



BRF-4005: Environment portfolio delegations

Date submitted: 20 December 2023

Tracking number: BRF-4005

Security level: CLASSIFICATION

MfE priority: Urgent

Actions sought from Ministers		
Name and position	Action sought	Response by
To Hon Penny SIMMONDS Minister for the Environment	<p>Approve the attached draft letter to Associate Minister for the Environment, Hon Andrew Hoggard.</p> <p>Approve the attached draft letter to Lead Coordination Minister for GMO Policy Environment, Hon Judith Collins.</p> <p>Forward the attached draft letters to the Secretary of the Cabinet for approval by the Prime Minister, Rt Hon Christopher Luxon.</p>	22 December 2023
CC Hon Chris BISHOP Minister Responsible for RMA Reform	For noting.	

Actions for Minister's office staff

Forward this briefing to Hon Chris Bishop, Minister Responsible for RMA Reform.

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

Appendices and attachments

- Appendix 1: Appointment letter from the Prime Minister, dated 29 November 2023.
- Appendix 2: Draft delegation letter to the Associate Minister for the Environment, Hon Andrew Hoggard.
- Appendix 3: Draft letter to be sent by the Prime Minister to Hon Judith Collins outlining her appointment as Lead Coordination Minister for GMO policy.

Key contacts at Ministry for the Environment

Position	Name	Cell phone	First contact
Principal Author	Hilary Richards		
Chief Advisor	Simon King	022 047 5541	✓
Chief of Staff	Martin Workman	022 517 3268	

BRF-4005: Environment portfolio delegations

Purpose

1. This briefing provides advice on finalising delegations to the Associate Minister for the Environment. It also proposes a process for appointing Hon Judith Collins, as Lead Coordination Minister for genetically modified organisms (GMO) policy.

Background

2. On 4 December 2023, officials provided advice [BRF-3977 refers] on a proposed split of functions between the Resource Management Act 1991 (RMA) Reform and Environment portfolios. We provided further advice on 14 December 2023 to refine the proposal in line with further direction from Ministers [BRF-4003 refers].
3. In addition to the split between portfolios, your Ministerial appointment letter from the Prime Minister (**Appendix 1**) asks you to prepare a delegation letter for the Associate Minister for the Environment, Hon Andrew Hoggard. You have discussed the possible scope of this delegation with officials on 5 December and 12 December 2023. This advice reflects your direction from those conversations.
4. Your Ministerial appointment letter advises that draft delegation letters should be sent to the Prime Minister (via the Secretary of the Cabinet) for consideration and approval. The Cabinet Office has provided a template and example paragraphs we have used to prepare the draft letter for Hon Hoggard at **Appendix 2**.
5. You have also directed us that the Minister of Science, Innovation and Technology, Hon Judith Collins, will lead the development of new GMO policy. This requires a different process than the delegation to an Associate Minister. We outline next steps for how this role for Hon Collins can be established.

Analysis and advice

6. We recommend that functions are delegated in a way that helps you and your colleagues to efficiently and effectively progress the Government's work programme. We have used this lens in developing advice on how specific functions can be divided.
7. We recommend that you delegate responsibility for policy development associated with certain RMA matters to Associate Minister Hoggard, but that you (or, where relevant, the Minister Responsible for RMA Reform) retain

responsibility for the formal exercise of any RMA statutory functions and powers related to those topics. For example, you would be responsible for recommending that the Governor-General make or amend regulations relating to the topics delegated to the Associate Minister. Similarly, the Associate Minister would need to seek your agreement before submitting Cabinet papers.

8. In accordance with convention, the delegation letter to the Associate Minister for the Environment will also make it clear that any significant policy decisions should be discussed with you first. You will also retain the right for correspondence concerning significant policy issues to be prepared for your signature, and any significant public announcements should be discussed with you prior to release.
9. The Ministry recommends you also make clear the responsibilities for responding to Ministerial correspondence, Official Information Act requests, and any Parliamentary Questions that your office receives.
10. It is possible that some of the policy delegated to Associate Minister Hoggard could be delivered via amendments to the RMA. The Minister Responsible for RMA Reform would retain responsibility for any RMA amendments.

Delegations to the Associate Minister for the Environment

Jobs for Nature

11. The \$1.2 billion Jobs for Nature programme is fully allocated, with the majority of investments to be completed in the next 18 months.
12. It consists of appropriations from five separate agencies, accountable to their portfolio Ministers for their respective funds. The Jobs for Nature Secretariat, housed within the Ministry for the Environment, is responsible for administering programme-level deliverables including cross-agency coordination. We recommend you delegate overall oversight of the Jobs for Nature programme to the Associate Minister for the Environment. This would include responsibility for the Secretariat and liaising with other portfolio Ministers as required.
13. Within the wider Jobs for Nature programme, we also recommend the Associate Minister for the Environment is delegated responsibility for investments and contracts funded through Vote Environment. As Minister for Biosecurity, Hon Hoggard will also have responsibility for Jobs for Nature investments funded through Vote Biosecurity and administered by the Ministry for Primary Industries.
14. We recommend you retain overall responsibility for the development of any future approaches to investment in environmental restoration and resilience that are emerging through evaluation and extend beyond the current work programme.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) and biodiversity credits

15. Biodiversity is a unique and critical part of the health of our environment. We recommend that you maintain responsibility for achieving the Government's desired biodiversity outcomes across the Environment portfolio.
16. Under section 6 of the RMA, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a matter of national importance. Councils are at different stages and have taken different approaches to giving effect to this. The NPSIB was made to provide local authorities and resource users with a consistent approach to protecting areas of significant indigenous biodiversity.
17. We have provided you with initial advice on steps to cease implementation of new Significant Natural Areas (SNAs), and the operation of existing SNAs [BRF- 3970 refers]. This will require changes to the NPSIB. We recommend you delegate responsibility for policy development for changes to SNAs to the Associate Minister for the Environment.
18. A voluntary biodiversity credits market is emerging both internationally and in New Zealand, generally as an extension of voluntary carbon markets. This presents one of several opportunities to close the finance gap faced by landowners and project proponents to restore land and ecosystems.
19. We (alongside DOC) have recently consulted on a biodiversity credit system that could incentivise wetland restoration and creation, alongside other biodiversity restoration and protection benefits. We also recommend that responsibility for policy work on biodiversity credits could be delegated to the Associate Minister for the Environment.
20. We recommend that you retain responsibility for policy development for all other matters associated with the NPSIB. You would also retain responsibility for exercising statutory powers and functions relating to the NPS-IB, including making amendments to implement policy developed by the Associate Minister.

Farm facing freshwater instruments

21. As outlined in BRF-4003, the Minister Responsible for RMA Reform is responsible for the primary instruments that set the broad direction for freshwater policy, the National Policy Statement for Freshwater Management 2020 (NPS-FM) and the National Environmental Standard on Freshwater (NES-F).
22. We recommend the Associate Minister for the Environment is delegated responsibility for various farm-facing instruments that direct certain aspects of freshwater policy. This includes freshwater farm plans, stock exclusion regulations, national environmental standards on sources of human drinking water, and new national direction on water storage.

Freshwater farm plans (FW-FPs)

23. FW-FPs were established under Part 9A of the RMA in 2023 as a tailored but enforceable tool to address on-farm risks to freshwater. They have been applied to Southland and Waikato (starting from 1 August 2023) and Otago, Horizons (Manawatū-Whanganui), and the West Coast (starting early 2024).
24. We (jointly with MPI) will be seeking decisions on the pacing and approach to implementing FW-FPs in further regions. We also understand you may wish to consider improvements to ensure farm plans are cost effective and pragmatic.
25. We recommend the Associate Minister is delegated responsibility for implementing FW-FPs under Part 9A of the RMA, and for developing policy on amendments to the Resource Management (Freshwater Farm Plans) Regulations 2023 and any other regulations under Part 9A. You would retain responsibility for the exercise of any statutory powers, for example the power to recommend that regulations are made or amended.
26. Work has begun to co-design standards for allowing industry assurance programmes (IAPs) to deliver FW-FP certification and audit services to their members. We recommend the Associate Minister is delegated responsibility for developing the IAP standards. You would retain statutory responsibility for approving them under the RMA.
27. There is approximately \$11 million of funding related to FW-FPs in the Essential Freshwater Fund with work underway to test initiatives with stakeholders. We recommend the Associate Minister is delegated responsibility as decision maker on how this funding is prioritised and focused.
28. We also recommend the Associate Minister be responsible for monitoring performance of FW-FPs.

Resource Management (Stock Exclusion) Regulations 2020

29. The Resource Management (Stock Exclusion) Regulations 2020 require stock to be excluded from specified wetlands, lakes and rivers more than one metre wide. The regulations also include minimum set-backs, and a map of low slope land that determines where beef, cattle and deer must be excluded. We understand you may wish to consider improvements to the stock exclusion regulations.
30. We propose the Associate Minister is delegated responsibility for policy development of any amendments to the Resource Management (Stock Exclusion) Regulations 2020 or any other RMA regulations relating to stock exclusion.
31. You would retain responsibility for exercising formal statutory functions and powers in relation to the stock exclusion regulations.

National Environmental Standards for Sources of Human Drinking Water 2007

32. The National Environmental Standards for Sources of Human Drinking Water 2007 (NES-DW) were established as the first barrier in a multi-barrier approach to protect drinking water.
33. Many New Zealanders become ill from drinking contaminated water every year. The Havelock North Drinking Water Inquiry (HNI) recommended that the NES-DW be amended. Proposed changes were consulted on in March 2022.
34. We recognise that this Government may wish to make changes and we will provide more detailed advice on the themes from the previous consultation process, and potential options for consideration.
35. We recommend the Associate Minister is delegated responsibility for policy development of any amendments to the NES-DW.
36. You would retain responsibility for exercising formal statutory functions and powers relating to the NES-DW.

New national direction on water storage

37. The National Party and New Zealand First coalition agreement includes a commitment to “Cut red tape and regulatory blocks on irrigation, water storage, managed aquifer recharge and flood protection schemes”.
38. We propose the Associate Minister is delegated responsibility for policy development for new national direction on water storage, either as a separate national direction instrument, or as part of an existing national direction instrument.
39. You would retain responsibility for exercising formal statutory functions and powers relating to water storage national direction.

Transferring responsibility for new GMO policy to the Minister of Science, Innovation and Technology**Lead Coordination Minister for GMO Policy**

40. The Government has committed to advancing laws and regulations relating to GMOs. GMO policy is a cross-portfolio issue that cuts across both the Environment portfolio and the Science, Innovation and Technology portfolio, and will have impacts on other policy relating to climate change and agriculture. To achieve this, you provided us with direction that the Minister of Science, Innovation and Technology, Hon Judith Collins, will lead development of new GMO policy.
41. Under section 7 of the Constitution Act 1986, any functions, duties or powers conferred on any Minister of the Crown can be exercised the by any other member of the Executive Council (ie, other Ministers or Associate Ministers).

However, it is also important that Ministerial responsibilities are clear and accessible to members of the public.

42. Traditionally, the Hazardous Substances and New Organisms Act 1996 (HSNO Act) has sat within the Environment portfolio. We consider the best way to transfer responsibility is for the Prime Minister, Rt Hon Chris Luxon, to appoint Hon Judith Collins as Lead Coordination Minister for GMO policy. The proposed role will be targeted and involves leading the Government's regulatory reform of laws relating to GMOs, progressing amendments to the Hazardous Substances and New Organisms Act 1996, recommending making or amending regulations and other secondary legislation relating to GMOs under the HSNO, and establishing a new biotech regulator (proposed to be within the Ministry of Business, Innovation and Employment).
43. We also recommend that the GMO Policy work transferred to Hon Judith Collins would include consideration of how to respond to consultation undertaken mid-year on proposed changes to legislation and regulations for genetically modified organisms used in laboratory settings and for biomedical therapies.
44. The new coordination role would be entered onto the Ministerial List.
45. We recommend that you retain responsibility for all other HSNO regulatory and policy work, in addition to the domestic implementation of international chemical and waste conventions delivered under the HSNO. As the responsible Minister for the Environmental Protection Authority (EPA) under the Crown Entities Act 2004 and the Environmental Protection Authority Act 2011, you will also be responsible for oversight of the EPA's operational functions under the HSNO.
46. Alternatively, the Prime Minister could appoint Minister Collins as an additional Associate Minister for the Environment, responsible for GMO policy. You would then delegate responsibility for GMO matters under the HSNO Act to the Associate Minister. Under this approach, you (as portfolio Minister) would retain ultimate responsibility for all HSNO matters – including those delegated to the Associate Minister. The areas delegated to the Associate Minister would be listed in the schedule of responsibilities delegated to Associate Ministers and Parliamentary Under-Secretaries.

Next steps

47. We have drafted a delegation letter for the Associate Minister for the Environment, Hon Andrew Hoggard outlining his responsibilities in line with advice and analysis in this brief. This letter is attached as Appendix 2.
48. A draft letter from the Prime Minister, Rt Hon Christopher Luxon, addressed to Hon Judith Collins is also attached as Appendix 3 which proposes the transfer of responsibilities for new GMO policy to Hon Judith Collins.

49. We recommend you send the attached draft letters to the Secretary for the Cabinet, for approval by the Prime Minister.
50. If approved by the Prime Minister, we recommend you sign and send the delegation letter to the Associate Minister for the Environment, Hon Andrew Hoggard and set up a meeting to discuss the relevant delegations and responsibilities.
51. If the proposal to establish a Lead Coordination Minister for GMO Policy is approved by the Prime Minister, we recommend you set up a meeting with Ministers Collins to further discuss the new role.

Recommendations

We recommend that you:

- a. **note** that the Prime Minister, Rt Hon Christopher Luxon asked you to prepare a draft letter of delegation for the Associate Minister for the Environment, in accordance with section 7 of the Constitution Act 1986.
- Yes No
- b. **agree** to delegate responsibilities listed below and as outlined in the draft letter of delegation to the Associate Minister for the Environment [Appendix 2 refers].
- i. overall oversight of the Jobs for Nature programme, including responsibility for the Secretariat and liaising with other portfolio Ministers
 - ii. responsibility for Jobs for Nature investments and contracts funded through Vote Environment
 - iii. responsibility for policy development for amendments the NPSIB relating to SNAs
 - iv. responsibility for policy work on biodiversity credits
 - v. responsibility for policy development on amendments to farm-facing freshwater instruments, specifically:
 - implementation of FWFPs (including for IAP standards, regulations under Part 9A of the RMA, and as decision maker for Essential Freshwater Funding related to freshwater farm plan)
 - regulations under the RMA relating to stock exclusion
 - potential amendments to the NES-DW

- RMA national direction for water storage

Yes | No

- c. **agree** that you (and, where appropriate, the Minister Responsible for RMA Reform) will retain responsibility for the formal exercise of any RMA statutory functions and powers relating to topics delegated to Associate Minister Hoggard

Yes | No

- d. **agree** to progress establishing Hon Judith Collins as Lead Coordination Minister for GMO Policy with responsibilities listed below and as outlined in the draft letter from the Prime Minister, Rt Hon Christopher Luxon to Hon Judith Collins [Appendix 3 refers].

- responsibility for progressing any amendments to the HSNO as they relate to GMOs
- responsibility for recommending the making or amendment of regulations and other secondary legislation relating to GMOs, under the HSNO
- responsibility for the establishment of a biotech regulator (proposed to be within the Ministry of Business, Innovation and Employment).

Yes | No

- e. **forward** the attached draft letter of delegation [Appendix 2 refers] to the Secretary for the Cabinet, for approval by the Prime Minister, Rt Hon Christopher Luxon.

Yes | No

- f. **forward** the attached draft letter of appointment to the Prime Minister, Rt Hon Christopher Luxon addressed to the Minister of Science, Innovation and Technology, Hon Judith Collins, [Appendix 3 refers] detailing the proposed appointment and responsibilities, functions, duties and powers, in accordance with section 7 of the Constitution Act 1986.

Yes | No

- g. if approved by the Prime Minister, **sign** and **send** a letter of delegation to the Associate Minister for the Environment, Hon Andrew Hoggard, detailing his functions, duties and powers, in accordance with section 7 of the Constitution Act 1986.

Yes | No

Signatures



Simon King
Chief Adviser
Office of the Chief Executive
20 December



Hon Penny Simmonds
Minister for the Environment

Date

20/12/23



RT HON CHRISTOPHER LUXON
PRIME MINISTER

29 November 2023

Hon Penny Simmonds
Parliament Buildings
WELLINGTON

Dear Penny

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 for Disability Issues, Minister for the Environment and Minister for Tertiary Education and Skills. 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 Tertiary Education and Skills portfolio is new. It incorporates the Ministerial functions, roles and responsibilities relating to the tertiary sector that were previously included in the Education portfolio, and I expect that agency support to you will be provided by the Ministry of Education. To the extent that further decisions are required on the details of the allocation of responsibilities between the two portfolios, I would expect you and Hon Erica Stanford to work through this together with a view to submitting a detailed proposal to me for my consideration as soon as possible.

I am pleased to advise that, in addition to your other portfolio responsibilities, you have been appointed Associate Minister for Social Development and Employment. I have asked Hon Louise Upston to prepare an appropriate letter to you on your Associate Ministerial role, and to consult me on the responsibilities you will have in the Social Development and Employment portfolio.

As you know, Hon Andrew Hoggard has been appointed Associate Minister for the Environment. When another Minister is appointed to assist a portfolio Minister, the portfolio Minister must provide in writing a clear description of the role of the supporting Minister in the portfolio, any delegated responsibilities, and relevant working arrangements. The control of the portfolio always rests with the portfolio (principal) Minister.

You will therefore need to prepare an appropriate letter to Mr Hoggard. 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.

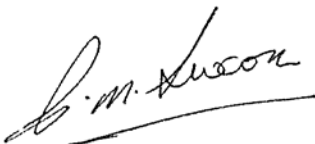
I expect all Ministers to familiarise themselves with and follow the guidance on conduct and the management of conflicts of interest in Chapter 2 of the Cabinet Manual, to provide full and prompt responses to the Cabinet Office during the regular reviews of Ministers' interests, and to seek advice from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



[xx December 2023]

Hon Andrew Hoggard
Associate Minister for the Environment
Parliament Buildings

Dear Minister

Delegated functions and responsibilities

Congratulations on your appointment as Associate Minister for the Environment.

Roles and responsibilities

In your capacity as Associate Minister for the Environment, I delegate to you the following functions and responsibilities of the Environment portfolio:

Jobs for Nature

All matters relating to the overall oversight of the Jobs for Nature programme, including responsibility for the Jobs for Nature Secretariat. This includes:

- liaising with other portfolio Ministers offices to share programme level updates from the cross-agency secretariat
- receiving and considering quarterly cross-agency programme reports
- overseeing the programme's evaluation workstream
- leading preparation of any programme-level reports to Cabinet in consultation with me and other Jobs for Nature portfolio Ministers in accordance with paragraph 5.42 of the Cabinet Manual.

I am also delegating responsibility for Jobs for Nature programme investments funded through Vote Environment.

I will retain overall responsibility for the development of any future approaches to investment in environmental evaluation that are emerging through evaluation and extend beyond the current work programme.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) and biodiversity credits

Responsibility for policy development for any amendments to the NPSIB relating to Significant Natural Areas (SNAs), and further policy work biodiversity credits.

However, I will retain overall responsibility for achieving the Government's desired biodiversity outcomes across the Environment portfolio, including responsibility for policy development of any other amendments to the NPSIB. I will also retain responsibility for the formal exercise of any statutory functions and powers under the Resource Management Act 1991 (RMA) relating to the NPSIB.

Farm-facing freshwater instruments, including Freshwater Farm Plans

Responsibility for farm-facing freshwater instruments, which includes:

- the timely and effective implementation of Freshwater farm plans under Part 9A of the RMA
- the policy development of any amendments to the Resource Management (Freshwater Farm Plans) Regulations 2023, or any subsequent regulations under Part 9A of the RMA,
- development of industry assurance programme (IAP) standards under Part 9A of the RMA
- making decisions on Essential Freshwater Funding related to freshwater farm plans
- policy development of any amendments to the Resource Management (Stock Exclusion) Regulations 2020 or any other RMA regulations relating to stock exclusion
- policy development of any amendments to the National Environmental Standards for Sources of Human Drinking Water 2007
- policy development for new national direction on water storage, either as a separate national direction instrument, or as part of an existing national direction instrument (eg, the National Policy Statement for Freshwater Management).

However, myself and the Minister Responsible for RMA Reform (where relevant) will retain responsibility for the formal exercise of any statutory functions and powers under the RMA relating to these matters.

Amendments to the RMA

It is possible that some of the policy matters delegated to you could be delivered through amendments to the RMA. The Minister Responsible for RMA Reform will retain responsibility for leading amendments to the RMA.

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 Environment portfolio, including matters which have been specifically assigned to you.

The above delegations are subject to the conditions set out in this letter. Please also refer to paragraphs 2.35 to 2.40 of the Cabinet Manual, which deal with the relationship between Ministers and Associate Ministers.

Financial and statutory responsibilities

Hon Chris Bishop (Minister for RMA Reform) and myself (Minister for the Environment) will retain ultimate responsibility for Vote Environment, and all relevant statutory functions and powers except as expressly described in your delegated responsibilities above.

Where it is required for the purpose of the delegated functions, or whenever I am absent, you may sign documents or authorisations on my behalf. You should show clearly that you are signing on my behalf, by signing "for the Minister for the Environment".

Policy

Although you have responsibility for matters of policy in relation to the above, any significant policy decisions should be discussed with me first.

Public Statements

I expect you to take responsibility for all communications regarding your areas of delegation, including oral questions, written questions, Ministerial correspondence, press statements and public announcements.

However, any correspondence concerning significant policy issues should be discussed with me first, and if directed by me, should be prepared by the Ministry for the Environment for my signature. Any significant public announcements should be discussed with me prior to release, and in some cases, may be made by either me or the Prime Minister.

My office can provide assistance with media, communication strategies or speech notes if you require.

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 Secretary for the Environment, or the designated contact person.

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 Ministry officials that are held in my office, as agreed. You may arrange, through my office, to have your own regular briefing sessions or ad hoc meetings with Ministry for the Environment officials to discuss matters relating to your areas of responsibility. A designated member of my office may attend any such meeting.

You may also wish to discuss with the Secretary for the Environment what support the Ministry for the Environment can provide your office.

Communications between us

All significant papers, letters, and directions to the Ministry for the Environment should be copied to me for my information. You should ensure that I am fully briefed on the actions that you think are necessary to undertake in relation to your delegated responsibilities.

In particular, you need to ensure I receive the earliest warning of any issues that have the potential to become controversial. In turn, I will keep you informed of my actions in relation to your areas of responsibility.

I will also consult you on policy issues, and any relevant matters related to the implementation of relevant policy issues within the Environment portfolio more 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 5 of the Cabinet Manual.

In particular, in terms of paragraph 5.42, you may submit papers to Cabinet and Cabinet committees within your designated areas of responsibility, provided that the submission clearly indicates that I have been consulted and have agreed that the paper may be lodged.

You will have access (for example, via CabNet) to all submissions and minutes, of those Cabinet committees of which you are a member. You will also have access to those submissions relating to your delegated responsibilities that are dealt with at any other Cabinet committee.

Information held by you as Associate Minister

Under the Official Information Act 1982, all papers held by you in relation to your Associate Minister responsibilities within this portfolio are deemed to be held on my behalf. Similarly, you will be treated as my agent, where necessary, for the purposes of the Privacy Act 2020.

You will be responsible for all Official Information Act requests in the areas of your delegated responsibility.

Parliamentary responsibilities

Parliamentary questions relating to your delegated areas of responsibility will be addressed to you. In my absence, you may also be required to answer oral Parliamentary questions on my behalf.

Next steps

A summary of the above delegations will be published on the Department of the Prime Minister and Cabinet's website and included in an *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 Ministers for answer).

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

Yours sincerely,



Hon Penny Simmonds
Minister for the Environment

Copy to: Prime Minister
Minister Responsible for RMA Reform
Secretary of the Cabinet
Secretary for the Environment

X December 2023

Hon Judith Collins
Minister of Science, Innovation and Technology
Parliament Buildings

Dear Minister

Appointment as Lead Coordination Minister for GMO Policy

I wish to outline your assigned responsibilities regarding your appointment as Lead Coordination Minister for genetically modified organism (GMO) policy. GMO policy is a cross-portfolio issue that cuts across both Science, Innovation and Technology and the Environment portfolio that the Government is committed to advancing so that New Zealand's biotechnology rules are fit for purpose.

Roles and responsibilities

As Lead Coordination Minister for GMO policy, I am assigning you responsibility for developing policy in relation to biotechnology objectives and leading the regulatory reform of laws relating to GMOs. This includes responsibility for:

- progressing any amendments to the Hazardous Substances and New Organisms Act 1996 (HSNO Act), as they relate to GMOs.
- recommending the making or amendment of regulations and other secondary legislation relating to GMOs, under the HSNO Act.
- the establishment of a biotechnology regulator (proposed to be within the Ministry of Business, Innovation and Employment).

The scope of above includes consideration of how to respond to consultation undertaken mid-year on proposed changes to legislation and regulations for GMOs used in laboratory settings and for biomedical therapies.

The Minister for the Environment, Hon Penny Simmonds, will retain responsibility for wider HSNO Act regulatory and policy work, oversight of the Environmental Protection Authority's operational functions under the HSNO Act, and the domestic implementation of international chemical and waste conventions predominantly delivered under the HSNO Act.

Financial and statutory responsibilities

Hon Chris Bishop (Minister Responsible for RMA Reform) and Hon Penny Simmonds (Minister for the Environment) will retain ultimate responsibility for Vote Environment, and all relevant statutory functions and powers except as expressly described in your responsibilities above.

Policy

Although you have responsibility for matters of policy in relation to the above, I expect that any significant policy decisions relating to HSNO matters should be discussed with the Minister for the Environment. The Ministry for the Environment will provide agency support regarding all HSNO functions.

Public Statements

I expect you to take responsibility for all communications regarding your assigned responsibilities, including oral questions, written questions, Ministerial correspondence, press statements and public announcements.

However, any correspondence concerning significant policy issues and public announcements relating to HSNO should be discussed with the Minister for the Environment.

Relations with the Ministry for the Environment

You may contact the Ministry for the Environment on all matters for which you have assigned responsibility. All such inquiries should be made via the Secretary for the Environment, or the designated contact person.

You may also wish to discuss with the Secretary for the Environment what support the Ministry for the Environment can provide your office.

Communications between Ministers

All significant papers, letters, and directions to the Ministry for the Environment should be copied to the Minister for the Environment. In particular, I expect Ministers to share information warning of any issues that have the potential to become controversial and keep the other informed of actions in relation to each other's areas of responsibility.

It is my expectation that you work with the Minister for the Environment to ensure maximum co-operation and co-ordination, meeting regularly to co-ordinate your actions and 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 5 of the Cabinet Manual.

Information held by you as the responsible Minister

You will be responsible for responding to all Official Information Act 1982 and Privacy Act 2020 requests in the areas of your assigned responsibility.

Parliamentary responsibilities and Ministerial correspondence

Parliamentary Questions and Ministerial correspondence relating to your assigned areas of responsibility, and about matters that are referred to your office by the office of the Minister for the Environment, will be addressed to you.

Next steps

Your appointment as Lead Coordination Minister for GMO Policy will be published on the Department of the Prime Minister and Cabinet's website and included in an updated *Ministerial List*.

Please do not hesitate to discuss the assigned responsibilities with me at any time.

Yours sincerely,

Rt Hon Chris Luxon
Prime Minister

Copy to: Minister for the Environment
 Minister Responsible for RMA Reform
 Secretary of the Cabinet
 Secretary for the Environment