

Review of sections 6 and 7 of the Resource Management Act 1991 – Technical Advisory Group

Terms of Reference

The Resource Management Act 1991 (RMA) Principles Technical Advisory Group (TAG) is appointed to provide independent advice to the Minister for the Environment on any changes needed to sections 6 and 7 of the RMA to improve the functioning of the RMA relative to: 20 years practical experience of its operation; the Government's environmental and economic objectives; and the broader second phase of resource management reforms. The TAG will commence and expire on the dates specified in the letters of appointment.

Context

This review sits within the government's Resource Management reform phase two work programme. The objectives of the programme are to consider:

- providing greater central government direction on resource management;
- improving economic efficiency of implementation without compromising underlying environmental integrity;
- avoiding duplication of processes under the RMA and other statutes; and
- providing for efficient and improved participation of Māori in resource management processes.

Scope of work

The TAG's role will be to undertake a focused review of sections 6 and 7 of the RMA. In particular, they will focus on whether sections 6 and 7 can be improved to:

- give greater attention to managing issues of natural hazards noting the RMA issues arising from the recent Canterbury earthquakes
- consider the recommendations for changes to sections 6 and 7 from the urban and infrastructure technical advisory groups in a broader context
- consider changes that would enable the incorporation of the Soil Conservation and Rivers Control Act 1941, River Boards Act 1908 and the Land Drainage Act 1908
- reflect on the provisions relative to the resource management challenges facing New Zealand 20 years on from the RMA's enactment
- promote consistency of interpretation through clear and modern drafting.

In carrying out this review, the TAG will be able to consider the range of issues relevant to gain a clear view of the work needed on sections 6 and 7.

The review will be limited from considering any matters that may affect other sections of Part Two of the RMA (sections 5 and 8 of the Act, which outline the RMA's purpose and principles).

Outputs from the TAG

- The TAG is to work with officials and provide advice by the end of March 2012, in the form of a report to the Minister for the Environment.
- The TAG will have an evidential basis for the advice it provides to the Minister for the Environment. Specifically it will show how the identified problems create undesirable outcomes, what the costs of these problems are, and what the costs and benefits would be of any recommended changes to resource management practice and/or legislation.
- The first meeting of the TAG will be in October 2011, and fortnightly thereafter (some adjustment around the December 2011 to January 2012 period will be agreed).
- Officials will provide a set of proposals to the TAG by 31 October 2011.
- The TAG will meet the following timeframes for each stage of its work:
 - problems identified and substantiated by evidence by the end of November 2011;
 - the range of potential options to resolve problems identified by the end of December 2011;
 - key options identified by the end of January 2012; and
 - options fully developed and recommendations drafted by the end of February 2012.
- The TAG will report to the Minister for the Environment in February 2012.
- TAG members will be available through to 30 June 2012 to provide oral advice to the Minister of the Environment.

Working relationship with government officials

- Government officials from the Ministry for the Environment will provide secretariat support to the TAG and be available to answer questions as the TAG works through the processes agreed.
- Government officials may commission policy analysis or primary research from external consultants to assist the TAG, subject to the budget for this project. This may include advice from persons with local authority expertise.
- All considerations of the TAG are to remain confidential to the members and the Minister for the Environment, although they will be subject to the Official Information Act 1982.
- At least one official from the Ministry for the Environment will be present at all meetings of the TAG except where the chair requests a private session. Officials from other departments may be called upon as required to provide background information or explanations.
- Any advice on the Rivers Boards Act 1908 and the Land Drainage Act 1908 will be commissioned by the Ministry for the Environment in consultation with the Department of Internal Affairs.