



Discussion Document

Review of the Resource Management (Infringement Offences) Regulations 1999



Ministry for the
Environment
Manatū Mō Te Taiao



Te Kāwanatanga o Aotearoa
New Zealand Government

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Message from the Minister



The RMA provides local authorities with a range of powers to take enforcement action when there is non-compliance with the RMA, rules in a plan or conditions in a resource consent. The purpose of enforcement action is to punish offenders, deter future offending, and/or direct remediation of the damage.

Prosecution via the courts is sometimes disproportionate to the offence. It is costly both for councils and offenders. In such situations, Councils can issue an infringement notice, which acts as an “instant fine”, at the time (or soon after) an infringement offence has been committed. Notices can only be issued by an enforcement officer.

The RMA’s infringement notice structure was last amended in 1999, and the fines are now too low to discourage non-compliance with plan rules or consent conditions.

In some cases, the fine associated with an infringement notice is less than the cost of getting a resource consent, meaning it can be cheaper to just pay the fine than to follow the rules. This puts our environment at risk and is unfair on the thousands of New Zealanders who use our natural resources sustainably, and within the law.

This document sets out several options for updating infringement notice offences and fines to make them a more meaningful consequence for those who fail to meet their environmental obligations.

We would value your feedback on what the fines should be, and what we should be considering as we review them.

Hon David Parker

Minister for the Environment

A handwritten signature in blue ink, appearing to read 'David Parker', written in a cursive style.

Section 1: What we are consulting on

Proposed changes to infringement fines

The Ministry for the Environment (the Ministry) is consulting on the infringement fines that councils can issue for environmental non-compliance.

The Resource Management Act 1991 (RMA) provides councils with a range of powers to take enforcement action when they find environmental non-compliance. Non-compliance means any breach of a rule, condition, standard, direction or regulation made under the RMA.

A range of non-statutory and statutory enforcement tools are available to councils to respond to non-compliance, so they can tailor their response to the nature and severity of any offending. The purpose of enforcement action is to punish offenders, deter future offending and/or direct remediation of the damage. The RMA provides statutory enforcement tools that are either:

- punitive (including infringement notices and prosecutions) or
- directive (abatement notices and enforcement orders).

This consultation is about infringement notices. An infringement notice is an ‘instant fine’ for environmental non-compliance that is serious enough to need a penalty, but not serious enough to warrant prosecution in court. When an infringement notice is issued, no conviction is imposed, and the infringement fines are paid to the council that issued the infringement notice (RMA, section 343D).

The maximum fine¹ that can be set for an infringement offence is prescribed in primary legislation, under section 360 of the RMA. That maximum fine was increased in 2020. However, the individual offences for which infringement notices can be issued – and the associated fine for each of these offences – are set in secondary legislation, the Resource Management (Infringement Offences) Regulations 1999 (the Regulations).

We are now consulting on options for how the Regulations could be updated to give effect to the change in maximum infringement fine introduced in the 2020 amendments to the RMA. This document presents the options alongside some preliminary analysis.

What’s the problem?

The current fines are not effective

There is concern that the existing Regulations are now out of date, and that the infringement fines are set at a level that is too low to be effective.

¹ Section 360 uses the term “infringement fee” for what is commonly referred to as a “fine”. In this document, we use the word “fine” or “infringement fine” to describe the fee associated with an infringement notice.

In 2016, the Ministry for the Environment produced [a report on compliance, monitoring and enforcement by councils under the RMA](#). This research found that many councils and stakeholders considered that the infringement fines set in the Regulations were too low. It was suggested that infringement fines should be higher for companies – as occurs with penalties in prosecutions – to provide a more effective deterrent for companies.

The New Zealand Productivity Commission also noted in its [2013 report](#)² that the “low level of fees that have not been reviewed for many years, are reducing the effectiveness of enforcement strategies”. For example, in that report, Auckland Council notes that an infringement notice for the breach of a land-use rule in a district plan incurs a \$300 fine. They stated that the cost of applying for a resource consent is usually more than ten times this amount. Therefore, they considered the deterrent effect of the current infringement fines is minimal and is not sufficient to deter non-compliant behaviour for some offenders.

The fines can be higher under the RMA

In the 2020 amendment to the Resource Management Act, Parliament increased the maximum fines that can be set for infringement notices and introduced different maximum fines of \$2000 for individuals and \$4000 for companies³. Currently, the Regulations do not include different fines for individuals and companies, and the maximum infringement fine in the current Regulations is much lower than the maximum fines that are now allowed by the RMA.

The fines are inconsistent

Currently, the regulations prescribe one fine for contraventions of land-use rules, irrespective of the type of land-use rule being contravened. However, since the Regulations were introduced in 1999, regional land-use rules for improving water quality have been introduced by some councils and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020. The fine for contravening a land-use rule developed to improve or protect the water quality in a waterway is much lower than the fine for discharging contaminants directly into the same waterway.

The fine for breaching an abatement notice is currently set at 75 per cent of the previous maximum value. This is inconsistent with the significance of the offence, as breaching a formal notice from an enforcement officer can be considered deliberate, and deliberateness makes an offence more serious, which warrants a higher fine.

What needs to be done?

The Regulations are out of date, and infringement fines are too low to be an effective penalty for non-compliance. This means council use of infringement notices are less effective at deterring environmental non-compliance and reducing environmental harm.

² New Zealand Productivity Commission. 2013. Towards Better Local Regulation. Wellington: Productivity Commission.

³ Strictly, the \$2000 maximum applies to a “natural person”, and the \$4000 maximum applies to a “person other than a natural person”. We have used the term ‘individual’ and ‘company’ for simplicity.

The Regulations need to be reviewed to ensure infringement fines are fit for purpose, consistent, provide an appropriate level of deterrence and are aligned with the empowering sections of the RMA.

Scope

The maximum infringement fines are set in the RMA. The recent decision by Parliament to increase the maximum infringement fines was made on the expectation that a review of the Regulations' infringement fines would follow.

The 2020 RMA amendments limit the scope of this review, as well as the options this review may consider. The infringement fines cannot be increased beyond the statutory maximum of \$2000 for individuals and \$4000 for companies.

The scope of potential change in the fines therefore ranges between making no change, and an increase to the maximum amount allowed in legislation.

Resource Management Reform

The Regulations will be transitioned to be regulations under the new Natural and Built Environment Act (NBA), which is planned to replace the RMA. Any changes that are made to the Regulations will have effect under the new legislation.

There is potential that the NBA could include new offences that are suitable to be prescribed as infringement offences. If so, these new infringement offences, and associated fines, could be introduced through transitional provisions, or through future amendments to the Regulations.

Section 2: Proposed policy options

Table 1: Outline of the proposed options

Option ⁴	Description
Option 1:	Option 1 is a proportional increase to fines. This means that the fines for each offence would increase proportionally, so the new fine remains the same proportion of the new maximum as the current fine is of the previous maximum.
Option 2:	Option 2 proposes the same proportional increase as option 1, except that the fine for two offences would be increased to be a higher proportion of the maximum: (a) the fine for contravening land-use rules created under an NES or under a regional plan would be increased from the current 30% of the maximum to 75% of the new maximum, which is \$1500 for natural persons or \$3000 for companies (b) the fine for contravening an abatement notice (a tool used to require non-compliant operators to comply) would be increased to 100% of the maximum, which is \$2000 for natural persons or \$4000 for companies.
Option 3:	Option 3 proposes to increase each infringement fine up to the maximum amount for every offence. All infringement offences would incur a fine of \$2000 for individuals and \$4000 for companies.

⁴ A comparison of the existing and new fines under each option is set out in appendix 1.

Section 3: Preferred option

Preferred option: Option 2

Option 2 best reflects the policy intent of the increases to the fine maximum in the legislation, but also addresses two specific internal consistency issues where circumstances have changed since the regulations were first introduced and where a change to the relative size of the infringement fine is appropriate. The fine increases are broadly consistent with inflation since 1999, except in the two specific cases where a higher than inflation adjustment is appropriate.

Option 1 maintains the current relativity between the existing fines and increases the fines in a way that is consistent with the amendments to the legislation. However, it does not reflect the increased use of landuse rules to protect water quality in Regional Plans and National Environmental Standards, and it doesn't adequately resolve the need for stronger denunciation and deterrence for breaching an abatement notice.

Option 3 removes the relativity that currently exists between the different infringement offences and maximises the deterrent value of the infringement regime. Having the same fine for all offences would make the administration of the infringement regime simpler. However, under this option, the fines for offences that currently have a lower rate (relative to the maximum) would increase by considerably more than the rate of inflation since the fines were last adjusted. This option treats all infringement offences as being equally serious.

Section 4: Options we are not considering

We are not considering linking the fine value to the severity of the non-compliance, as measured in compliance inspection grading. We think that this approach would create unnecessary implementation challenges and may introduce complexity and significant subjectivity back into a system.

Stock-exclusion offences and fines

Changes to [schedule 1A](#) – which sets out offences and infringement fines against the Resource Management (Stock Exclusion) Regulations 2020 (SE Regulations) – are considered out of scope for this review. This is because schedule 1A was introduced in 2020 and therefore already makes use of the RMA 2020's increased fine maximum. Note that in the SE Regulations exclusions, the fines are all set at the maximum amount available. This reflects that there are no prosecution options available for schedule 1A offences, which contrasts with the offences set out in schedule 1 that are the subject of this discussion document.

Furthermore, given that schedule 1A was inserted into the Regulations by the SE Regulations, any review of the stock-exclusion infringement offences would be more appropriately undertaken as part of a review of the SE Regulations, due to the SE Regulations' close links to the stock exclusion policy framework.

Section 5: Preliminary impact analysis

The Regulations were introduced as a cost effective and efficient way for councils to respond to minor environmental offending in cases where some enforcement action was appropriate, but which did not warrant a time-consuming and expensive prosecution process. The purpose of an infringement notice is to punish minor offending and deter future offending. Having an effective and credible infringement regime is an important part of a well-functioning resource management system.

This is the first time the fines have been reviewed since 1999 and a wide range of stakeholders have indicated that the current fines are too low. Increasing the fines is intended to make the penalty more meaningful in today's dollar-value terms. An increase in fines would provide greater specific and general deterrence value to the infringement-notice regime.

None of the three options above would increase in the costs faced by regulated parties who are compliant. Individual resource users can personally control the effect of the fine increases, by ensuring that they comply with the applicable regulations.

All three options will significantly increase the costs for resource users who receive infringement notices (at least doubling or quadrupling the current fine, or even more under option 3). The increase in cost will only be incurred by resource users who receive infringement notices for contravening environmental rules – rules that have been put in place to protect natural resources and allow equitable access to use of natural resources for private gain.

Impacts for local government

There is wide support from local government and its representative organisations (Local Government New Zealand, and Taituara (formerly the New Zealand Society of Local Government Managers)) for higher infringement fines. Many local government organisations submitted on the 2020 amendments to the RMA that increased the maximum fines, concerned that current fines were too low, and noting the need to review the Regulations to enable the higher fine amounts.

The changes will have some impacts upon local government, as it is the primary administrator of the resource management infringement-notice system. The degree to which local government is impacted will depend on the extent to which individual local authorities make use of the infringement-notice system. The [national monitoring system](#)⁵ indicates that nearly a quarter of local authorities issued no infringement notices over the period 2014 to 2019, while another quarter issued one or less notices per year over the same period.

For those councils that do make use of the infringement-notice system, the increase in fines will represent a small increase in revenue used to offset compliance service costs, which reduces ratepayer funding. An increase in infringement fines will increase the contribution

⁵ The national monitoring system is the annual dataset that the Ministry collects from local authorities relating to their RMA implementation activities, and includes information about enforcement activity, such as issuing of infringement notices.

from those causing the need for the compliance activities, which is consistent with the polluter-pays principle.

It is expected that the increase in fines will encourage greater compliance, which will lead to better performance and less non-compliance with environmental protection rules. Better compliance with environmental rules leads to improved environmental outcomes and reduces the pressure our environment faces from the way we use natural resources.

Higher fines are likely to reduce the risk that resource users view infringement notices as a 'minor licensing fine' that is less expensive than obtaining an appropriate resource consent or authorisation. The resulting increase in applications for appropriate authorisations is likely to contribute to an overall better functioning resource management system.

An increase in the infringement fines may contribute to an increase in non-payment of infringement notices issued by councils. Currently, unpaid infringement fines are lodged for recovery with the Ministry of Justice's (MOJ) fine-recovery service. An increase in non-recovery would contribute to a greater workload for MOJ. However, given the current volume of infringement notices issued in the resource management system is small, in comparison to the overall volume of fines dealt with by MOJ, this impact is expected to be small.

Councils may face more frequent legal challenges to the infringement notices they issue, particularly if the fines are perceived to be unreasonably high. This is a potential impact that is more likely with option 3, where the fine for a breach of a district plan land-use rule would incur the same fine as a discharge to water from an industrial or trade premise. An increase in legal challenges would add costs and administrative burden on issuing councils, and, if the challenges were frequent and successful, this could have the unintended effect of dissuading some councils from issuing infringement notices.

Impacts for regulated parties

As discussed earlier in this section, none of the three options outlined in this document would impact on most resource users, who comply with their regulatory obligations. It is worth noting, also, that only a small fraction of resource users receive infringement notices each year. For example, in 2020/21, the regional sector issued infringement notices in around 3.5 per cent of the more than 60,000 consent-monitoring inspections and environmental incidents they attended.

The most obvious impact on regulated parties will be the increased fines that those contravening their obligations may face.

- Under option 1, fines either double (for individuals) or quadruple (for companies). Under option 2, most fines would either double or quadruple, except for the fines for contraventions of section 9(1) or 9(2), which would increase five-fold from \$300 to \$1500 (for individuals) and ten-fold from \$300 to \$3000 (for companies).
- Under option 2, fines for contraventions of an abatement notice would increase by around 30 per cent more than would occur under option 1.
- Under option 3, fines would increase by a variable proportion, ranging from a doubling through to a nearly seven-fold increase (for individuals) and ranging from a quadrupling through to a nearly fourteen-fold increase (for companies).

To put these increases in context, it is helpful to compare them to inflation over the period since 1999. The comparison uses wage inflation, as infringement fines would generally be paid

from a person's earnings. Over the period 1999 to 2022, wage inflation has increased by approximately 108 per cent.⁶ This means that \$300 in wages in 1999 would have the equivalent buying power of \$625 in 2022. This means:

- Option 1 represents a similar, or slightly lower, fine for individuals (and an approximate doubling for companies) in today's dollar terms, compared to the fine originally levied in 1999.
- Option 2 results in the same fine increase as option 1 for most fines, except for two offences where the proposed fine is increased relative to inflation.
- Option 3 results in a large increase in fines (above the rate of inflation), noting that the most significant increases under option 3 would apply to those infringement offences with lower fines, that have historically been considered less serious.

Deterrence

Agencies use enforcement tools to encourage good behaviour and discourage (or deter) poor behaviour. There are two types of deterrence that are considered: general and specific. Both are important to a compliance regime's effectiveness.

Infringement notices are specific deterrence tools, targeted at deterring the behaviour of the individuals undertaking the behaviour.

It is generally accepted that deterrence is determined by three factors:

- the certainty of getting caught in breach of the rules
- the swiftness with which a consequence is delivered
- the size or severity of the penalty.

Infringement notices enable an enforcement officer to issue a consequence at the time or shortly after becoming aware of non-compliant behaviour. All the options presented in this discussion document increase infringement fines, with the express expectation that higher fines will promote higher compliance, through greater deterrence. In considering the deterrence value of infringement notices, it is important to remember that infringement notices are intended as responses to non-compliance that is not serious enough to warrant prosecution, but that still requires appropriate denunciation. The fines need to be high enough to be meaningful to the individual (or company) receiving them.

Who is likely to be affected?

Resource management infringement notices are issued for non-compliance with resource management laws, regulations, rules, and resource consents. Therefore, any user of the resource management system is potentially affected by these changes, if they contravene any regulatory requirements. Given that we all interact with natural resources to some extent, the application of these changes is very broad. Those parties could include infrastructure providers, farmers, contractors, companies, and homeowners.

⁶ Calculated using the Reserve Bank's inflation calculator, under the category "Wages", for the period Q4 1999 to Q1 2022.

Section 7: How to have your say

Consultation questions

You are welcome to provide feedback on any part of the proposal to review the Regulations. We have prepared some questions you might like to consider as you prepare your submission.

- Do you agree that the fines need to increase? If not, why not?
- Are there any fines that shouldn't increase? Which ones? And why?
- Are there other options for increasing the fines that we haven't considered? What are they? And why would they be better?
- Do you agree with our preferred approach? If not, why not? What approach should we take instead, and why?
- Are there impacts from increasing the fines that we haven't considered? What are these?

Timeframes

This discussion document was published on 7 February 2023. We are accepting submissions between 7 February 2023 and 31 March 2023.

When the consultation period has ended, we will analyse feedback and provide advice to Ministers on next steps.

How to provide feedback

You can make a submission in two ways.

- Use our [online submission tool](#). **This is our preferred way to receive submissions.**
- Write your own submission.

In your submission, please make sure you include:

- the title of the consultation
- your name or organisation
- your postal address
- your telephone number
- your email address.

If you are posting your submission, send it to:

Review of the Resource Management Infringement Offences Regulations
Policy Implementation and Delivery Division
Ministry for the Environment
PO Box 10362
Wellington 6143

If you are emailing your submission, you can send it to rmior.consultation@mfe.govt.nz as a:

- PDF
- Microsoft Word document (2003 or later version).

When emailing your submission, please use add 'Resource Management Infringement Offences Regulation Review' in the subject line.

Submissions close on 31 March 2023.

More information

Please send any queries to:

Email: rmior.consultation@mfe.govt.nz

Post: Review of the Resource Management (Infringement Offences) Regulations, Policy Implementation and Delivery team, Ministry for the Environment, PO Box 10362, Wellington 6143

Publishing and releasing submissions

All or part of any written comments (including names of submitters) may be published on the Ministry for the Environment's website, environment.govt.nz. Unless you clearly specify otherwise in your submission, the Ministry will consider that you have consented to website posting of both your submission and your name.

Contents of submissions may be released to the public under the Official Information Act 1982 following requests to the Ministry for the Environment (including via email). Please advise if you have any objection to the release of any information contained in a submission and, in particular, which part(s) you consider should be withheld, together with the reason(s) for withholding the information. We will take into account all such objections when responding to requests for copies of, and information on, submissions to this document under the Official Information Act.

The Privacy Act 2020 applies certain principles about the collection, use and disclosure of information about individuals by various agencies, including the Ministry for the Environment. It governs access by individuals to information about themselves held by agencies. Any personal information you supply to the Ministry in the course of making a submission will be used by the Ministry only in relation to the matters covered by this document. Please clearly indicate in your submission if you do not wish your name to be included in any summary of submissions that the Ministry may publish.

Appendix 1: Fines under the proposed options

Table 2: Comparison between the existing fines and the new fines for each option

General description of offence	Existing fine (\$)	Fine under Option 1 (\$)		Fine under Option 2 (\$)		Fine under Option 3 (\$)	
		Individual	Company	Individual	Company	Individual	Company
Contravention of section 9(1) and 9(2) (restrictions on use of land)	300	600	1200	1500	3000	2000	4000
Contravention of section 9(3) and 9(4) (restrictions on use of land)	300	600	1200	600	1200	2000	4000
Contravention of section 12 (restrictions on use of coastal marine area)	500	1000	2000	1000	2000	2000	4000
Contravention of section 13 (restriction on certain uses of beds of lakes and rivers)	500	1000	2000	1000	2000	2000	4000
Contravention of section 14 (restrictions relating to water)	500	1000	2000	1000	2000	2000	4000
Contravention of section 15(1)(a) and (b) (discharge of contaminants or water into water or onto or into land where contaminant is likely to enter water)	750	1500	3000	1500	3000	2000	4000
Contravention of section 15(1)(c) and (d) (discharge of contaminants into environment from industrial or trade premises)	1000	2000	4000	2000	4000	2000	4000
Contravention of section 15(2) or (2A) (discharge of contaminant into air or onto or into land)	300	600	1200	600	1200	2000	4000
Contravention of an abatement notice (other than a notice under section 322(1)(c))	750	1500	3000	2000	4000	2000	4000
Contravention of a water shortage direction under section 329	500	1000	2000	1000	2000	2000	4000
Contravention of section 15A(1)(a) (dumping of waste or other matter from any ship, aircraft, or offshore installation)	500	1000	2000	1000	2000	2000	4000
Contravention of section 15B(1) and (2) (discharge in the coastal marine area of harmful substances, contaminants, or water from a ship or offshore installation)	500	1000	2000	1000	2000	2000	4000
Contravention of section 22 (failure to provide certain information to an enforcement officer)	300	600	1200	600	1200	2000	4000
Contravention of an excessive noise direction under section 327	500	1000	2000	1000	2000	2000	4000
Contravention of an abatement notice for unreasonable noise under section 322(1)(c)	750	1500	3000	1500	3000	2000	4000

Appendix 2: Option analysis

Table 2 sets out a comparative analysis of the options against the assessment criteria.

Table 3: Analysis of the proposed options

Criteria	Option 1: Proportional increase in fines for all offences	Option 2: Increase in fines for two offences and proportional increase for remaining offences	Option 3: Increase fines to maximum for all offences
Practical Ensures consistency between primary legislation and regulations Easy for councils to implement and does not require major changes to existing systems and processes Increases the quality of monitoring and compliance approaches by councils	++ Option 1 would result in consistency between regulations and primary legislation, but some fines may not reflect the relative importance of current policy direction. There may be an impact on councils to update their templates and systems to reflect the new fine amounts, but this option does not require major changes to existing systems and processes. The increased fines would better reflect the actual cost to councils of issuing infringement notices, which would reduce the funding burden on ratepayers for addressing non-compliance.	+++ Option 2 would result in consistency between regulations and primary legislation, as well as reflect the importance of current policy direction. There may be an impact on councils to update their templates and systems to reflect the new fine amounts, but these options do not require major changes to existing systems and processes. The increased fines would better reflect the actual cost to councils of issuing infringement notices, which would reduce the funding burden on ratepayers for addressing non-compliance.	++ Option 3 would result in consistency between regulations and primary legislation but may be perceived as being too onerous by some users. Having a single fine for all offences would simplify the infringement system. There would still be an impact on councils to update templates and systems, but no major changes are required. The increased fines would better reflect the actual cost to councils of issuing infringement notices, which would reduce the funding burden on ratepayers for addressing non-compliance.
Effective Strengthens deterrence of non-compliance with the RMA by users of the system Supports compliance monitoring and enforcement objectives Supports protection of resources	+ Option 1 would provide stronger deterrence, in that all fines would be increased, but fines for offences with similar effects may be inconsistent with each other. Promotes the objectives of maximizing compliance for most infringement offences, but fines for some offences may be too low. Maintains a hierarchy of fines that is consistent with the previous regulations' but may not reflect the most up-to-	++ Option 2 would provide stronger deterrence in that all fines would be increased and would result in similar fines for offences with similar effects. Increased fines better reflect seriousness and provide a logical hierarchy of increasing penalty. Option 2 goes further than option 1 and provides an opportunity for a more detailed consideration of the levels of individual fines. This better reflects the relative importance of	++ Option 3 would provide the strongest deterrence but makes all fines the same even though the seriousness of the effects of non-compliance may be perceived to be quite different. May set fine levels at a level that is perceived to be unfair for some offences, increasing the number of legal challenges. More serious offences are more appropriately managed through prosecution.

Criteria	Option 1: Proportional increase in fines for all offences	Option 2: Increase in fines for two offences and proportional increase for remaining offences	Option 3: Increase fines to maximum for all offences
	date views of resource protection.	those offences to which fines relate.	Option 3 would not maintain existing relativity, therefore would not reflect the seriousness of different offences.
Reasonable Targeted to those who are contravening environmental rules Reflects the relative importance of the offending and the associated environmental effects Treats regulated parties who must comply with environmental laws fairly	+ Only those who contravene environmental laws will be subject to the increased costs. Maintains the existing relative importance between offences set in 1999. Simply adjusts previous fines for inflation, so existing hierarchy is maintained. May not reflect the increased effort applied by many resource users to be compliant.	+++ Only those who contravene environmental laws will be subject to the increased costs. Reflects the relative importance of offences, the decreased societal acceptance of environmental offending, and the importance of protecting water quality. Better reflects compliance efforts of existing resource users and inflation adjusts the remaining fines.	+ Only those who contravene environmental laws will be subject to the increased costs. Treats all offences as being equal in terms of their seriousness. Increases most fines by considerably more than the rate of inflation over the period.

Appendix 3: Submissions from the 2020 legislative amendment

The majority of submissions in the 2020 amendment on the proposal to increase the fine maximum were in support. The majority of respondents to the New Zealand Planning Institute (NZPI) member survey supported the proposal (73.8 per cent), while a small proportion opposed (2.98 per cent).

Support

1. Those in support included councils, Local Government New Zealand and the Society of Local Government Managers. These submitters generally voiced categorical support for the proposal and some noted that the proposed uplift had been advocated for by local government for several years. Support for the proposal also come from iwi, NGOs, and individuals.
2. Many individual submitters stated that they wished to see much stronger infringement penalties – in some cases up to \$100,000.
3. A number of submitters in favour of the proposal also noted that the Resource Management (Infringement Offences) Regulations 1991 will need to be updated before the new maximums have any practical effect.
4. Comments of support from respondents to the NZPI survey included the following themes:
 - support for stronger deterrence
 - concern that low fines were seen merely as licensing fees or business costs
 - concern about the adequacy of resourcing for compliance and enforcement services
 - the need to balance strong deterrence of deliberate or reckless offending while also taking broad collaborative non-regulatory approaches to improve outcomes
 - the low value of the fines in comparison with the value of the resources being used unlawfully
 - the need to develop new regulations to make the proposed maximum fines effective
 - support for further changes (such as prohibiting insurance for RMA fines).

Opposition

5. A few submissions in opposition of the proposal included Federated Farmers of New Zealand, Eastland Generation Limited, and two individuals. These submissions asserted that the current infringement penalties are appropriate and sufficient.
6. Federated Farmers of New Zealand noted that the proposed increase would exceed the recommended maximum infringement fine of \$1000 cited in the Legislation Design and Advisory Committee Guidelines. This submission also asserted that infringement offences are “absolute” and do not allow for any avenue to challenge or query infringement notices.
7. Comments of opposition from respondents to the NZPI survey included the following themes:

- current fines are adequate
- futile to raise infringement fines if there is insufficient resourcing for compliance and enforcement services
- scepticism that stronger fines will change non-compliant behaviour
- a need to collaborate with non-compliant parties and only use escalated enforcement against deliberate, repeat or reckless offenders.