

# Departmental Disclosure Statement

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Environment (Disestablishment of Ministry for the Environment) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for the Environment.

The Ministry for the Environment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

30 January 2026

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## **Part One: 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.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>NO</b>
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### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>NO</b>
No exemption was sought at the time when policy decisions were made. However, the Ministry for Regulation has now determined that these proposals would have been eligible for an exemption from Cabinet's regulatory impact analysis requirements on the basis that the proposal has no or only minor impacts on businesses, individuals, and not-for-profit entities.	

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>NO</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
The Cabinet paper authorising the machinery of government changes needed to establish the new Ministry has been proactively released. The financial implications of the merger have been withheld under section 9(2)(f)(iv). <a href="#">FOR-PUBLISHING-Planning-and-infrastructure-arrangements_Redacted-1.pdf</a>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>
The Bill does not create new obligations or standards, or impact on existing obligations or standards.	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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The Bill has not been assessed for consistency with New Zealand's international obligations as it does not create new obligations or standards, or impact on existing obligations or standards.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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Several Treaty Settlements and Relationship Agreements include references to either the Ministry for the Environment or the Secretary for the Environment.
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The Bill disestablishes the Ministry for the Environment and transfers its existing functions to the Secretary for the Environment, who will be the Chief Executive of the new Ministry. We have assessed all references to the Secretary for the Environment and consider no changes are required to ensure the Secretary's Treaty of Waitangi obligations will keep being met after the merger. We have also assessed all references to the Ministry for the Environment and consider that either the specific obligation has passed in time, has already been fulfilled, or the reference is dealt with by Schedule 9 of the Public Services Act (which would require the incorrect reference to be read as the new Ministry).
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Consistent with the Crown's duty of good faith, we intend to send letters to all affected parties we have a relationship or legal obligation to explaining the changes required to implement the merger and clarifying the relevant contact persons in the new arrangement. This will help ensure that Treaty settlement commitments are transferred seamlessly from the Ministry for the Environment after the merger and are not overlooked by the new Ministry.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <a href="https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/">https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/</a>
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>NO</b>
This Bill directly implements the Government's decision to make a machinery of government change affecting the Ministry for the Environment.	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>YES</b>
This Bill is part of a wider suite of changes needed to implement 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. Officials with policy and legal expertise from multiple agencies have worked together to ensure the various instruments needed to enact the merger will operate as intended. The changes proposed are informed by previous successful machinery of government changes.	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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### Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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### Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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