Development</li> <li>○ National Policy Statement – Highly Productive Land</li> <li>○ National Policy Statement – Freshwater Management</li> <li>○ National Environmental Standards - Freshwater</li> <li>○ National Policy Statement – Renewable Electricity Generation</li> <li>○ National direction on infrastructure – existing policy progress (e.g. NPS-REG) and new national direction (e.g. policies, objectives and standards for infrastructure)</li> <li>○ Proposed NPS Natural Hazards Medium Density Residential Standards</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012</li> <li>• Environment Act 1986</li> <li>• Environmental Protection Act 2011, including oversight of the EPA</li> <li>• Environmental Reporting Act 2015</li> <li>• Fiordland (Te Moana o Atawhenua) Marine Management Act 2005</li> <li>• Hazardous Substances and New Organisms Act 1996</li> <li>• Litter Act 1979</li> <li>• Waste Minimisation Act 2008</li> <li>• Ozone Payer Protection Act 1996</li> <li>• Soil Conservation and Rivers Control Act 1941</li> <li>• Resource Management Act 1991 statutory functions (legislative amendments led by Minister of RMA reform)</li> <li>• Ministerial Land Use Inquiry (Jointly with Minister for Forestry)</li> <li>• Orders in Council made under the Severe Weather Emergency Recovery Legislation Act 2023</li> <li>• Forestry (NES – Commercial Forestry, and other Forestry national direction if developed)</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Chair of Oceans &amp; Fisheries Ministers Group</i></li> <li>• Resource Management Act 1991 statutory functions as Minister of Aquaculture</li> <li>• National direction related to aquaculture including:               <ul style="list-style-type: none"> <li>○ National Environmental Standards for Marine Aquaculture 2020</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Resource Management Act 1991 functions as Minister of Conservation in relation to:               <ul style="list-style-type: none"> <li>○ the mandatory NZ Coastal Policy Statement</li> <li>○ approving Regional Coastal Plans</li> </ul> </li> <li>• the Coastal Marine Area more broadly</li> </ul>
<b>Parliamentary Under-Secretary Simon Court MP</b>	<b>Associate Minister for the Environment Hon Andrew Hoggard</b>		
<ul style="list-style-type: none"> <li>• National direction policy on infrastructure policies, objectives and standards</li> <li>• National direction on offshore wind energy generation</li> </ul>	<ul style="list-style-type: none"> <li>• Jobs for Nature</li> <li>• Farm-facing freshwater instruments               <ul style="list-style-type: none"> <li>○ freshwater farm plans (Part 9A of the RMA)</li> <li>○ stock exclusion regulations</li> <li>○ national environment standards for sources of human drinking water</li> <li>○ new national direction on water storage</li> </ul> </li> <li>• Biodiversity policy relating to significant natural areas and biodiversity credits</li> </ul>		

*I have confirmed this orally with Minister Hoggard.*

<sup>1</sup> 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), Hon Andrew Hoggard (Associate Environment, Associate Agriculture)