



28 June 2017

MEDIA RELEASE: EMBARGOED UNTIL 12NOON 28 JUNE 2017

ENVIRONMENTAL DEFENCE SOCIETY AND NEW ZEALAND LAW FOUNDATION

New study prepares for RMA shake-up

A major review of New Zealand's environmental management system has been launched in anticipation of fundamental reform of the Resource Management Act.

The Environmental Defence Society review launched today, *New Zealand's Resource Management Law: the Next Generation*, is made possible by \$356,000 of New Zealand Law Foundation funding. The 18-month project will study New Zealand experience and international best practice in environmental management law and make evidence-based recommendations for change.

EDS CEO Gary Taylor says that a back-to-basics reform of the Resource Management Act and related legislation is inevitable regardless of who wins this year's general election. The EDS review will ensure high-quality thinking is done in advance to help shape the new regime.

'The RMA was world-leading when enacted 26 years ago, but New Zealand is now a very different place – changing demographics, growth pressures and reaching environmental limits mean that a fundamental rethink is needed,' Gary says.

'Now that the latest RMA amendments have been enacted, the National-led Government or any new government post-election is likely to launch a major reform initiative in 2018, possibly involving a royal commission or similar. We want to hit the ground running with some properly researched and evidenced ideas.'

Among the issues up for debate will be the complexity of current arrangements, the role of local authorities, central government and the courts and involvement of citizens in environmental decisions and planning.

“One of the outcomes we will seek is more simplicity and efficiency in the process. There needs to be less drag, less time consumed. But at the same time, the community has expectations around environmental bottom-lines that must be met.

“We expect our project will produce a small range of scenarios, different ways of approaching reform. There would then need to be a more detailed working-up of a preferred option,” Gary says.

EDS has a strong track record of research and analysis promoting good environmental governance. The Law Foundation has backed a series of focused EDS think-pieces in recent years, including *Vanishing Nature*, a 2015 book highlighting the plight of New Zealand’s threatened species.

The well-publicised EDS reports have attracted favourable attention from policy makers. Gary says that recommendations for better compliance and enforcement in the latest EDS publication, *Last Line of Defence*, are being adopted by government agencies.

“Various agencies that were criticised in that report are picking up on the recommendations and starting to implement them. DOC is a case in point – it is picking them all up. Our findings shattered some pre-conceptions, for example that regional councils aren’t very good at monitoring, compliance and enforcement. We found that they are generally doing well in this area, but that central government is falling short.”

Gary says the progression of recent EDS reports has built the foundation for a rethink of the whole system. The RMA review project, launched on 1 July, is by far the largest backed by the Law Foundation.

“It’s great to have the support of an organisation that takes a very progressive view of the world. Often funding will proscribe the kind of outcome that might be sought, but the Law Foundation is completely open-minded: once it has identified a topic of interest and relevance, it’s keen to encourage creative, properly researched and innovative thinking,” Gary concluded.

Law Foundation Executive Director Lynda Hagen says that, as an independent charitable trust, the Foundation is uniquely well-placed to support projects of this type.

“As New Zealand’s major funder of independent legal research, we have a strong track record of supporting projects that contribute to long-term policy development,” she says.

“The EDS project is a classic example: it’s preparing the ground for major reform that’s not happening tomorrow, but is not far down the track.”

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Other EDS projects supported by the Law Foundation

Last Line of Defence (2017): Examined the state of play in environmental law compliance, monitoring and enforcement across New Zealand, at all levels of government. It found that many current arrangements are outdated, under-resourced and unfit for purpose, leading to variable enforcement across the country.

Pathways to Prosperity (2016): Explored ideas for additional conservation funding, including through polluter-pays and user-pays approaches, as well as changes to the tax system through environmental consumption taxes and rebates for good practice.

Vanishing Nature (2015): The first comprehensive stock-take of the country's natural heritage and efforts to protect it. It found that existing measures were failing to protect threatened species like the kiwi, the kauri and the kokopu (whitebait).

Wonders of the Sea (2012): Examined the law protecting marine mammals from human activity.