



Ministry for the
Environment
Manatū Mō Te Taiao

Briefing to the Incoming Minister 2012

Priorities for the three months following 2 April 2012



Seen by Minister for the Environment

Date

Seen by Minister for Climate Change Issues

Date

Contents

Purpose.....	5
Immediate priorities	7
Freshwater reform: Fresh Start for Fresh Water programme (FSFW)	7
Background.....	7
What has been delivered under the FSFW programme?.....	7
What's in the pipeline?	7
EEZ Bill and Regulations.....	9
Background.....	9
Current state of play.....	9
EEZ regulations	9
Relationship with Iwi Leaders' Group	10
New Zealand Emissions Trading Scheme (NZ ETS)	11
Background.....	11
Current state of play.....	11
Consultation on ETS amendment proposals	12
Other issues.....	12
Legislative programmes requiring a decision	13
Resource Management Reform (RMII)	13
Background.....	13
Current state of play.....	13
Issues to consider	14
Environmental Reporting Bill	14
Background.....	14
Current state of play.....	14
Other issues requiring attention	15
Treaty settlements.....	15
Tauranga Moana Iwi Collective Treaty settlement negotiations.....	15
Environmental Protection Authority.....	15
Appoint two Environmental Protection Authority (EPA) Board members	15
International climate and environment.....	15
National Greenhouse Gas Inventory report and Net Position report.....	15
Cabinet Strategy discussion of post-2012 emissions commitment	15
Rio+20 – International Ministerial Meeting 20 – 22 June, Rio de Janeiro	16
Select Council on Climate Change – first Ministerial meeting, Canberra	17

Standing Council on Environment and Water – Ministerial meeting, Australia 14 May 2012.....	17
Statutory obligations	18
Appointments	18
Annual Budget obligations	19
Resource Management Act related decisions.....	20
Waste Minimisation Fund decision	22

Purpose

To brief you on the decisions that will need to be made in the next three months under the existing work programme, and to discuss any changes to be made to this work programme.

The briefing is in four parts: government priorities, other government policy decisions, policy areas we need to discuss with you to decide if and how to progress, and statutory obligations.

Immediate priorities

The Government's top priorities cover three areas:

- freshwater reform
- development of the New Zealand Emissions Trading Scheme (NZ ETS)
- Exclusive Economic Zone (EEZ) bill and regulations.

Other policy issues requiring attention

These issues are areas of activity the Ministry is involved in outside of the top three issues listed above. They cover a range of policy issues which we will brief you on more fully in the coming weeks.

Policy issues that need to be discussed to decide if and how to progress

These are the Environmental Reporting Bill and the resource management reforms (RMII).

Statutory obligations

Statutory obligations fall into four categories: appointments to governance boards that you oversee; Budget related obligations; RMA related obligations; and Waste Minimisation Fund decisions.

Cabinet papers

The Ministry has prepared three Cabinet papers for the Hon Dr Nick Smith. Two of these papers are urgent:

- Discussion Document for Regulations under the Exclusive Economic Zone Bill
- Emissions Trading Scheme Review 2011 – Proposed Amendments to the Climate Change Response Act 2001 for the Waste and Synthetic Greenhouse Gases Sectors.

[Withheld under section 9(2)(f)(iv) of the Official Information Act 1982]

Other work

The Ministry will continue with its other work in a 'business as usual' manner, and we will brief you on issues in your portfolio as needed. There are also other issues that were of interest to the Hon Dr Nick Smith that we will brief you on in due course so you can decide if and how to proceed.

Status Report

The Ministry currently produces a 'Status Report' written update every Friday. This report has been effective in keeping the Minister/s abreast of immediate issues (the coming week) as well as more long-term priorities and concerns, which often require a Minister/s' direction. It also outlines progress on machinery of government items such as Cabinet papers and Official Information Act requests. In addition, the report includes an update from the Environmental Protection Authority (EPA).

Attachments

There was a meeting of Crown Māori Relationship Ministers on fresh water on 2 April. An aide memoire prepared for this meeting is attached for your information.

The Ministry for the Environment and other Natural Resources Sector (NRS) agencies have been involved in the development of a package of actions for discussion by the informal Ministers' group. The group is led by Minister Joyce and includes the following Ministerial portfolios: Environment; Climate Change Issues; Local Government; Primary Industries; Energy and Resources; Conservation; and Māori Affairs. The group met on 2 April. Briefing material is attached for your information.

The National Greenhouse Gas Inventory and Net Position will be released on 12 April. A briefing is attached for your information, and to forward onto interested Ministers.

Also attached are the Natural Resources Sector BIM and the Ministry for the Environment BIM.

To close

My Environment Leadership Team and I are available at any point to brief you on any issue associated with the two portfolios.

Immediate priorities

Freshwater reform: Fresh Start for Fresh Water programme (FSFW)

Background

Freshwater management is primarily the responsibility of local government. However, central government is responsible for setting the policy framework within which decisions are made. That involves setting the regulatory framework under the Resource Management Act 1991, which can involve national guidance documents such as national policy statements, and regulations such as national standards for drinking water.

Although New Zealand is endowed with a plentiful supply of water, limits are being reached in some regions. Variable management across local authorities has led to a failure to set appropriate quantity and quality limits. In response to these challenges, the Government's freshwater reform process was started in June 2009. Under the joint leadership of the Minister for the Environment and the Minister for Primary Industries, a three-pronged approach is being taken:

- a stakeholder-led collaborative process run by the Land and Water Forum (LAWF) to generate policy recommendations
- Ministerial discussions with an Iwi Leaders' Group
- supporting work by officials, including participation in the LAWF and joint work with an Iwi Advisers' Group.

What has been delivered under the FSFW programme?

The first policy deliverables under the FSFW programme were announced in May 2011. These included:

- a National Policy Statement for Freshwater Management (NPS) which came into effect on 1 July 2011
- the Fresh Start for Fresh Water Clean-up Fund which provides \$15 million in funding over two years to help communities clean up waterways affected by historical water quality issues
- the Irrigation Acceleration Fund of \$35m over five years which aims to unlock the economic growth potential of our primary sectors by developing more effective and efficient water infrastructure, such as storage and distribution lines. This is managed by the Ministry of Agriculture and Forestry.

What's in the pipeline?

The Land and Water Forum

The LAWF initially reported to Ministers in March 2011. In August 2011 it was commissioned to provide further advice to Government by April 2012 on the setting of limits (limit setting processes and associated governance arrangements); and by September 2012 on managing within limits (allocation and managing the effects of land use). Officials will brief you on the LAWF limit setting report in late April and will seek your direction on how to progress the FSFW programme.

A report back to Cabinet on the Government's response to the Land and Water Forum recommendations is due at EGI on **13 June 2012**. This will need to involve some prior engagement with Ministers in mid-late May. The expectation is that the legislative aspects of

these recommendations would be progressed in amendments to the RMA to be introduced in mid-2013.

Relationship with Iwi Leaders' Group/rights and interests of Māori

A fundamental aspect of the FSFW programme is accommodating the rights and interests of Māori in freshwater management. Dialogue between senior Ministers and iwi leaders on water has been running for more than three years. Recent correspondence between the Prime Minister and Chair of the Iwi Leaders' Group has reconfirmed the relationship, and advised that the Minister for the Environment will propose a more detailed engagement plan.

Waitangi Tribunal Claim

An important issue related to the FSFW programme is the contemporary claims to the Waitangi Tribunal on fresh water/geothermal resources and the mixed ownership model, lodged in February 2012 by the New Zealand Māori Council (NZMC). On 28 March 2012, the Tribunal decided to grant an urgent hearing of both claims, to be heard separately. The Tribunal did not set any expected timeframes for delivering its reports on these claims, although it did imply that it could complete its investigations in time to inform Cabinet decisions on water expected in late 2012.

The NZMC's water claim stated that (amongst a range of other breaches and prejudice) a Treaty breach will arise should the Crown progress the FSFW programme, including discussions with the Iwi Leaders' Group, before the Tribunal comprehensively defines rights and remedies for loss of rangatiratanga and control. The Tribunal did not fully support this contention and has not issued any interim findings that the Crown should cease engagement with iwi on water.

We will work closely with Treasury and Crown Law to develop a recommended Crown response to the Tribunal's decision. The Crown's overall response is expected to be led by the Mixed Ownership Model Ministers and central agencies.

EEZ Bill and Regulations

Background

New Zealand's vast marine environment is fragmented into different management zones: the Territorial sea, the Exclusive Economic Zone (EEZ), and the extended continental shelf. These zones are governed by numerous statutes and regulations, and are managed by various central and local government organisations.

The EEZ lacks a comprehensive environmental management regime, like we see in other jurisdictions. This gap means there is no provision for environmental assessment and consenting of some activities. This creates uncertainty for investment of resources in the EEZ and risks poor environmental outcomes.

In response to this gap, the Government introduced the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill (the EEZ Bill) into Parliament on 24 August 2011. The Bill sets up the general framework for the EEZ regulatory system and provides for the technical detail to be set out in regulations.

The Environmental Protection Authority (EPA) has been identified as the proposed consenting authority for activities taking place within New Zealand's Exclusive Economic Zone. Once the Bill comes into force, it is expected that the EPA will undertake the day-to-day operations of the proposed legislation, including the information management, decision-making, monitoring and enforcement required.

Current state of play

The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill is currently being considered by the Local Government and Environment Select Committee. Submissions on the Bill closed on 27 January 2012, the Departmental Report on the Bill has been submitted to the Committee and the Select Committee is due to report back to the House on 15 May 2012. The Government has publicly stated that the Bill will be passed by 1 July 2012.

EEZ regulations

Irrespective of the Bill being passed on 1 July 2012, the regulatory regime cannot be made operational until the first set of regulations is made. It is therefore critical that the EEZ *regulations* are progressed as soon as possible to make the consenting regime operational and to minimise regulatory uncertainty for affected parties.

The Bill requires regulations to classify activities as either:

- permitted – able to be undertaken as of right following notification to the EPA and compliance with relevant conditions set in regulations, or
- discretionary – able to be undertaken if a marine consent has been granted by the EPA, or
- prohibited – unable to be undertaken under any circumstances.

Progressing the regulations

A draft discussion document on policy proposals for the EEZ Regulations has been prepared for public consultation. This also includes proposals for iwi consultation. Cabinet approval is required to release the discussion document. **[Withheld under section 9(2)(g)(i) of the Official Information Act 1982]**. The last possible date for these decisions is at **EGL on 2**

May, therefore we will need to brief you by 19 April and you will need to lodge the document with Cabinet on 26 April ahead of the Cabinet Meeting on 7 May.

[Withheld under section 9(2)(g)(i) of the Official Information Act 1982].

Relationship with Iwi Leaders' Group

On 3 August 2011, the Hon Dr Nick Smith met with Taranaki Iwi Chairs, on behalf of the Iwi Leaders' Forum, and agreed to establish an engagement process between Government and iwi for the EEZ Bill and EEZ regulations. On 13 December 2011, a Relationship Charter was signed between the Hon Dr Nick Smith and Taranaki iwi Chairs, on behalf of the Iwi Leaders' Group agreeing to a parallel engagement process on the Bill and regulations.

You will need to meet with iwi leaders and their advisers before the release of the discussion document.

New Zealand Emissions Trading Scheme (NZ ETS)

Background

The current focus of our climate change activity is on New Zealand's obligations under international agreements, including negotiating any future agreements and the review of the Emissions Trading Scheme (NZ ETS) which was undertaken in 2011.

The NZ ETS is the Government's principal policy response to climate change. The NZ ETS introduces a price on greenhouse gas emissions to provide an incentive for people to reduce those emissions and plant forests to absorb carbon dioxide. Forestry was the first sector to enter the scheme (on 1 January 2008). Three other sectors joined in July 2010 (liquid fossil fuels, stationary energy, and industrial processes). Waste and synthetic greenhouse gases are due to enter the scheme in January 2013 and the agriculture sector in 2015.

In 2009, the NZ ETS was amended to reduce the costs to households and the impact on jobs while ensuring New Zealand takes a responsible approach to the global problem of greenhouse gas pollution and climate change. Transition measures (price cap, 1-for-2 obligation) are in place to mitigate the impact of the NZ ETS on businesses and households. These measures are due to expire in 2012.

Current state of play

A key focus of the Government's work in this area is the effective operation of the Emissions Trading Scheme, which includes the development of regulations. The ETS review has provided an opportunity to adjust the scheme to improve its operation and effectiveness. In particular, there is a need to assess the scheme's flexibility to meet changing international obligations.

Cabinet has agreed in principle (subject to consultation) to extend the transitional measures and implement other key National Party commitments from 2013 onwards. This includes key ETS Review recommendations. This will require amendments to the Climate Change Response Act (2002) to be passed by the end of this year.

These amendments will need to come into effect before 2013 because:

- there needs to be certainty for NZ ETS participants, especially for the synthetic greenhouse gas and waste sectors which are due to enter the NZ ETS on 1 January 2013
- If delayed beyond the end of 2012, then the legislation would require retrospective application.
- the Government has indicated that it wishes to consider adjusting (to some extent) the second tranche of compensation to pre-1990 forest land owners. This will be important for the overall fiscal impact of the package. Crown Law advises that significant Treaty of Waitangi risks arise from adjusting the second tranche and may be mitigated by public consultation. The second tranche is due to be allocated after 31 December 2012, and it will be difficult to adjust the second tranche, once it is transferred to eligible forest land owners.

Consultation on ETS amendment proposals

Public consultation on the key changes is required for Cabinet's final decisions by June 2012. This consultation is planned to start on **11 April and finish in early May**. **[Withheld under section 9(2)(h) of the Official Information Act 1982]**. Separate forestry industry meetings, and a business meeting in Wellington will also take place. This tight consultation timeframe is also needed to ensure complex legislation can be drafted within what will already be a truncated Parliamentary process.

A briefing on the consultation process will be sent to the Minister for Climate Change Issues' office.

A consultation document on the main ETS amendment proposals will be published on 11 April 2012. Minister Foss forwarded the draft consultation document to the Minister for Economic Development, the Minister and Associate Minister for Primary Industries, and the Minister of Māori Affairs and their comments have been incorporated.

National hui on ETS amendment proposals

The Climate Change Iwi Leadership Group (CCILG) had organised a national hui on 4 April 2012. This meeting was to coincide with the beginning of the consultation period on the ETS amendment proposals and launch a series of regional hui to be lead by Ministers. Officials understand that this meeting has been rescheduled for 11 April, with a dinner between CCILG and Ministers planned for 10 April. Your attendance at the dinner and hui is important for building an ongoing relationship with this iwi leaders group.

[Withheld under section 9(2)(f)(iv) of the Official Information Act 1982].

Other issues

MfE has been working with the Korean Legislation Research Institute (a government agency in Korea) to finalise a terms of reference for a joint study on conditions for linking the New Zealand ETS with the proposed Korean Emissions Trading Scheme. The Hon Dr Nick Smith and the current acting Minister are aware of the proposed linking study, and comfortable with it. Hon Dr Nick Smith had agreed to sign the Terms of Reference for the joint linking study during a visit from the Korean Legislation Research Institute (KLRI) on 3 and 4 April. The current plan is for senior officials from MfE and KLRI to jointly sign the terms of reference during the visit on 3 and 4 April.

Legislative programmes requiring a decision

There are two issues with legislative slots for this year that we need to discuss with you to determine how we proceed.

Resource Management Reform (RMII)

Background

In late 2008, the Government initiated a two-phase programme of reform for resource management in New Zealand. This programme was part of a medium-term economic agenda to lift New Zealand's long-term growth rate and reduce the vulnerability of the economy.

Phase One of the reform resulted in the Resource Management (Simplifying and Streamlining) Amendment Act 2009. This Phase delivered technical reforms that have increased the efficiency and effectiveness of the Resource Management Act. The reforms included changes to reduce the delays and costs associated with resource consent applications.

Phase Two of the reform was established to address a set of relatively complex issues that could not be effectively addressed in the timeframes of Phase One. These issues were grouped together to form RMII. RMII has focused on specific sector issues and on achieving better interaction between the RMA and other statutes.

Current state of play

The current programme of work for phase two of the Resource Management Reforms (RMII) includes:

- improving the interface between the Resource Management Act and other legislation
- responding to the recommendations of an Infrastructure Technical Advisory Group and an Urban Technical Advisory Group
- improving sections 6 and 7 of the Resource Management Act to better reflect the values of modern NZ
- improving Māori participation in resource management processes
- consideration of spatial planning issues outside of Auckland and the implementation of the Auckland Spatial Plan.

Recent additions to this work programme, resulting from policy commitments made during and following the 2011 election, include:

- introducing a six month statutory timeframe on consenting for medium-sized projects
- simplifying the planning process by ensuring there is only one plan for each district.

Policy decisions and the introduction of legislative change are due on some of these matters in 2012. The associated legislation has a priority 4 status for 2012 (ie, introduction and referral to select committee). A second Bill in 2013 had been planned to address broader policy improvements to the resource management system.

Issues to consider

The process and timeframes for progressing these reforms are discretionary. We recommend that we meet with you in early April to discuss the RMII work programme and how to proceed.

Environmental Reporting Bill

Background

Legislative changes to the Resource Management Act 1991 and Environment Act 1996 have been proposed to improve the way we report our environmental data. Essentially the amendments create a new role for the Parliamentary Commissioner for the Environment (PCE) to produce five yearly state of the environment reports. The amendments are designed to improve the quality of underlying data and also provide independence between environmental reporting and policy development.

Public consultation on the proposal occurred in late 2011. A report back to the Cabinet Economic Growth and Infrastructure Committee on the outcome of this consultation and policy recommendations is scheduled in June 2012.

Current state of play

We recommend meeting with you in early April to discuss the proposal and how to proceed from here.

Other issues requiring attention

Treaty settlements

Tauranga Moana Iwi Collective Treaty settlement negotiations

The Tauranga Moana Iwi Collective deed of settlement is due to be initialled on 12 May 2012 and signed on 21 June. Iwi are expected to consider the draft settlement package in April.

The iwi collective seeks natural resources redress beyond the standard arrangements approved by Cabinet. A governance group established to oversee the long-term environmental recovery following the Rena grounding, comprises representatives of local government, iwi and central government. This has contributed to raised expectations of iwi about their involvement in governance of natural resources. Timeframes are being driven by Ngati Ranginui who have chosen dates which are significant for the iwi for signing the deed of settlement. **[Withheld under sections 9(2)(g)(i) and 9(2)(f)(iv) of the Official Information Act 1982].**

MfE officials are working with the Office of Treaty Settlements to resolve these concerns. You can expect a briefing to update you on progress and highlight any remaining concerns on 12 April 2012.

The process for sign off of the final redress package is yet to be determined by Cabinet (2 April). As Minister for the Environment, your approval is required for the redress package to be approved.

Action required

Timing: April 2012

- Note contents of briefing to be supplied to you on 12 April 2012.
- Consider and agree on redress package with other Ministers April 2012.

Environmental Protection Authority

Appoint two Environmental Protection Authority (EPA) Board members

The term of two EPA Board members ends on 1 June 2012. The Hon Dr Nick Smith had agreed to reappoint one of these members for a further three-year term, but the other is retiring. We are running a nominations process to identify a new Board member.

Action required

Timing: April-May 2012

- Agree who the new EPA Board member will be in mid-April 2012.
- Take a paper to the Appointment and Honours Committee noting these two appointments to the EPA Board in late May 2012.

International climate and environment

National Greenhouse Gas Inventory report and Net Position report

MfE will publically release the National Greenhouse Gas Inventory Report and the Net Position Report on 12 April 2012. The precise figures and data from the Inventory cannot not

be released to you ahead of this date because the information is classified as a Tier 1 statistic and therefore subject to conditions on release of information. However, we have prepared the attached briefing note outlining some high level information ahead of the release. This will include the high level direction of change in emissions and net removals, reasons for change, and a forecast of New Zealand's likely balance of emissions units during the first commitment period of the Kyoto Protocol.

Action required

Timing: 4 April 2012

- Note content of the attached briefing note ahead of inventory release on 12 April.
- Direct officials to provide you with an oral briefing on 12 April.
- Direct officials to prepare a draft press release for you to announce the release of the net position and inventory on 12 April.
- Forward briefing to relevant Ministers [who are expecting to receive this] by 4 April.

Cabinet Strategy discussion of post-2012 emissions commitment

Cabinet considered a report on the outcomes from the 2011 Durban conference on climate change in February 2012. One of the outcomes was an invitation for countries to submit, by 1 May 2012, an emissions reduction target for the period between 2013 and 2020 and to identify whether they will take on commitments under the Kyoto Protocol or the UN Framework Convention. Negotiations however are still in progress (sessions are being held later in May) and officials advise that New Zealand does not have to hold to the May deadline.

In light of the Durban outcomes and intention to amend the ETS, Cabinet invited the Ministers Responsible for Climate Change and International Climate Change Negotiations to bring a paper to Cabinet Strategy Committee (STR) on the overall strategic direction and policy priorities of the Government in relation to New Zealand's post-2012 emissions mitigation commitments and any related changes to the ETS. The paper is currently scheduled to be considered at STR on 7 May and officials are looking to provide a draft to you in the week beginning 16 April. Decisions will also be required on communicating New Zealand's position to other countries during the upcoming negotiation sessions.

Action required

Timing: by 30 April 2012

- Consider the timing and content of a paper for Cabinet Strategy Committee.

Rio+20 – International Ministerial Meeting 20 – 22 June, Rio de Janeiro

The Hon Dr Nick Smith was to lead the New Zealand delegation to Rio+20 and asked for a domestic consultation programme ahead of Rio+20. [Withheld under section 9(2)(g)(i) of the Official Information Act 1982]. **[Withheld under sections 9(2)(g)(i) of the Official Information Act 1982]**. Officials are currently designing a consultation programme for consideration by you in April 2012. Questions have also been raised around engagement with Māori and whether existing relationships with iwi leaders could be utilised to this end.

Action required

Timing: preferably by 30 April 2012

- Discuss with the Minister of Foreign Affairs and decide whether or not you would like to attend the Rio+20 meeting.

There is no fixed date to action this but the lead Minister will need to participate in domestic consultation before Rio+20 so confirmation would be preferred by 30 April.

Select Council on Climate Change – first Ministerial meeting, Canberra

The Select Council on Climate Change is a new council set up under the Council of Australian Government (COAG) Framework. The first ministerial meeting is being held in Canberra on 4 May 2012. Ministers across the Environment, Primary Industries, and Energy and Resources portfolios all have interests in the Climate Change Council's work. A decision needs to be made on which Minister(s) will lead NZ engagement with the Council and who will attend the first meeting. A joint briefing from MFE, MED and MAF will be prepared to assist this decision.

Action required

Timing: by 13 April 2012

- Agree, along with the Minister of Primary Industries and Minister of Energy and Resources, on which Minister will be responsible for engaging with this Council and which Minister, if any, should attend the first meeting on 4 May 2012 [date TBC].

Standing Council on Environment and Water – Ministerial meeting, Australia 14 May 2012

The Standing Council on Environment and Water is a body set up under the Council of Australian Government (COAG) Framework. The Australian Minister for the Environment, Minister Tony Bourke, chairs the Council which includes Ministers from all the Australian States and New Zealand. The New Zealand Minister of the Environment usually attends at least one Council meeting each year (two are usually scheduled) as it is a good opportunity to meet with Australian environment colleagues and discuss a wide range of environment issues.

The Hon Dr Nick Smith was to attend the upcoming meeting of the Council on 14 May 2012. In the past, the New Zealand Minister's attendance has been subject to the meeting agenda and the attendance of other Ministers. The Chief Executive of MfE is attending a senior officials meeting on 18 April, ahead of the Council meeting. The attendance of Ministers is usually signalled at this meeting.

The Hon Dr Nick Smith also agreed to host a future meeting of the Council in New Zealand in October/November 2012. Hosting is shared by all the Australian states and capital – New Zealand has not hosted this particular meeting in the past, but has hosted other Ministerial meetings under the Council of Australian Government framework.

Action required

Timing: by 18 April 2012

- Confirm that New Zealand's Minister for the Environment will attend this meeting (subject to the agenda).
- Note that New Zealand is hosting a future meeting of the Council in October/November 2012.

Statutory obligations

As part of your role you have statutory responsibilities to make certain decisions. This section lists those decisions that have to be made over the next three months. These obligations fall into four categories: appointments; annual Budget obligations; Resource Management Act related decisions; and Waste Minimisation Fund decisions.

Appointments

Upcoming appointments are listed below. These are for two organisations that you are the ownership Minister for (EPA and Fiordland Marine Guardians) and for a Board of Inquiry to make recommendations under the RMA for a nationally significant project.

Title	Context	Action	Date
Appoint two Environmental Protection Authority (EPA) Board members	The term of two EPA Board members ends on 1 June 2012. The Hon Dr Nick Smith had agreed to reappoint one of these members for a further three-year term, but the other is retiring. We are running a nominations process to identify a new Board member.	Decide who the new EPA Board member will be and take a paper to the Appointment and Honours Committee (APH).	Agree new Board member mid-April 2012. APH paper late May 2012.
Agree the process for identifying potential new Fiordland Marine Guardians	The term of seven of the eight Fiordland Marine Guardians ends this year. The Hon Dr Nick Smith indicated he wanted to have an open nominations process to identify potential new Guardians.	Agree a nominations process.	April 2012.
MacKays to Peka Peka Expressway – appointment of Board	NZ Transport Agency application for proposal of national significance for the MacKays to Peka Peka expressway – appointment of Board.	Paper to be presented to APH to confirm board of inquiry members.	Lodged with Ministers office on 20 April. Paper to be presented to APH on 1 May 2012.

Annual Budget obligations

Ministers are required to sign off a number of documents and processes for the Budget. Those required for the 2012/13 Budget are listed below.

Title	Context	Action	Date
Estimates sign off	As part of the annual Government Budget cycle Ministers are required to sign off Estimates.	Sign off Vote Climate Change and Vote Environment Budget documentation.	17 April
Statement of Intent sign off	As part of the annual Government Budget cycle Ministers are required to sign off the Ministry's Statement of Intent.	Responsible Minister to sign off Ministry's Statement of Intent.	April
Quarterly performance reporting	As part of the monitoring of the Ministry's performance a progress report on the output plan is provided to the Minister for review.	Sign off the progress reports for March.	By 11 May
In principle expenses transfers	As part of the budget process, timing differences in funding can be transferred forward by Joint Ministers (Finance Minister and Responsible Minister) to the next financial year.	Send a letter to the Minister of Finance (if necessary) to transfer funding to the next financial year.	15 June
Certification of contingent liabilities	As part of the Financial Statements process Ministers are required to provide certification of contingent liabilities in accordance with the Public Finance Act.	Sign a certificate of contingent liabilities.	August

Resource Management Act related decisions

The Minister for the Environment has various obligations under the RMA. Those required in the next three months are listed below.

Title	Context	Action	Date
Transmission Gully Board of Inquiry draft decision	The Transmission Gully Board of Inquiry has completed its hearing on the proposed Transmission Gully application by NZ Transport Agency. A draft decision will be provided to the Minister. A briefing may or may not be required for the Minister – dependent on the detail of the decision.	The Minister has the ability to comment on the draft decision if considered warranted. MfE will provide advice either way.	Dependent on timing of Board's decision. Potentially late April.
Trustpower Ltd Rakaia Water Conservation Order variation	<p>The Minister has decision-making responsibilities under the RMA and the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (ECan Act) for water conservation orders.</p> <p>Water conservation orders are a national regulation to recognise and protect outstanding water bodies. TrustPower has applied for an amendment to the Rakaia Water Conservation Order (WCO) to provide for its Lake Coleridge project. This is being heard by Environment Canterbury under the ECan Act. ECan's report and recommendations are expected to be sent to the Minister at the end of June/July. The Minister is then required to decide, on the basis of the ECan report, whether the changes should be made to the Order.</p>	To decide whether to accept or reject the Commissioners decision. If changes are made to the WCO a LEG paper will be required.	Uncertain – dependent on timing of ECan Commissioners decision, and whether any appeals are served. Likely to be June.

<p>Environment Court declaration – Property Council of New Zealand</p>	<p>The Minister has been invited to join a declaration concerning the lawfulness of tree protection rules in the Auckland region. The Minister’s interests concern the implementation and effect of amendments made by the Government to the RMA in 2009 which prohibited the use of blanket tree protection rules in local government plans.</p> <p>The current declaration seeks to declare whether Auckland Council plan rules addressing tree protection are unlawful in the context of the 2009 amendments.</p>	<p>Advice will be provided to the Minister in relation to the nature of these proceedings over the next three weeks.</p>	
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Waste Minimisation Fund decision

The Minister has statutory responsibility for decisions in relation to the Waste Minimisation Fund.

Title	Context	Action	Date
Waste Minimisation Fund (WMF) TV Take Back applications	<p>Television programming across New Zealand will be switching to digital transmission this year. The TV Take Back programme seeks to maximise the recycling of unwanted televisions during and after the switch over; and to explore options for a long-term solution to improving the management of electronic waste in New Zealand.</p> <p>In late 2011 the Ministry sought expressions of interest from recyclers and retailers to run projects as part of the scheme to be funded by the Waste Minimisation Fund. These projects are likely to cost up to \$7million.</p>	<p>The Minister has statutory responsibility for decisions in relation to the Waste Minimisation Fund. Decisions are required on which projects to fund in late April to ensure projects are up and running by mid-2012 when the first regions will switch to digital transmission. We will provide advice to you on this on 30 April.</p>	Late April