

Environment (Disestablishment of Ministry for the Environment) Amendment Bill

Government Bill

As reported from the Environment Committee

Commentary

Recommendation

The Environment Committee has examined the Environment (Disestablishment of Ministry for the Environment) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

Introduction

This bill is intended to facilitate the Government’s plan to combine the functions of four government agencies into a new Ministry of Cities, Environment, Regions and Transport (MCERT):

- the Ministry for the Environment
- the Ministry of Housing and Urban Development
- the Ministry of Transport
- local government functions of the Department of Internal Affairs.

The Ministry for the Environment is the only one of these agencies created by statute; it therefore requires legislative amendments before changing its structure. The Ministry was established as a “department of State” by the Environment Act 1986. Later, the Public Service Act 2020 listed the Ministry as a department in Schedule 2, which means it is treated as a public service agency. The Environment Act assigns the Ministry for the Environment a range of advisory functions.

The bill would amend the Environment Act. It would disestablish the Ministry for the Environment and transfer the Ministry’s existing functions to the statutory office of the Secretary for the Environment. The Government has stated that it intends the chief executive of the new MCERT to fulfil the role of Secretary for the Environment.

The bill would also make limited updates to terminology, and clarify how the transfer of functions would work.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Accountability for Environment Act responsibilities

Submitters raised concerns about how the Secretary for the Environment's responsibilities under the Environment Act would be upheld. Submitters felt that environmental functions could be deprioritised if they became part of the portfolio of a larger ministry. They felt that it had not been adequately explained how environmental priorities would be protected in practice.

We note that clause 9 already specifies that the Secretary for the Environment would be responsible to the Minister for the performance of their Environment Act functions. However, we agree that the bill could be strengthened by requiring greater reporting of Environment Act responsibilities. We recommend that clause 13A, new section 34, be inserted to require the Secretary for the Environment to report annually on the performance of their functions under the Environment Act. The Secretary's report should be included in the annual report that the responsible department (MCERT) is required to prepare under the Public Finance Act 1989.

The bill would come into force on 1 July 2026. We would like to ensure that the requirement to report annually on performance against the Environment Act applies to the financial year starting on the commencement date. We recommend inserting a new clause into Schedule 1 of the bill to ensure new section 34 is applied prospectively from the financial year beginning 1 July 2026.

Other concerns raised by submitters

We received written submissions from 588 individuals and groups. All but five submissions were overtly opposed to the bill. In this section, we discuss the common themes that emerged in submissions and why we do not consider any further amendments to the bill necessary.

Environmental advice and advocacy

Submitters noted the Ministry's importance as a source of science-based environmental advice and promoter of environmental outcomes. However, we note that departments do not operate independently (unlike Crown entities such as the Environmental Protection Authority). The existing Environment Act does not impose an advocacy role on the Ministry, nor does this bill propose to change that.

Possible conflicts of interest

Submitters expressed concern that, if the Ministry's functions are combined with other ministries' functions, the various roles proposed to be performed by the chief

executive of MCERT could create actual or perceived conflicts of interest. We note that Section 31(d) of the Environment Act already provides for the resolution of conflict in relation to policies and proposals which may affect the environment. This function would be transferred to the Secretary for the Environment, so we consider that potential conflicts of interest could be suitably addressed.

Provision of environmental advice

Submissions suggested that officials would provide less contestable advice amidst competing governmental priorities. The bill proposes no substantive changes to the Ministry's existing functions, and advice about environmental implications of ministerial decisions would still be provided.

Capability and capacity to respond to environmental pressures

Some submitters considered that merging the Ministry for the Environment into a larger entity would reduce the influence of environmental experts. Our advisers did not have any specific evidence to support or contradict these capability concerns.

Submitters were also concerned about capacity in MCERT. Clause 10 of the bill would repeal section 30 of the Environment Act, which currently enables the Ministry to employ people needed to efficiently carry out the Ministry's functions. We note that section 30 is being repealed to better align with general appointment provisions in the Public Service Act 2020. The chief executive of MCERT would be responsible for appropriately resourcing statutory functions.

Stewardship, reputation, and values

We heard from some submitters that disestablishing the Ministry for the Environment could weaken long-term environmental stewardship, dilute oversight, and signal a change of national priorities. We note that the bill does not propose any changes to existing definitions or functions of the Environment Act.

Māori–Crown relationship

Submitters raised concerns about the merger potentially reducing visibility, accountability, and institutional capability to uphold the Crown's responsibilities under Te Tiriti o Waitangi | the Treaty of Waitangi. The bill proposes no changes to the relevant parts of the Environment Act, such as the long title which explicitly references the need to ensure the full and balanced account of the principles of the Treaty of Waitangi.

Process, timing, and funding

Submitters expressed a range of concerns over the bill's process, including the speed of change not allowing sufficient time for analysis, transparency, implementation, and select committee scrutiny. We note that it is uncommon for a government department to be established by statute, and the proposed changes bring the Ministry for the Environment into line with other departments which are not established by statute.

Some submitters questioned how future appropriations would work. Budget matters are outside the scope of this bill—they are managed by the Public Finance Act 1989.

Green Party of Aotearoa New Zealand differing view

The Green Party strongly opposes this bill. We agree with the 99 percent of submitters who voiced their opposition, including resounding opposition in public hearings. We heard from iwi, hapū, academic experts, environmental organisations, civil society institutes, and everyday kiwis. Of the 588 submissions, only one individual noted support for the disestablishment.

The Ministry for the Environment exists because in 1986 New Zealanders decided that protecting our natural world needed a dedicated voice at the heart of government. Forty years on, rather than strengthening that voice, this committee is recommending burying it inside a mega-ministry designed to drive growth and development.

We are extremely disappointed and concerned that the National Party and ACT Party members want to proceed with this bill despite:

- no clear justification for such a rushed process
- no evidence or Regulatory Impact Statement to support any clear rationale
- no sound understanding of the implications for Māori and Te Tiriti obligations
- no regard for the near-complete lack of support for it, nor the expert submission which showed that Cabinet was provided with incorrect or misleading information about the failure of similar mergers undertaken overseas.

Further, it is worth noting that this select committee is progressing the bill despite having had no assurance that ongoing transparency and reporting will be maintained—for example through clear appropriations in the Government’s budget—or even assurance that there will be an ongoing role for the Minister for the Environment.

This bill is yet another action by the most anti-environment Government that Aotearoa New Zealand has ever had. We oppose this bill in its entirety.

New Zealand Labour Party differing view

The Ministry for the Environment (the Ministry) was created through statute to be the lead adviser on the environment and climate as part of a suite of environmental reform that responded to the degradation of our environment and the need to do better. Disestablishing the Ministry dedicated to oversight of environmental issues and land-use planning is a backwards move and appears to be one more step in the coalition Government’s broader agenda to dilute environmental protections.

Labour is appalled by the constant attacks on the environment by this Government. New Zealand prides itself on its “100% pure” and “clean, green” image. New Zealanders treasure our deep connection to nature; it is recognised as being an integral part of personal and collective identities.

Yet, we are facing a biodiversity crisis and have the highest proportion of threatened species, and much of our freshwater is polluted.

Labour views this bill, that will disestablish the Ministry, through the lens of this Government's inaction to protect the natural environment and its view that the pendulum had swung too far towards environmental protection. Our environment is the foundation of our economy and the two cannot be separated. It creates jobs, improves health and wellbeing, and particular sectors like tourism are reliant on a thriving environment. The creation of a mega Ministry has the risk of diminishing the role currently undertaken by the Ministry and for the focus to simply be on urban areas and planning. This risk is exacerbated by concurrent talk by Government ministers of the disestablishment of regional councils and environmental management at the catchment level.

In addition, the Government is currently attempting to undo integrated environmental management by splitting the Resource Management Act into urban environments (the Planning Bill) and "other" environment (the Natural Environment Bill). Labour's view is that for New Zealand's environment to be protected and managed there needs to be an integrated approach that considers issues such as sediment runoff from both rural and urban environments into our rivers and coastal environment. This bill will minimise the voice for the environment and looks to only value regulations only for our urban environment leaving our "other" environment ripe for more pollution.

Labour also wishes to highlight the key points made by the Parliamentary Commissioner for the Environment in his submission to the bill, especially that he recommends excluding the Ministry for the Environment from the merger and points to protecting contestable advice in the new resource management system.

Labour notes that collaboration between government agencies and departments can already occur and there should be incentives for more collaboration. Currently the Minister for the Environment has a defined "vote" and any trade-offs between what the Ministry advises that is different from other ministries should be clear. Merging numerous entities will make these trade-off decisions less clear and is fertile ground for capture and (as submitted by Dr Marie Doole) by those who advocate for economic growth (for some) at the expense of the environment (that benefits all of us). Contestable advice and transparent funding is required. There is also a need to ensure that Treaty settlements are upheld and we note Piriākau Tribal Authority Incorporated submission that a strong and independent Ministry for the Environment is needed for agreements to be upheld.

In addition, this bill has not had a regulatory impact statement, was not foreshadowed in Manifestos of the Government Parties and has had a shortened select committee. And it is being rushed through at a time when the committee is struggling to find time to consider the wider Resource Management Act reforms with continued extended sittings and urgency. Despite the short timeframe the chief executive officer of the mega Ministry has already been appointed, even before this legislation has been reported back to Parliament. This is clear demonstration of the scant regard this Government has for robust Parliamentary processes.

Appendix

Committee process

The Environment (Disestablishment of Ministry for the Environment) Amendment Bill was referred to this committee on 19 February 2026. The House instructed us to report the bill back no later than 24 April 2026.

We called for submissions on the bill with a closing date of 20 February 2026. We received and considered submissions from 588 interested groups and individuals. We heard oral evidence from 22 submitters. We wish to acknowledge the efforts of all submitters and thank them for their engagement.

As part of our consideration of the bill, we have not identified any issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Ministry for the Environment. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Catherine Wedd (Chairperson)

Hon Rachel Brooking

Hon Julie Anne Genter

Ryan Hamilton

Cameron Luxton

David MacLeod

Grant McCallum

Lan Pham

Hon Priyanca Radhakrishnan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Environment (Disestablishment of Ministry for the
Environment) Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Nicola Grigg

Environment (Disestablishment of Ministry for the Environment) Amendment Bill

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Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Amendments to principal Act	
4 Long Title amended	2
5 Section 2 amended (Interpretation)	2
6 New section 2A inserted (Transitional, savings, and related provisions)	2
2A Transitional, savings, and related provisions	3
7 Part 2 heading replaced	3
Part 2	
Secretary for the Environment	
8 Section 28 repealed (Ministry for the Environment)	3
9 Section 29 replaced (Secretary for the Environment)	3
29 Secretary for the Environment responsible to Minister	3
10 Section 30 repealed (Other officers and employees of Ministry)	3
11 Section 31 amended (Functions of Ministry)	3
12 Section 32 amended (Matters to which regard to be given)	3
13 Section 33 amended (Committees)	3
13A New section 34 inserted (Reporting)	3
34 Reporting	4
14 New Schedule 1 inserted	4
15 Schedule heading replaced	4

	Environment (Disestablishment of Ministry for the Environment) Amendment Bill	
cl 1		
16	New Schedule 3 inserted	4
	Part 2	
	Amendments to other Acts	
17	Amendments to other Acts	4
	Schedule 1	5
	New Schedule 1 inserted	
	Schedule 2	6
	New Schedule 3 inserted	
	Schedule 3	7
	Amendments to other Acts	

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	10
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
13A	<u>New section 34 inserted (Reporting)</u>	
	<u>After section 33, insert:</u>	

34 Reporting

(1) The Secretary must, as soon as practicable after the end of a financial year, report to the Minister on how the Secretary has performed their functions under section 31 in that financial year.

(2) The Secretary's report must be included in the annual report of the Ministry for that financial year. 5

(3) In this section,—

annual report of the Ministry means the annual report that—

(a) the Ministry is required to prepare under section 43 of the Public Finance Act 1989; and 10

(b) must be presented to the House of Representatives, and published, under section 44 of that Act

financial year has the meaning given in section 2(1) of the Public Finance Act 1989.

14 New Schedule 1 inserted 15

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:

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. 25

Part 2
Amendments to other Acts

17 Amendments to other Acts

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

Schedule 1
New Schedule 1 inserted

s 14

Schedule 1
Transitional, savings, and related provisions

5

s 2A

Part 1

~~Provision~~ Provisions relating to Environment (Disestablishment of Ministry for the Environment) Amendment Act 2026

- 1** **Ministry for the Environment disestablished** 10
The Ministry for the Environment is disestablished.
- 2** **First report**
The first report under **section 34** must be made for the financial year that begins on 1 July 2026.

**Schedule 2
New Schedule 3 inserted**

s 16

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

5

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

10

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:

5

- (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:

10

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”.

15

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:

20

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)

25

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:

30

Ombudsmen Act 1975 (1975 No 9)

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

35

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)

5

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”.

10

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

15

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:

20

Legislative history

16 February 2026
19 February 2026

Introduction (Bill 249–1)
First reading and referral to Environment Committee