



Compliance and Enforcement

Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment's [webpage about the new Amendment Act](#) for more information.

Context

The previous compliance and enforcement system of the Resource Management Act 1991 (RMA) was not as effective and efficient as it could be. The previous state of these individual provisions is outlined, alongside details about the amendments, in the 'key changes' section below.

Key changes

- Section 10 of the Amendment Act amends section 36 of the RMA.
- Section 36 of the Amendment Act amends section 104 of the RMA.
- Section 39 of the Amendment Act amends section 108 of the RMA.
- Section 45 of the Amendment Act amends section 128 of the RMA.
- Section 59 to 59D of the Amendment Act amends sections 314, 316, 319, 320 and 321 of the RMA.
- Sections 60 to 61 of the Amendment Act amend sections 322 and 327 of the RMA.
- Section 65 of the Amendment Act amends section 339(1) of the RMA.
- Section 66 of the Amendment Act adds a new section 342A to the RMA.
- Section 67 of the Amendment Act amends section 352 of the RMA.

A well-functioning compliance and enforcement system is essential to ensuring the resource management system can deliver its intended benefits for society. The Resource Management (Consenting and Other System Changes) Amendment Act 2025 (the Amendment Act) proposes to strengthen and improve certain compliance and enforcement provisions of the RMA through the following targeted amendments.

- The maximum term of imprisonment has been reduced from 2 years to 18 months, meaning that defendants in RMA prosecutions will no longer be eligible to elect trial by jury.

- The maximum fines that courts can impose for breaching environmental rules have been increased from \$300,000 to \$1,000,000 for individuals, and from \$600,000 to \$10,000,000 for companies.
- It is now easier for councils to directly charge resource users for ensuring they are complying, rather than relying on general rates to fund compliance activities.
- Local authorities can now consider a person's compliance history when making decisions about resource consents, and resource consents can be declined, revoked or suspended for ongoing or repeated serious breaches.
- People may no longer have insurance that pays their fines if they breach environmental rules.
- Local councils can issue excessive noise directions that apply for up to 8 days, instead of only 48 hours.
- The way in which councils can serve documents has been simplified, to make electronic service more straightforward.
- It is now easier for councils to proactively direct people to comply, rather than having to wait until environmental harm has occurred.

Reducing the maximum term of imprisonment from 2 years to 18 months, to disenable offenders from electing trial by jury

Previously, on conviction, RMA offenders were liable for either a fine or up to two years' imprisonment. Offences that are liable for two or more years of imprisonment are classified as category 3 offences under the Criminal Procedure Act 2011. Defendants charged with category 3 offences are eligible to elect trial by jury.

RMA prosecutions often require the interpretation of complex technical rules and scientific data, which can make it difficult for lay jurors to capably engage with cases if they are called to be part of a jury. RMA trials are more suitable to be heard by a specialist environment judge.

The Amendment Act changes the RMA so the maximum term of imprisonment that can be imposed upon conviction for an RMA offence has been reduced from 2 years to 18 months. This changes RMA offences from category 3 to category 2 offences under the Criminal Procedure Act 2011. Defendants cannot elect a trial by jury for a category 2 offence, meaning all prosecutions will be decided by an environment judge.

Increasing RMA maximum fines for offending

Previously, the maximum fine that could be imposed by a Court after convicting someone of an RMA offence was \$300,000 for an individual or \$600,000 for a company. The actual value of any fine imposed is determined by the Court based on the seriousness of the offence.

The maximum fines have been increased to \$1,000,000 for individuals and \$10,000,000 for companies.

The new maximum fines apply to offences that are committed after the date the amendments to the RMA took effect.

Extending the ability of local authorities to recover costs for monitoring and compliance work

The RMA previously allowed local government to fix fees to recover certain costs of monitoring of resource consents and certain permitted activity rules from system users. However, it did not provide for cost recovery for many other common compliance and enforcement activities.

The Amendment Act changes the RMA to give councils the ability to recover the costs of:

- monitoring compliance with plan permitted activity rules from the users of the permitted activity rule
- responding to complaints where it is found the person has breached environmental rules
- issuing abatement notices or enforcement orders and ensuring these are complied with, including making follow-up inspections.

Enabling regulators to take account of a person's compliance history for decisions about current and future resource management authorisations

Previously, the RMA provided limited ability to consider a person's compliance history as part of other processes under the Act. Councils could not decline a resource consent application based on previous non-compliance. Non-compliance with a resource consent could not be used as a reason to initiate a review of that resource consent's conditions. Resource consents could not be revoked or suspended for a history of non-compliance.

To address this, the Amendment Act makes changes to the RMA, to:

- enable a consent authority to consider an applicant's compliance history when assessing applications for resource consent or applications to transfer resource consents between parties, and to either add specific conditions to reduce future risk of non-compliance or, if the non-compliance is significant, to decline the consent application
- enable a consent authority to initiate a review of consent conditions when the conditions of a resource consent have not been complied with
- enable the Environment Court to revoke or suspend a resource consent in response to ongoing or repeated significant non-compliance.

Prohibiting insurance against fines for offending

It has become increasingly common for resource users to hold statutory liability insurance that provides indemnity for fines that may be imposed for RMA offending. The lawfulness of such insurance has been unclear.

The Amendment Act provides statutory clarity in the RMA that it is unlawful to offer or hold insurance that indemnifies a person against financial penalties. It is still lawful to hold insurance that covers legal, defence and remediation costs associated with RMA offences.

The prohibition on insurance for fines took effect on the commencement of the Amendment Act, but the provisions that make it an offence to hold or offer fines insurance will not take effect for two years from commencement.

Increasing the term of excessive noise directions

Previously, a 72-hour duration of excessive noise directions limited the ability of councils to effectively manage repeated noise events occurring on consecutive weekends. A notice issued for noise during one weekend would expire before the following weekend.

The Amendment Act increases the duration of excessive noise directions to a maximum of eight days, which is sufficient to cover two consecutive weekends. This will enable councils to more effectively manage repeated issues with excessive noise.

Enabling electronic service of documents

Previously, service by email in section 352 of the RMA was not in step with similar provisions in other statutes. Councils could only serve documents via email if the recipient had specifically requested electronic service of that type of document via that email address, even if the council held an email address for the person and regularly communicated with them via this email address. This meant service would often have to be done by personal service or delivery to the person's last known address, which could be cumbersome, time consuming and expensive.

The Amendment Act changes the methods of service available under the RMA to allow service of documents by "emailing it to the person at an email address that is used by the person", which is much simpler and more straightforward for all parties.

Note that some types of service, particularly service of court documents, may be subject to court rules, which override the service requirements set out in the RMA.

Aligning the scope for issuing a preventative abatement notice with the scope of issuing a preventative enforcement order

Section 322(1)(b) of the RMA empowers enforcement officers to issue preventative abatement notices requiring a person to do something to comply with a regulatory obligation. Previously, this power was limited to circumstances where the action that the person was being required to do was also necessary to avoid, remedy or mitigate an actual or likely adverse effect on the environment.

This limitation meant councils may not have been able to issue an abatement notice directing someone to fix their non-compliance with the rules until after the non-compliance had led to an adverse effect, which is too late once the environment is harmed.

The Amendment Act removes that limitation from the RMA. Enforcement officers can now issue preventative abatement notices that require a person to do something necessary to:

- comply with regulatory requirements, or
- avoid, remedy or mitigate actual or likely adverse effects on the environment caused by or on behalf of the person, or relating to any land of which the person is the owner or occupier.

