

Environment (Disestablishment of Ministry for the Environment) Amendment Bill

Government Bill

Explanatory note

General policy statement

The Government intends to make a machinery of government change that will consolidate the Ministry for the Environment, the Ministry of Housing and Urban Development, the Ministry of Transport, and the local government functions of the Department of Internal Affairs into a new ministry with a broader range of functions.

The Ministry for the Environment is the only ministry affected by the change that is created by statute. The objective of this Bill is to disestablish the Ministry for the Environment so that the Government's desired machinery of government change can be implemented. Secondary legislation made under the Public Service Act 2020 will be used to disestablish the other agencies and create the new ministry.

The Ministry for the Environment's existing functions are unchanged and will be transferred to the statutory office of the Secretary for the Environment. The Government intends that the chief executive of the new consolidated ministry will be the Secretary for the Environment.

Departmental disclosure statement

The Ministry for the Environment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2026&no=249>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill commences on 1 July 2026.

Clause 3 states that the Bill amends the Environment Act 1986 (the **Environment Act**).

Part 1

Amendments to principal Act

Part 1 amends the Environment Act.

Clause 4 amends the Long Title to repeal the reference to establishing the Ministry for the Environment.

Clause 5 amends section 2, which is the interpretation section.

Clause 5(2) and (3) repeals the definitions of Minister and Ministry so that the default definitions of those terms in section 13 of the Legislation Act 2019 apply. This change—

- reflects the modern drafting practice of not referring to portfolio names in legislation; and
- means that remaining references to the Ministry in the Environment Act become references to the Ministry that, with the authority of the Prime Minister, is responsible for administering that Act.

Clause 5(4) replaces the definition of Secretary, to define the Secretary for the Environment (the **Secretary**) as the chief executive of the Ministry that, with authority of the Prime Minister, is responsible for administering the Environment Act.

Clause 6 inserts a reference to *new Schedule 1*. The new schedule provides for the disestablishment of the Ministry for the Environment.

Clause 7 renames Part 2 of the Environment Act from “Ministry for the Environment” to “Secretary for the Environment”.

Clause 8 repeals section 28, which established the Ministry for the Environment.

Clause 9 replaces section 29, which is about the appointment of the Secretary for the Environment. The amendment removes content that duplicates the Public Service Act 2020. The replacement section provides that the Secretary is responsible to the Minister for the performance of the Secretary’s functions and for complying with their obligation to have regard to the matters in section 17 of the Environment Act.

Clause 10 repeals section 30, which is about appointing staff and is unnecessary in light of the Public Service Act 2020.

Clauses 11, 12, and 13 replace references to the Ministry for the Environment with references to the Secretary. This change transfers the existing functions of the Ministry, and the duty on its staff to have regard to the matters in section 17 of the Environment Act, to the Secretary.

Clauses 14 inserts *new Schedule 1*, which contains a transitional provision to disestablish the Ministry for the Environment. *Clause 15* renumbers the existing Schedule of the Environment Act as *Schedule 2*.

Clause 16 inserts *new Schedule 3*, which lists other Acts that confer functions on the Secretary for the Environment. The Secretary must have regard to the matters listed in section 17 of the Environment Act when exercising their functions under the Acts listed in *new Schedule 3*.

Part 2

Amendments to other Acts

Part 2 contains consequential amendments to other Acts that refer to the Ministry for the Environment. For some Acts, the Bill deletes the words “for the Environment” so that a reference to the Ministry for the Environment becomes a reference to the Ministry that is responsible for administering that Act. For other Acts, the Bill replaces references to the Ministry for the Environment with references to the Ministry that is responsible for administering another Act, such as the Environment Act or the Resource Management Act 1991. *Part 2* also repeals references to the Ministry for the Environment from the list of public service agencies in Schedule 2 of the Public Service Act 2020.

Hon Penny Simmonds

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The Parliament of New Zealand enacts as follows:		
1	Title	
	This Act is the Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026 .	
2	Commencement	5
	This Act comes into force on 1 July 2026 .	
3	Principal Act	
	This Act amends the Environment Act 1986.	
Part 1		
Amendments to principal Act		
4	Long Title amended	
	In the Long Title, repeal paragraph (b).	
5	Section 2 amended (Interpretation)	
(1)	In section 2, definition of consent , paragraph (a), replace “the Schedule” with “Schedule 2”.	15
(2)	In section 2, repeal the definition of Minister .	
(3)	In section 2, repeal the definition of Ministry .	
(4)	In section 2, replace the definition of Secretary with:	
	Secretary or Secretary for the Environment means the chief executive of the Ministry	20
6	New section 2A inserted (Transitional, savings, and related provisions)	
	After section 2, insert:	

2A	Transitional, savings, and related provisions	
	The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.	
7	Part 2 heading replaced	
	Replace the Part 2 heading with:	5
Part 2 Secretary for the Environment		
8	Section 28 repealed (Ministry for the Environment)	
	Repeal section 28.	
9	Section 29 replaced (Secretary for the Environment)	10
	Replace section 29 with:	
29	Secretary for the Environment responsible to Minister	
	The Secretary for the Environment is responsible to the Minister for—	
	(a) the performance of their functions under section 31; and	
	(b) ensuring compliance with section 32.	15
10	Section 30 repealed (Other officers and employees of Ministry)	
	Repeal section 30.	
11	Section 31 amended (Functions of Ministry)	
(1)	Replace the heading to section 31 with “ Functions of Secretary for the Environment ”.	20
(2)	In section 31, replace “The Ministry shall have” with “The Secretary has”.	
(3)	In section 31(c)(i), replace “the Schedule” with “Schedule 2”.	
(4)	In section 31(g), replace “the Ministry by any enactment” with “the Secretary by an Act listed in Schedule 3 ”.	
12	Section 32 amended (Matters to which regard to be given)	25
	In section 32, replace “Ministry’s functions, every officer and employee of the Ministry, so far as is practicable, shall” with “Secretary’s functions, the Secretary must, as far as practicable,”.	
13	Section 33 amended (Committees)	
	In section 33(1), replace “Ministry” with “Secretary”.	30

14 New Schedule 1 inserted

Insert the **Schedule 1** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.

15 Schedule heading replaced

Replace the Schedule heading with:

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Schedule 2
Acts under which consents may be granted

ss 2, 31(c)(i)

16 New Schedule 3 inserted

After the Schedule, insert as **Schedule 3** the schedule set out in **Schedule 2** of this Act.

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Part 2
Amendments to other Acts

17 Amendments to other Acts

Amend the Acts specified in **Schedule 3** as set out in that schedule.

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Schedule 1
New Schedule 1 inserted

s 14

Schedule 1
Transitional, savings, and related provisions

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s 2A

Part 1
Provision relating to Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026

- 1** **Ministry for the Environment disestablished**
The Ministry for the Environment is disestablished.

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**Schedule 2
New Schedule 3 inserted**

s 16

**Schedule 3
Other Acts that may confer functions on Secretary**

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s 31(g)

Climate Change Response Act 2002

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

Fast-track Approvals Act 2024

Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

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Hazardous Substances and New Organisms Act 1996

Resource Management Act 1991

Waste Minimisation Act 2008

Schedule 3 Amendments to other Acts

s 17

Commerce Act 1986 (1986 No 5)

In Schedule 7, replace clause 37(5)(c) with:

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- (c) the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for administering the Environment Act 1986, including any statutory officer who carries out work for that entity:

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Fast-track Approvals Act 2024 (2024 No 56)

In section 103, definition of **administering agency**, replace “the Ministry for the Environment” with “the chief executive of the department that, with the authority of the Prime Minister, is responsible for administering the Resource Management Act 1991”.

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Fiordland (Te Moana o Atawhenua) Marine Management Act 2005 (2025 No 36)

In section 4(1), definition of **management agency**, replace paragraph (b) with:

- (b) the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for administering the Environment Act 1986:

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Goods and Services Tax Act 1985 (1985 No 141)

In section 5(6AC)(b), replace “Secretary for the Ministry for the Environment” with “Secretary as defined in section 5(1) of the Waste Minimisation Act 2008”.

Hazardous Substances and New Organisms Act 1996 (1996 No 30)

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In section 141C(1)(a), delete “for the Environment”.

In section 141G(2), delete “for the Environment”.

Maritime Transport Act 1994 (1994 No 104)

Replace section 282(3)(i) with:

- (i) the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for administering the Environment Act 1986:

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Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 1, repeal the item relating to the Ministry for the Environment.

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Public Service Act 2020 (2020 No 40)

In Schedule 2, Part 1, repeal the item relating to the Ministry for the Environment.

In Schedule 2, Part 3, item relating to the Climate Change Chief Executives Board, second column, repeal the item relating to the Ministry for the Environment.

Resource Management Act 1991 (1991 No 69)

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In section 77F, definition of **national planning standards**, replace “that ministry” with “the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for administering this Act”.

In section 360K(4), delete “for the Environment”.

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In Schedule 1AA, clause 3(1)(a), delete “for the Environment”.

In Schedule 1AA, clause 5(1), delete “for the Environment”.

Waste Minimisation Act 2008 (2008 No 89)

In section 5(1), replace the definition of **Secretary** with:

Secretary means the Secretary for the Environment within the meaning of section 2 of the Environment Act 1986

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In section 93(2)(c), delete “for the Environment”.

Water Services Act 2021 (2021 No 36)

In section 204(5), definition of **regulatory agency**, replace paragraph (h) with:

(h) the agency that, with the authority of the Prime Minister, is responsible for administering the Environment Act 1986, including any statutory officer who carries out work for that agency:

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