

Office of the Minister for the Environment

Chair

Cabinet Economic Growth and Infrastructure Committee

Transfer of discharge and dumping functions in the exclusive economic zone and extended continental shelf to the Environmental Protection Authority

Proposal

1. This paper seeks approval to transfer, from Maritime New Zealand to the Environmental Protection Authority the regulation of:
 - all discharges from offshore installations and pipelines in the exclusive economic zone (other than oil spills)
 - discharges from production facilities on board mineral mining ships
 - dumping of waste in the EEZ and on the extended continental shelf.
2. This would mean legislative amendments to the Maritime Transport Act 1994 and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill.

Executive summary

3. The Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill (**the EEZ Bill**) fills gaps in the regulation of the environmental effects of activities in the Exclusive Economic Zone (**EEZ**) and Extended Continental Shelf (**ECS**) for activities such as seabed mining and some aspects of petroleum activities.
4. With the introduction of the EEZ Bill, the Environmental Protection Authority (**EPA**) and Maritime New Zealand (**MNZ**) will both be regulating the environmental effects of activities in the EEZ and ECS.
5. This situation:
 - creates uncertainty for industry with respect to the process they must go through to gain approvals for their activities and the timeframes within which they will receive these approvals.
 - diminishes New Zealand's ability to comprehensively manage environmental effects from operations as a whole within the EEZ and ECS.
 - negatively impacts on the public's ability to be involved by subjecting the discharges and dumping regulatory regime to different consultation requirements to those under the EEZ Bill.
6. The EEZ Bill was introduced to Parliament on 24 August 2011. An opportunity exists to amend the Maritime Transport Act 1994 (**MTA**) to transfer from the MNZ to the EPA the regulation of: discharges from offshore installations and pipelines; mining discharges from production facilities on board mineral mining ships; and dumping occurring within the EEZ.

7. Transferring the regulation of discharge and dumping will enable discretionary discharges and dumping to be assessed within the same consenting regime as other activities relating to the wider operation. This adjustment provides greater certainty and reduced compliance costs for industry, enhanced environmental effects management and the opportunity for improved public and iwi participation.
8. MNZ, under the MTA will continue to carry out its functions related to oil spill response and the regulation of activities associated with shipping, including the regular discharges of ships in the EEZ.
9. MNZ, under the MTA will retain responsibility for managing all discharges and dumping from New Zealand-flagged ships in the high seas. In the territorial sea, regional councils under the Resource Management (Marine Pollution) Regulations 1998 will retain responsibility for managing permitted discharges of harmful substances from ships and offshore installations and all dumping of waste. MNZ under the MTA will retain responsibility for shipboard pollution prevention equipment, emergency spill plans, and records of on board operations involving harmful substances.
10. Decision-making on discharge and dumping would become the responsibility of the EPA, an agency with appropriate expertise and systems.
11. There are a number of possible mechanisms to progress the amendments. The substance of the proposed amendments are likely to be within scope of the EEZ Bill and how they are progressed will depend on timing and decisions of the Select Committee and the House.

Background

12. On 22 August 2011, Cabinet approved the EEZ Bill for introduction the [CAB Min (11) 31/12]. I introduced the EEZ Bill into the House on 24 August 2011.
13. The policy underpinning the EEZ Bill was agreed by Cabinet on 16 May 2011. In considering the policy, Cabinet noted that officials should investigate opportunities to increase regulatory efficiency by transferring from MNZ to the EPA the management of discharges in the EEZ [CAB Min (11) 19/7B]. As part of this work, agencies formed the view that there was also a case to transfer MNZ functions relating to dumping occurring within the EEZ.
14. The EEZ Bill fills gaps in the regulation of the environmental effects of activities in the Exclusive Economic Zone (**EEZ**) and Extended Continental Shelf (**ECS**). Activities that will be covered by the new legislation include seabed mining, some aspects of petroleum activities, energy generation, carbon capture and storage, and marine farming.
15. The EEZ Bill will allow for the creation of regulations classifying activities as either permitted, discretionary or prohibited. Permitted activities may proceed within certain thresholds set by regulations. Discretionary activities will require consent from the EPA before proceeding. The basis of an EEZ consent application will be an impact assessment. The EPA will also be responsible for monitoring and enforcement functions under the Bill.

16. Currently, the discharge and dumping regimes in the EEZ are managed by MNZ under the MTA and Marine Protection Rules (**the Rules**) made under the MTA. The Director of MNZ is currently responsible for discharge and dumping approvals in the EEZ and ECS under the MTA.
17. Generally, discharge and dumping approvals are required for activities covered by the scope of the EEZ Bill, such as for petroleum operations. Once the EEZ Bill is enacted, both MNZ and the EPA will be regulating different environmental effects of the same operation in the EEZ and ECS.

Management of discharges and dumping in the EEZ and on the ECS

18. MNZ is responsible, under the MTA, for regulating the environmental effects of dumping and discharges in the EEZ and ECS. This includes dumping and discharges from ships and 'controlled offshore installations'¹ in the EEZ.
19. Discharges into the sea can be separated into two types:
 - A small number of routine discharges regulated by the International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978 (**MARPOL**) that strictly prescribes thresholds of harmful substances permitted to be discharged. These permitted discharges, set in rules under the MTA, do not require an environmental impact assessment and are able to be undertaken by operators as of right.
 - Diverse discharges with greater environmental risk than those covered by the above, which arise from the processing of mineral resources and which are not set by international conventions, are assessed on a case-by-case basis. These discharges require operators to submit a Discharge Management Plan (**DMP**) to MNZ no less than two months prior to the proposed discharge start date.
20. While there are statutory decision making criteria and timeframes surrounding dumping approvals, there are no criteria surrounding discharge assessments and approvals.
21. All disposal of waste such as dredge spoil and the abandonment of offshore structures are defined as dumping. Such activities require operators to submit a dumping application to MNZ for approval. This may occur at any time, but for abandonment of structures, it often occurs towards the end of the life of the operation.
22. In some instances, the mining and processing of seabed minerals (i.e. phosphate mining) is undertaken by ships. These ships have two types of discharges: those associated with normal ship operations, and those associated with the mining and processing operations. Although the MTA makes provision to regulate discharges of harmful substances from ships undertaking mining, rules have not yet been made as there have been no mining activities undertaken by ships in New Zealand's EEZ.

¹ Controlled offshore installations are defined in the Marine Protection Rules Part 200, as any offshore installations in waters of the EEZ or above the ECS.

23. Under the EEZ Bill, environmental effects of discretionary activities will be assessed prior to commencement of operations. Applications for consents under the EEZ legislation and iwi notification will involve a public process including public notification, submissions and hearings (if required). In making consent decisions, the EPA will consider a number of matters, including the purpose and principles of the EEZ legislation, the effects on the environment and existing interests (including Treaty settlements and marine customary titles), and proposals to avoid, remedy and mitigate adverse effects. The EEZ Bill sets out the timeframes for the EPA to progress the decision-making process.

The issues and opportunities for achieving better management

24. Under current arrangements, MNZ will continue to regulate discharge and dumping, while the EPA will assess the overall EEZ consent for activities in the EEZ and ECS. The existing fragmentation of responsibilities is likely to:
- make it challenging to manage cumulative effects of multiple activities and take a whole-of-life approach to the management of environmental effects of activities in the EEZ and ECS
 - create inefficiencies and uncertainty for industry who in some instances will need to engage with both MNZ and the EPA under differing environmental effects management regimes to gain the necessary environmental approvals for their activities
 - create inefficiencies for government by duplicating processes
 - continue the lack of public and iwi participation in the assessment and decision-making process associated with discharge and dumping activities in the EEZ and ECS.

Functions proposed for transfer

25. I propose amending the MTA to transfer the regulation of discharges from offshore installations, offshore pipelines, and mining discharges from production facilities on board mineral mining ships and dumping from MNZ to the EPA.
26. The EEZ Bill creates an opportunity to transfer responsibility for discharge and dumping functions from MNZ to the EPA. Transferring these functions to the EEZ Bill enables regulations to be made setting thresholds for permitted discharges and for discretionary discharges to be assessed within a consenting regime with statutory timeframes. Decision making would become the responsibility of the EPA, an agency with appropriate expertise and systems.
27. I propose that the necessary amendments are made to the MTA and EEZ Bill to transfer the regulation of dumping and the regulation of the following discharges within the EEZ and ECS:
- production and displacement water, and offshore processing drainage
 - chemicals involved in drilling, production and maintenance activities
 - machinery space oily waste (set by MARPOL)
 - garbage (set by MARPOL).

28. I propose that discharge functions that will not be transferred to the EEZ Bill and remain with the MTA are:
1. discharges associated with ships (except as noted in recommendation 12)
 2. issue of International Oil Pollution Prevention Certificates (including warrants for oil filtering equipment and bilge water holding tanks)
 3. requirement to maintain an oil record book for machinery space operations
 4. marine oil spill response planning, preparedness, and response
 5. reporting of events, such as oil spills.
29. I propose that the routine ship discharges remain in the MTA, as MNZ is best placed to regulate activities associated with shipping.
30. I do not consider it necessary to transfer oil spill response functions and discharges associated with normal ship operations. These functions require specialist expertise and equipment, and they do not sit well with the purpose of the EEZ Bill or the capability and resources of the EPA.
31. Currently there are emergency provisions in the MTA that enable urgent action to be taken by an operator without full approval being granted by MNZ. I propose similar arrangements for operators will be included in the EEZ Bill. Both MNZ and the EPA will need to work together to ensure information is shared and agree on any enforcement actions in exceptional circumstances.
32. I do not intend to make any changes to the roles and responsibilities for local government with respect to assessing discharge and dumping functions in the territorial sea.
33. I consider that these changes are likely to result in improved environmental management, greater certainty of process, reduced compliance costs for industry, and improved public and iwi participation.

International obligations

34. New Zealand is a signatory to a number of international conventions relating to dumping and marine pollution. I consider the Ministry of Transport, in consultation with the Ministry of Foreign Affairs and Trade, will continue to be the policy lead for New Zealand's engagement with the International Maritime Organisation, and no change to the focal point is proposed at present. Technical expertise and annual dumping reporting to the International Maritime Organisation, currently undertaken by MNZ, is proposed to be jointly shared by MNZ and the EPA as competent authorities.

Implications of the transfer

Industry

35. Cabinet has already agreed to the EEZ policy and associated costs that will result for industry from assessing activities that fall within scope of the EEZ Bill. The financial impact on industry of transferring discharge and dumping

assessments to the EPA is unclear. This is primarily because the majority of discharge and dumping applications are likely to be considered in the context of a wider EEZ consent, thereby obscuring the financial costs to industry. The costs will also depend on how activities are classified. Regulations on the classification of activities have not been made, but when they are, the impact on industry will be a consideration.

36. Transferring the discharge and dumping functions to the EPA will provide a framework that would allow discharge approvals to be approved once, prior to the operation commencing, rather than every three years as is the current case. This potentially provides significant savings to industry. To what extent this is possible will depend on the regulations made under the EEZ legislation.
37. It is expected that abandonment/dumping arrangements will be considered in EEZ consent applications for the construction and operation of structures. This will provide greater certainty to industry regarding their obligations at the end of their operations. In particular, it will enable operators to budget for potential end of operation costs.
38. Currently, industry is required to submit an Oil Spill Response Plan to MNZ which is part of the DMP. Under this proposal, industry will still be required to produce this Plan for MNZ.
39. MNZ and the EPA will need to work together to ensure requirements are clear and the sequencing of EEZ consents and oil spill response plans is efficient for industry.

Government

40. MNZ estimates the assessment of discharge and dumping application costs to be approximately \$180,000 per year. MNZ funds these functions via direct charges to the applicant amounting to approximately \$112,000 with the remaining \$68,000 funded from the Marine Safety Charge (the MSC)².
41. The MSC funds navigational aids, distress and safety radio, marine safety information, and other services related to the safety of shipping. Assessment of discharge and dumping applications does not fall within the purpose of the fund. In effect, the MSC has been cross-subsidising the discharge and dumping functions. MNZ is currently reviewing its fees with a view to increase them and to seek 100% cost recovery for discharge and dumping functions.
42. The EPA has been in operation as a standalone Crown entity since 1 July 2011. Its roles, functions, and operational costs are in a state of change. This, combined with the uncertainty about specifically how the discharge and dumping functions could be provided for in regulations, makes it difficult for the EPA to estimate how much the functions will cost.
43. However, it is likely there will be costs associated with non-cost recoverable functions, such as enforcement, appeals, reporting, and other activities not directly associated with any particular discharge or dumping proposal or application. The EPA estimates that costs associated with the transfer might be

² The MSC is paid by all New Zealand commercial vessels and visiting foreign commercial vessels to New Zealand at a rate based on deadweight tonnage, passenger capacity or vessel length.

in the order of \$220,000 per year, of which \$150,000 may be cost recoverable. The remaining \$70,000 per year will come from within the EPA's existing baselines.

44. The EPA may be able to find some economies of scale given the greater availability of in-house technical expertise that MNZ does not have and therefore must outsource. The EPA may also be able to spread the cost associated with assessing discharge and dumping applications across the cost of the EEZ consent as a whole, however any efficiency gains will only be realised in the long term.

Maori and the public

45. Under the EEZ Bill, the public participation provisions are more inclusive and transparent than those currently included in the MTA for the assessment of discharge and dumping applications. EEZ decision making processes include extensive provisions for notifying the public, iwi authorities, customary marine title and protected customary rights groups.
46. The EPA is required to have at least one Board member with knowledge and experience in Treaty of Waitangi and tikanga Maori. In carrying out the discharge and dumping functions, the EPA will benefit from the advice of the Maori Advisory Committee and decision makers must have regard to existing interests including iwi interests.

Environmental

47. Environmental outcomes would be enhanced by consideration of dumping applications before operations cease. This avoids situations where operators may be unwilling or unable to remove a structure such as an exploration platform or seabed fixture. This might be the case where operations have ceased and operators no longer have a cash flow to cover the cost of decommissioning.
48. Locating the functions within the EEZ regime will also allow for a holistic approach to assessing the environmental effects of discharges and dumping along with other activities in the EEZ. The EPA will be able to consider cumulative effects and whole of life effects for entire operations, as well as effects on existing interests.

Monitoring and enforcement

49. The transfer of the discharge and dumping functions to the EEZ Bill will mean that the EPA takes on responsibility for monitoring and enforcement of compliance with the legislation. MNZ will retain oil spill responsibilities including response, monitoring and enforcement, and discharges from normal ship operations.
50. Enforcement action by the EPA and MNZ is quite distinct. Under the EEZ Bill, it will be an offence to contravene the legislation, regulations, requirement to hold a consent or consent conditions, or other requirements of the legislation. Provisions relating to liability for clean-up costs, preventative measures, and third party pollution damage will be retained in the MTA. In the event of

discharges in breach of permitted thresholds or EEZ consents or oil spills, MNZ and the EPA will share information.

51. As the responsible policy agency, the Ministry for the Environment will provide advice to government on the effectiveness of the EEZ regime as a whole. This will include an evaluation of compliance costs, ease of use, and how the functions fit with other legislative requirements.

Amendment requirements

52. This proposal relates to certain rights and obligations of New Zealand under the London Convention and MARPOL, which are currently implemented through the MTA. This proposal will see some of these remain under the MTA, while others are transferred to the EEZ Bill.
53. The transfer will require an amendment to clause 11 of the EEZ Bill (regarding international obligations).
54. The scope of activities restricted under clause 15 of the EEZ Bill would need to be amended to include dumping in the EEZ and on the ECS and to include the discharges from offshore installations, pipelines, and discharges from mineral production activities. New regulation making powers will need to be added to the EEZ Bill to enable regulations to be made, specifying permitted levels of discharges from offshore installations and pipelines. These levels will be the same as those currently specified in the Rules as governed by MARPOL. EEZ regulations will also be required to classify dumping and discharge activities as permitted, discretionary or prohibited.
55. In light of the above amendments, consequential amendments to the MTA and Rules would also be required to make the necessary transfers of the discharge and dumping functions. In particular, Parts 18-21 of the MTA will be affected along with Parts 180 and 200 of the Rules. Consequential amendments may be required to the Environmental Protection Authority Act 2011 to enable the EPA to take on dumping and discharge consenting functions.
56. Consideration will be given to whether other legislation will be impacted by changes to Rules made under the MTA, such as the Local Government Act 1974. To mitigate the risk of unintended consequences, Local Government New Zealand will be consulted on any draft amendments as required.
57. The transfer of these functions will take effect when the EEZ Bill is enacted and the requisite MNZ Rules and EEZ Regulations have been prepared.

Transitional arrangements

58. The number and duration of discharge and dumping applications will be uncertain between now and the enactment of the EEZ Bill. I propose a smooth transfer of discharge and dumping functions from the MTA to the EEZ Bill. To facilitate this, further work will be done on transitional arrangements in consultation with MNZ and the EPA.
59. I propose that the Minister for the Environment and the Minister of Transport are delegated authority to make any decisions necessary to ensure a smooth transfer of functions.

Consultation

60. Industry consulted on the transfer of functions were: Origin Energy, Anadarko Petroleum Corporation, Petroleum Exploration and Production Association of New Zealand, and Coastal Resources Limited. All those consulted agree in principle to the transfer of these discharge and dumping functions.
61. The following departments and Crown entities have been consulted on this paper: Department of Conservation, Department of Internal Affairs, Department of Labour, Environmental Protection Authority, Land Information New Zealand, Maritime New Zealand, Ministry for Culture and Heritage, Ministry of Agriculture and Forestry (Biosecurity and Fisheries), Ministry of Defence, Ministry of Economic Development, Ministry of Foreign Affairs and Trade, Ministry of Justice, Ministry of Science and Innovation, Ministry of Transport, New Zealand Customs Service, State Services Commission, Te Puni Kōkiri, and Treasury. The Department of Prime Minister and Cabinet have been informed of the proposals in this paper.

Financial implications

62. The financial implications and costs associated with the transfer of dumping and discharge functions are outlined under "Implications of the transfer". In brief, the EPA considers that half the costs of the transfer are cost recoverable with the other half to be from existing baselines.

Human rights

63. The proposals contained in this Cabinet paper appear to be consistent with the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993. The Ministry for the Environment will work with the Ministry of Justice during the drafting of the legislative amendments to consider consistency of the proposals with the Human Rights Act 1993 and the Bill of Rights Act 1990.

Legislative implications

64. Amendments to the MTA will be necessary to transfer the regulation of dumping in the EEZ and ECS and all discharges from offshore installations and pipelines and mining discharges from ships to the EPA.
65. Amendments to the EEZ Bill will be necessary to give effect to the transfer of these functions from MNZ to the EPA, including amendments to the regulation making powers to ensure matters in the MNZ Rules can be included in the regulations made under the EEZ Bill. Regulations will need to be made and corresponding amendments will be required to MNZ Rules.
66. There are a number of possible mechanisms to progress the amendment. Options considered include:
 - A government Supplementary Order Paper (**SOP**) on the EEZ Bill which the Minister then asks the Chair of the Committee to consider alongside the EEZ Bill.
 - A SOP on the EEZ Bill which is tabled when the EEZ Bill reaches the Committee of the Whole House stage.

- Making the amendments through the Maritime Transport Amendment Bill which is currently being drafted and has priority 4 on the legislative programme. As the timing of the Maritime Transport Amendment Bill is unknown, it is uncertain when the transfer of function amendments will be made.
- A dedicated bill seeking to amend the Exclusive Economic Zone and Continental Shelf (Environmental Effects) legislation. Once enacted, this will require a legislative bid to be made and approved.

67. I propose to progress the amendments via an SOP on the EEZ Bill.

Regulatory impact analysis

68. Regulatory Impact Analysis requirements apply to the proposals in this paper and a Regulatory Impact Statement has been prepared and attached.
69. The Ministry's Regulatory Impact Analysis Panel (RIAP) has reviewed the Regulatory Impact Statement (RIS) prepared by the Ministry for the Environment and associated supporting material. The RIAP considers that the information and analysis meets the quality assurance criteria.

Consistency with Government Statement on Regulation

70. I have considered the analysis and advice of our officials, as summarised in the attached Regulatory Impact Statement and am satisfied that, aside from the risks, uncertainties and caveats already noted in this Cabinet paper, the regulatory proposals recommended in this paper:
- are required in the public interest
 - will deliver the highest net benefits of the practical options available
 - are consistent with our commitments in the Government statement "Better Regulation, Less Regulation".

Publicity

71. I propose that, following Cabinet decisions, the Ministry for the Environment, MNZ and the EPA will inform industry operators likely to be affected by the proposals in this paper including further transitional arrangements once they are confirmed.

Recommendations

72. The Minister for the Environment recommends that the Committee:
1. note that on 22 August 2011 Cabinet approved for introduction the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill (the EEZ Bill) [CAB Min (11) 31/12] and the Minister for the Environment introduced the EEZ Bill into the House on 24 August 2011
 2. note that the environmental effects of dumping and discharges in the Exclusive Economic Zone (EEZ) and extended continental shelf (ECS) are currently managed by Maritime New Zealand (MNZ) under the Maritime Transport Act (MTA)

3. note that with enactment of the EEZ Bill it is likely that both the Environmental Protection Authority (EPA) and MNZ will be regulating the environmental effects of activities associated with the same operation in the exclusive economic zone (EEZ) and extended continental shelf (ECS)
4. note that the existing fragmentation of the management of environmental effects in the EEZ and ECS may result in:
 - 4.1. difficulty in taking a whole-of-life approach, or in managing cumulative environmental effects of activities in the EEZ and ECS
 - 4.2. inefficiencies for industry who need to engage with both the EPA and MNZ to gain the necessary environmental approvals for their activities
 - 4.3. inefficiencies for government by duplicating processes
 - 4.4. continued lack of public and iwi participation in the assessment and decision-making process associated with discharge and dumping activities
5. agree to transfer responsibility for discharge and dumping functions in the EEZ and ECS from MNZ to the EPA via legislative amendments to the MTA and the EEZ Bill
6. agree to transfer from the MTA to the EEZ Bill the regulation of dumping and the regulation of the following discharges within the EEZ and ECS:
 - 6.1. production and displacement water, and offshore processing drainage
 - 6.2. chemicals involved in drilling, production and maintenance activities
 - 6.3. machinery space oily waste (set by MARPOL)
 - 6.4. garbage (set by MARPOL)
7. agree that discharge functions that will not be transferred to the EEZ Bill and remain with the MTA are:
 - 7.1. discharges associated with ships (except as noted in recommendation 12)
 - 7.2. issue of International Oil Pollution Prevention Certificates (that includes warrants for oil filtering equipment, bilge water holding tanks)
 - 7.3. requirement to maintain an oil record book for machinery space operations
 - 7.4. marine oil spill response planning, preparedness and response
 - 7.5. reporting of events, such as oil spills
8. agree that for the mining and processing of seabed minerals undertaken by ships:
 - 8.1. discharges associated with onboard operations which are currently regulated under the MTA remain regulated under the MTA

- 8.2. mining specific discharges which are not currently regulated (although provision is made for them in the MTA) be transferred to the EEZ Bill
9. agree that the necessary legislative amendments are made to the MTA (in particular Parts 18-21) and Rules (Parts 180 and 200) in order to transfer the discharge and dumping functions
10. agree that amendments are made to the EEZ Bill, to restrict discharge and dumping activities in the EEZ
11. agree that amendments are made to the EEZ Bill to ensure monitoring and enforcement and cost recovery provisions are workable
12. agree that if required, the Environmental Protection Authority Act be amended to enable the EPA to take on dumping and discharge consenting functions
13. agree to amend the regulation making powers in the EEZ Bill to ensure regulations can be made for all the matters in the MNZ Rules that will be transferred to the EEZ regime
14. agree to approve amendments to the MTA and the EEZ Bill to allow MNZ Rules to become regulations
15. note that the transfer of functions is not intended to impact the roles and responsibilities for local government in respect of assessing discharge and dumping functions
16. note that the transfer of discharge and dumping functions will not result in an overlap of enforcement actions by the EPA and MNZ, as:
 - 16.1. provisions relating to liability for clean-up costs, preventative measures, and third party pollution damage will be retained in the MTA
 - 16.2. under the EEZ Bill, it will be an offence to contravene the legislation, regulations, requirement to hold a consent or consent conditions, or other requirements of the legislation
17. note that the costs for the EPA associated with the transferred functions will be funded through cost recovery from applicants and from within the EPA's existing baselines
18. authorise the Minister for the Environment and the Minister of Transport to approve any transitional arrangements necessary to provide a smooth transfer of discharge and dumping functions from the MTA to the EEZ Bill
19. agree that the Ministry for the Environment, in conjunction with relevant agencies, inform operators likely to be affected by the transfer of functions of decisions made
20. note that legislative amendments will be progressed via a Supplementary Order Paper on the EEZ Bill
21. invite the Minister for the Environment to report back to Cabinet Legislation Committee with a Supplementary Order Paper

22. invite the Minister for the Environment to issue drafting instructions to the Parliamentary Counsel Office to implement the proposals set out in this paper
23. agree that the Ministry for the Environment can share drafts and instructions with the EPA and MNZ as is necessary to facilitate the drafting process
24. agree that the Ministry for the Environment can share consultation drafts with Local Government New Zealand as appropriate.



Hon Dr Nick Smith

Minister for the Environment

15 / 9 / 11