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Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

Submitted via: en.legislation@parliament.govt.nz

Tēnā koutou,

Submission of Manawatū District Council on the Environment (Disestablishment of Ministry for the Environment) Amendment Bill.

Manawatū District Council (MDC) thanks the Environment Select Committee for the opportunity to submit on the Environment (Disestablishment of Ministry for the Environment) Amendment Bill.

MDC serves a predominantly rural district with significant agricultural activity, highly productive land, important river catchments, and culturally significant landscapes. Environmental stewardship and the sustainable management of land, water, and natural resources are central to our statutory responsibilities and to the health and wellbeing of our communities. Council acknowledges that the Bill is framed as a machinery of government measure. However, the legislative expression of environmental accountability at central government level carries practical and constitutional importance for local authorities and the communities we represent. Accordingly, Council wishes to raise the following concerns:

Clause 12 and section 32 of the Environment Act 1986

MDC's primary concern relates to clause 12 of the Bill, which amends section 32 of the Environment Act 1986.

Section 17 of the Environment Act sets out matters to which regard must be had, including (among other things) ecosystems, areas and landscapes of cultural and historical value, interests that are part of the heritage of tangata whenua and contribute to their well-being, and effects on communities.

Section 32 currently provides that, in conducting the Ministry's functions, every officer and employee of the Ministry must (as far as practicable) have regard to the matters in section 17(a)–(g).

Clause 12 proposes to replace the current formulation with one where, in conducting the Secretary's functions, the Secretary must (as far as practicable) have regard to the matters in section 17(a)–(g).

MDC acknowledges that chief executive accountability and internal delegation arrangements mean that, in practice, officials will undertake work under the Secretary's authority. However, the proposed amendment removes the Environment Act's express statement that the section 17 matters are to be had regard to across the work of officers and employees. Given the importance of the section 17 matters (including the explicit recognition of tangata whenua heritage interests and community effects), Council considers the proposed drafting reduces clarity and risks misunderstanding as to whether the statutory duty is intended to inform the development of advice and implementation work at officer level, as well as formal decision-making.

Council notes the Bill's clause-by-clause material states that clauses 11–13 transfer the duty on staff to have regard to section 17 matters to the Secretary. Council therefore submits that, if no narrowing is intended, section 32 should be drafted to make the breadth of the obligation explicit.

Proposed amendment

Council proposes that clause 12 be amended so that section 32 clearly applies across the work of officials conducting the Secretary's functions, while remaining consistent with the Bill's "Secretary-centered" accountability model (including proposed section 29(b), which requires the Secretary to ensure compliance with section 32).

Preservation of Section 17 Environmental Protections

MDC considers that the statutory framework established under section 17 of the Environment Act performs an important accountability function within New Zealand's environmental governance architecture. Any machinery of government change should not inadvertently weaken or obscure these obligations.

We request greater clarity, or confirmation and reassurances, with the proposed legislative amendments, that the current evidence-based analysis and checks and balances to ecosystem and biodiversity protections will not be compromised: Section 17 of the Environment Act 1986 mandates that (currently: the Parliamentary Commissioner for the Environment) must consider the "maintenance and restoration of important ecosystems, especially those that support rare, threatened or endangered species of flora and fauna".

With the current legislation, this ensures that ecosystem protection is currently integrated into environmental investigations, policy advice, and reporting, thereby aiming to sustainably protect local habitats and manage natural resources within our communities. This must be maintained within any replacement or amended legislation.

Consistency with the Natural Environment Bill and broader reform

MDC notes that the Natural Environment Bill (introduced on 9 December 2025 as part of replacing the Resource Management Act 1991) assigns certain monitoring responsibilities to the "chief executive of the Ministry for the Environment". Council submits that, if the Bill proceeds and terminological settings are amended for the Ministry for the Environment, there needs to be clear identification of how consequential amendments will be addressed for closely related reform legislation so that responsibilities remain coherent and

unambiguous (and so that the statutory “owner” of those responsibilities continues to be clear to local government, iwi/hapū, and the public).

Given the scale of concurrent system reform, Council submits that legislative clarity is particularly important and requests an explicit assurance from officials that the clause 12 amendment is not intended to narrow the practical application of section 17 matters (including tangata whenua heritage interests and community well-being considerations) in departmental advice and implementation practice.

Submissions timeframe

Council notes the timeframe for submissions on this Bill is limited and is concerned that a compressed submissions window risks limiting meaningful participation on a Bill that alters core statutory architecture for environmental governance (even if framed as machinery of government).

The Cabinet Manual records that select committee consideration enables MPs, interest groups and the public to examine and have input into bills before they pass into law, and that committees ordinarily have up to six months to report (unless the House sets another deadline). With a standard report-back timeframe indicated for this Bill, Council submits that extending the submissions period (or otherwise ensuring reasonable opportunity to be heard) would better support the constitutional purpose of the select committee stage and public confidence in the law-making process.

Conclusion

MDC appreciates the opportunity to provide feedback on this consultation. Council reiterates the necessity for an amendment to preserve the breadth and clarity of the existing obligation contained in section 32 of the Environment Act. Council also, seeks assurance that no narrowing of obligations is intended and that consequential consistency issues (including with the Natural Environment Bill) will be addressed.

MDC does not wish to speak to this submission.

Yours sincerely,



Michael Ford

Mayor