

# **Environmental Protection Authority Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The Environmental Protection Authority Bill is an omnibus Bill that amends the Climate Change Response Act 2002, the Hazardous Substances and New Organisms Act 1996, and the Resource Management Act 1991. The Bill establishes a new Environmental Protection Authority (EPA) as a Crown agent under the Crown Entities Act 2004.

The purpose of creating an EPA is to more effectively, efficiently and transparently manage the regulation of New Zealand's environment and natural and physical resources. The establishment of the EPA will achieve this through creating a national-level regulatory-focused agency that can contribute to providing greater central government direction on the regulation of the environment, consolidate regulatory and technical skills, and achieve efficiency gains by bringing together similar environmental regulatory functions and powers.

The establishment of the new EPA and identification of the functions it will carry out have been based on the following criteria:

- greater central government direction and consistency in the management and regulation of the environment can be delivered:

- scarce technical skills can be concentrated and efficiency gains can be achieved by grouping similar activities and functions together in one organisation:
- certainty of process for natural resource users can be improved through clarifying responsibilities:
- organisational form is appropriate for the functions and powers to be exercised:
- public perception of undue political influence over regulatory decisions by Ministers can be dispelled:
- additional marginal costs to government can be minimised:
- organisational arrangements are flexible to meet future demands, and changes can be made to the scope of the EPA with minimal disruption.

The establishment of the EPA as a Crown agent provides a clear split between environmental policy functions led by the Ministry for the Environment and the regulatory and technical functions of the EPA. The Bill provides for functions and powers to be transferred to the EPA through amendments to the—

- Climate Change Response Act 2002 (**CCRA**):
- Hazardous Substances and New Organisms Act 1996 (**HSNO Act**):
- Resource Management Act 1991 (**RMA**).

In summary, the Bill will provide for the EPA to—

- process matters for proposals of national significance and applications called in under the RMA:
- provide advice and information on the development and implementation of national environmental standards developed under the RMA:
- undertake all of the functions currently performed by the Environmental Risk Management Authority (ERMA) under the HSNO Act:
- undertake administration of the Emissions Trading Scheme under the CCRA:
- upon request from the responsible Minister and in relation to its functions—
  - provide technical advice on environmental regulation-making where EPA staff have the expertise:

- provide secretarial and administrative assistance to committees and advisory bodies:
- contribute to, and co-operate with, international forums and carry out international obligations.

The part of the Bill that establishes the EPA will come into force the day after the Bill receives the Royal assent.

The parts of the Bill that provide for the transfer of functions and powers to the EPA under the aforementioned enactments and disestablishment of ERMA and the statutory office of the EPA currently housed in the Ministry for the Environment will come into force on a date or dates specified by Order in Council. This will allow for the transfer of each enactment's functions and powers to occur at an appropriate time to ensure minimal disruption to the ongoing administration and operation of the functions. The intention is for the functions under the HSNO Act and RMA to be transferred to the EPA on 1 July 2011, and the functions under the CCRA to be transferred on 30 September 2011.

### **Regulatory impact statement**

The Ministry for the Environment produced a regulatory impact statement on 15 May 2010 to help inform the main policy decisions taken by the Government relating to the content of this Bill. A copy of this regulatory impact statement is available at—

- <http://www.mfe.govt.nz/news/2010-06-03-epa-announcement.html>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The provisions of *Parts 1 and 2* come into force on the day after the date on which the Act receives the Royal assent. The provisions of the rest of the Act will come into force on a date or dates appointed by Order in Council.

## Part 1

### Preliminary provisions

*Clause 3* states the purpose of the Bill is to establish the Environmental Protection Authority (EPA) and to provide for its functions and operation.

*Clause 4* is the interpretation clause. Amongst other terms, the clause defines environment and natural and physical resources by reference to the definitions of those terms in the Resource Management Act 1991, and defines environmental Act as the Climate Change Response Act 2002, the Hazardous Substances and New Organisms Act 1996, or the Resource Management Act 1991.

*Clause 5* provides that the Act binds the Crown.

## Part 2

### Environmental Protection Authority

*Clause 6* establishes the EPA.

*Clause 7* provides that the EPA is a Crown entity and that the Crown Entities Act 2004 applies to the EPA except to the extent that the Bill or any other enactment expressly provides otherwise.

*Clause 8* provides for the Minister to appoint the board of the EPA. There must be no fewer than 6 and no more than 8 members, at least 1 of whom has knowledge and experience relating to the Treaty of Waitangi and tikanga Māori.

*Clause 9* requires that the board collectively has knowledge and experience relevant to the functions of the EPA, namely knowledge of, and experience in,—

- governance procedures and organisational change:
- New Zealand's environmental management system:
- the links between the economy and environmental management:
- the Treaty of Waitangi:
- tikanga Māori:
- administration of environmental and risk management frameworks:
- central government processes.

*Clause 10* provides that neither the chief executive or an employee of the EPA may be appointed to the board.

### *Functions of the EPA*

*Clause 11* states the objective of the EPA. The objective is to undertake its functions in a way that—

- contributes to the efficient, effective, and transparent management of New Zealand's environment and natural and physical resources; and
- enables New Zealand to meet its international obligations.

*Clause 12* specifies the functions of the EPA.

*Clause 13* limits the power of the EPA to enter into contracts for the carrying out of its functions. Before entering into such a contract, the EPA is required to take into account—

- whether the function might be more efficiently carried out by the EPA:
- the desirability of keeping institutional knowledge within the EPA:
- whether entering into the contract would limit the EPA's ability to meet its obligations.

*Clause 14* requires the EPA to appoint a chief executive, who must not be a member of the EPA.

*Clause 15* provides for the Minister delegates a function or power to the EPA under an environmental Act.

*Clause 16* provides that the EPA must not delegate its powers to appoint a chief executive, the Māori Advisory Committee, or a committee.

*Clause 17* establishes the Māori Advisory Committee.

*Clause 18* specifies that the function of the Māori Advisory Committee is to provide advice and assistance to the EPA on matters relating to policy, process, and decisions of the EPA under an environmental Act.

*Clause 19* provides for the EPA to set the terms of reference for the Māori Advisory Committee and review the terms of reference at least every 3 years.

*Clause 20* provides for the remuneration of the Māori Advisory Committee in accordance with the fees framework for the classification

and remuneration of members of statutory and other bodies in which the Crown has an interest.

### **Part 3**

#### **Disestablishment of entities, transfer of functions, and other matters**

*Clause 21* defines terms used in this Part.

##### **Subpart 1—Disestablishment of Environmental Protection Authority established under Resource Management Act 1991**

*Clause 22* disestablishes the EPA established by the Resource Management Act 1991 (**the former EPA**).

*Clause 23* specifies what is to happen to information, money, rights, liabilities and other matters relating to the former EPA once it is disestablished. Everything is to be transferred to the new EPA.

*Clause 24* provides that references to the former EPA in any enactment or document is to be read as a reference to the new EPA.

##### **Subpart 2—Disestablishment of ERMA and Nga Kaihautu Tikanga Taiao**

*Clause 25* disestablishes the Environmental Risk Management Authority (**ERMA**).

*Clause 26* disestablishes every committee appointed by ERMA.

*Clause 27* disestablishes Nga Kaihautu Tikanga Taiao.

*Clause 28* provides that no-one is entitled to compensation for loss of office as a result of the disestablishment of ERMA or Nga Kaihautu Tikanga Taiao.

*Clause 29* transfers the functions, duties, and powers of ERMA to the EPA along with all property, information, money, rights, liabilities, contracts, entitlements, and engagements of ERMA. All directions to ERMA, delegations by ERMA to the chief executive of ERMA, acts and omissions of ERMA become, have effect, or are to be treated as directions to the EPA, delegations by the EPA to its chief executive, and acts and omissions of the EPA. The EPA takes over ERMA's role

in relation to any proceedings and may complete matters that ERMA would have completed.

*Clause 30* provides for certain delegations to continue. These are delegations relating to committees that have not completed decisions, but do not include committees that include a member of ERMA.

*Clause 31* provides for the completion of applications for approval that have not been decided but have had a hearing date or a date for consideration fixed, or for which a hearing has been held. The applications are to be completed by the committees appointed by ERMA to determine them and for this purpose the committees continue to exist.

*Clause 32* allows the EPA to appoint additional members to a committee continued under *clause 31* but does not require the appointment of a member of the EPA. Committees cease to exist once they have completed the applications for which they were continued.

*Clause 33* requires the EPA to prepare a final report and accounts for ERMA.

*Clause 34* provides that references to ERMA in any enactment or document are to be read as references to the EPA.

### Subpart 3—Transfer of employees

*Clause 35* provides for the transfer of employees of the Ministry for the Environment and the Ministry of Economic Development to the EPA. The employees concerned are those performing functions for the former EPA or under the Climate Change Response Act 2002 that are to become functions of the EPA. Transfer is by agreement between the relevant Ministry and the EPA after consultation with the employee.

*Clause 36* provides that employees are to be employed by the EPA on the same or better terms and conditions of employment as they enjoyed with their previous employer.

*Clause 37* provides for the transfer of all ERMA employees to the EPA on the same terms and conditions as they enjoyed with ERMA.

*Clause 38* provides that the transfer does not break the employment of transferred employees.

*Clause 39* provides that transferred employees who were covered by a collective agreement continue to be covered following transfer

and the EPA will be bound by that agreement in relation to those employees.

*Clause 40* provides an employee is not entitled to compensation for technical redundancy if the employee is offered equivalent employment with the EPA.

*Clause 41* provides that employees who are contributors to the Government Superannuation Fund may continue to contribute after transfer to the EPA.

*Clause 42* provides that employment with the EPA following transfer is not new employment for the purposes of the KiwiSaver Act 2006.

#### Subpart 4—Matters related to transfer of functions under Climate Change Response Act 2002

*Clause 43* cancels the appointment of the Registrar who holds office on the day immediately before *Part 4* commences.

*Clause 44* sets out the consequences of the EPA taking over functions of the Ministry for the Environment and the Ministry of Economic Development in relation to the Climate Change Response Act 2002 so that the EPA has everything it needs to stand in the shoes of the Ministries in undertaking the functions.

*Clause 45* continues delegations made by the chief executive of a department with responsibilities under the Climate Change Response Act 2002 to another departmental chief executive as if the delegations were made by the EPA.

*Clause 46* replaces the Ministry for the Environment and the Ministry of Economic Development as parties to contracts that relate solely to functions transferred to the EPA with the EPA.

*Clause 47* sets out the consequences of the EPA becoming a party to a contract in place of the Ministry for the Environment or the Ministry of Economic Development.

### Part 4 Amendments to Climate Change Response Act 2002

*Part 4* amends the Climate Change Response Act 2002 to provide for the EPA to take over the functions of the chief executive of the



department responsible for various aspects of the Emissions Trading Scheme (**ETS**). A number of amendments to the Act result from the transfer of the functions and powers of the chief executive of the department to the EPA, which is a Crown entity.

The EPA will take over the following functions:

- keeping a register of persons who carry out activities and a register of participants:
- receiving and collating data provided by participants:
- administering allocations relating to industry and agriculture:
- approving the use of unique emissions factors by participants:
- directing the Registrar to transfer New Zealand units to which participants are entitled for removal activities to participants' holdings accounts:
- ensuring participants comply with, and enforcing, Parts 4 and 5 of the Act:
- publishing information:
- issuing emissions rulings to help persons meet their obligations.

*Clause 49* amends section 4, which deals with interpretation.

*Clause 50* amends section 8 to clarify that a direction given by the Minister of Finance to the Registrar is not a direction to which the Crown Entities Act 2004 applies.

*Clause 51* inserts *new subpart 1A of Part 2* to provide for the functions of the chief executive and empower the chief executive to delegate functions, duties, and powers to the EPA.

*Clause 52* replaces section 11 to provide that the EPA must appoint one of its employees as the Registrar.

*Clause 53* amends section 12 to clarify that the Registrar operates the Registry for the Crown.

*Clause 54* amends section 30G to make it explicit that fees set in relation to the Registrar's activities must be on a cost-recovery basis.

*Clause 55* amends section 36 to allow for employees of the EPA to be appointed as inspectors.

*Clause 56* replaces the heading to subpart 3 of Part 4.

*Clause 57* amends section 87 to substitute the EPA for the chief executive and to clarify that the EPA undertakes its functions for the Crown.

*Clause 58* inserts *new section 87A*, which broadens the effect of section 73(1) of the Crown Entities Act 2004 in relation to the EPA by allowing the EPA to delegate to an office holder in a department of the Public Service approved by the EPA's responsible Minister.

*Clause 59* amends section 88 by providing that section 115(1) of the Crown Entities Act 2004 applies to a general direction to the EPA.

*Clause 60* amends section 93 to provide for the EPA, instead of the chief executive, to appoint enforcement officers. *Clause 60* also continues the appointments of existing enforcement officers.

*Clause 61* amends section 99 by inserting references to the EPA so that the EPA is also covered by the obligation to maintain confidentiality and to ensure that information may be shared for the purposes of the administration of the Act and reporting requirements under the Public Finance Act 1989.

*Clause 62* inserts *new section 138A*, which provides for penalties recovered by the EPA to be paid into a Crown Bank Account.

*Clause 63* amends section 163 to refer to the EPA instead of the chief executive and to make it explicit that fees are to be set on a cost-recovery basis.

*Clause 64* makes minor amendments to the Climate Change Response Act 2002 and the Climate Change Response (Emissions Trading) Amendment Act 2008 to reflect the changes to responsibilities under the Acts.

## **Part 5**

### **Amendments to the Hazardous Substances and New Organisms Act 1996**

*Part 5* amends the Hazardous Substances and New Organisms Act 1996 to replace the Environmental Risk Management Authority (**ERMA**) with the EPA. Part 4A of the Act is repealed. Part 4A established Nga Kaihautu Tikanga Taiao.

*Clause 67* amends section 11 to limit the EPA's functions to functions under the Hazardous Substances and New Organisms Act 1996 only.

*Clause 68* replaces the heading to Part 4 so that it refers to administrative provisions instead of to the Environmental Risk Management Authority.

*Clause 69* repeals sections 14, 15, 16, and 18.

*Clause 70* inserts *new sections 18, 18A, 18B, and 18C*. *New section 18* requires a committee appointed by the EPA to include as least 1 member of the EPA, and also provides that a person may only be appointed to a committee with the approval of the Minister. *New section 18A* authorises a committee appointed by the EPA to, itself, appoint a subcommittee and delegate the function to hear and decide certain applications to the subcommittee. *New section 18B* deals with the composition of subcommittees and *new section 18C* requires members of a subcommittee to have knowledge and expertise in the subject matter of the application for approval before the subcommittee.

*Clause 71* amends section 19 to reflect that committees will be appointed under the Crown Entities Act 2004.

*Clause 72* repeals Part 4A.

*Clause 73* repeals Schedule 1.

*Clause 74* further amends the Hazardous Substances and New Organisms Act 1996 by making the minor amendments set out in *Schedule 2*.

## **Part 6**

### **Amendments to the Resource Management Act 1991**

*Part 6* makes amendments to the Resource Management Act 1991 that are consequential to the disestablishment of the existing EPA established under section 42B of the Act and the establishment of the EPA as a Crown entity by *clause 6*. The new EPA will take over the functions of the disestablished EPA under the Resource Management Act. In addition, the EPA will advise the Minister on whether a matter is, or is part of, a proposal of national significance in the context of the Minister's power to call in proposals and make recommendations to the Minister in relation to the proposal.

## **Part 7**

### **Consequential amendments**

*Clause 86* makes consequential amendments to the Acts and Regulations as set out in *Schedules 3, 4, and 5*.

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*Hon Dr Nick Smith*

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Government Bill

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**Schedule 5**

53

**Consequential amendments to regulations under Hazardous Substances and New Organisms Act 1996**

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Environmental Protection Authority Act **2010**.

**2 Commencement**

- (1) **Parts 1 and 2** of this Act come into force on the day after the date on which it receives the Royal assent.
- (2) The provisions of the rest of this Act come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates. 5

**Part 1****Preliminary provisions****3 Purpose** 10

The purpose of this Act is to establish an Environmental Protection Authority and to provide for its functions and operation.

**4 Interpretation** 15

In this Act, unless the context otherwise requires,—

**chief executive** means the chief executive of the Environmental Protection Authority appointed under **section 14**

**environment** has the meaning given to it in section 2(1) of the Resource Management Act 1991

**environmental Act** means— 20

(a) the Climate Change Response Act 2002:

(b) the Hazardous Substances and New Organisms Act 1996:

(c) the Resource Management Act 1991

**Environmental Protection Authority, Authority, or EPA** 25  
means the Environmental Protection Authority established by **section 6**

**ERMA** means the Environmental Risk Management Authority established under section 14 of the Hazardous Substances and New Organisms Act 1996 30

**fees framework** means the framework determined by the Government for the classification and remuneration of members of statutory and other bodies in which the Crown has an interest

**former EPA** has the meaning set out in **section 21** 35

**Māori Advisory Committee** means the committee established by **section 17**

**Minister** means the Minister of the Crown who, under authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 5

**natural and physical resources** has the meaning given to it in section 2(1) of the Resource Management Act 1991

**Nga Kaihautu Tikanga Taiao** means the committee established by section 24A of the Hazardous Substances and New Organisms Act 1996 10

**previous employer** has the meaning set out in **section 38(2)**.

**5 Act binds the Crown**  
This Act binds the Crown.

**Part 2** 15

**Environmental Protection Authority**

*Establishment of Environmental Protection Authority*

**6 Environmental Protection Authority established** 20  
This section establishes the Environmental Protection Authority.

- 7 EPA is Crown entity**
- (1) The Environmental Protection Authority is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to the EPA except to the extent that this Act or any other enactment expressly provides otherwise. 25

- 8 Board of EPA**
- (1) The Minister must appoint no fewer than 6, and no more than 8, persons as members of the EPA. 30
- (2) The members are the board for the purposes of the Crown Entities Act 2004.

- (3) The Minister must appoint at least 1 member who has knowledge and experience relating to the Treaty of Waitangi and tikanga Māori (Māori customary values and practices).

## **9 Qualifications for appointment to board**

- (1) The Minister must appoint members to the board who collectively have knowledge of, and experience in relation to, matters relevant to the functions of the EPA. 5
- (2) Knowledge and experience that is relevant includes knowledge of, and experience relating to,—
- (a) governance procedures and organisational change; and 10
  - (b) New Zealand’s environmental management system; and
  - (c) the links between the economy and environmental management; and
  - (d) the Treaty of Waitangi and tikanga Māori; and 15
  - (e) administration of environmental and risk management frameworks; and
  - (f) central government processes.
- (3) This section does not limit section 29 of the Crown Entities Act 2004. 20

## **10 Restriction on membership**

- (1) The following persons may not be appointed to the board:
- (a) the chief executive;
  - (b) an employee of the EPA.
- (2) This section does not limit section 30(2) of the Crown Entities Act 2004. 25

### *Functions of EPA*

## **11 Objective of EPA**

The objective of the EPA is to undertake its functions in a way that— 30

- (a) contributes to the efficient, effective, and transparent management of New Zealand’s environment and natural and physical resources; and
- (b) enables New Zealand to meet its international obligations. 35

**12 Functions of EPA**

- (1) The functions of the EPA are—
- (a) to advise the Minister on any matter relating to its functions under this Act or any other enactment:
  - (b) to exercise the powers, and carry out the functions and duties, conferred on it by or under—
    - (i) an environmental Act:
    - (ii) this Act or any other enactment:
  - (c) to carry out any additional function consistent with its objective under **section 11** that the Minister directs in accordance with section 112 of the Crown Entities Act 2004:
  - (d) if requested by the Minister, to—
    - (i) provide technical advice to the Government and Crown entities:
    - (ii) provide administrative assistance (including secretarial services) to a person or group of people appointed by the Minister to provide advice or report on any matter connected with the functions of the EPA:
    - (iii) to contribute to and co-operate with international forums and carry out international obligations related to its functions under an environmental Act.
- (2) A function must not be added under **subsection (1)(c)** unless the function is —
- (a) consistent with the EPA’s objective under **section 11**; and
  - (b) of a similar nature to, and compatible with, other functions performed by the EPA.

**13 Limitation on power to contract**

- (1) Before the EPA enters into a contract authorising a person to carry out a function of the EPA under this Act, the EPA must take into account the matters set out in **subsection (2)**.
- (2) The matters are—
- (a) whether the function might be more efficiently carried out by the EPA:
  - (b) the desirability of keeping institutional knowledge within the EPA:

- (c) whether entering into the contract would limit the EPA's ability to meet its obligations.
- (3) This section does not limit sections 16 and 17 of the Crown Entities Act 2004.
- 14 Appointment of chief executive** 5
- (1) The EPA must appoint a chief executive to be responsible for the efficient and effective administration of the affairs of the EPA.
- (2) Members of the EPA are not eligible for appointment as the chief executive. 10
- (3) Section 117 of the Crown Entities Act 2004 applies to the appointment of a chief executive.

*Delegation by Minister*

- 15 Delegation of functions or powers of Minister under environmental Acts** 15
- (1) This section applies if the Minister delegates a function or power under an environmental Act to the EPA.
- (2) The delegation must be in writing.
- (3) The EPA—
- (a) may perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if it had been conferred on the EPA directly by an enactment and not by delegation, unless the delegation limits the performance or exercise of the power; and 20 25
- (b) may delegate the function or power only—
- (i) with the prior written consent of the Minister; and
- (ii) subject to the same restrictions, and with the same effect, as if the subdelegate were the EPA.
- (4) If the EPA purports to perform a function or exercise a power under a delegation, the EPA— 30
- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of the delegation; and
- (b) must produce evidence of its authority to do so, if reasonably requested to do so. 35

- (5) No delegation in accordance with an environmental Act—
- (a) affects or prevents the performance of any function or the exercise of any power by the Minister; or
  - (b) affects the Minister’s responsibility for the actions of the EPA acting under the delegation. 5

*Delegation by the EPA*

**16 EPA’s power of delegation**

- (1) The EPA must not delegate its power to—
- (a) appoint a chief executive under **section 14**;
  - (b) appoint the members of the Māori Advisory Committee under **section 17**; 10
  - (c) appoint a committee under clause 14 of Schedule 5 of the Crown Entities Act 2004.
- (2) In other respects, section 73 of the Crown Entities Act 2004 applies. 15
- (3) This section does not apply to a power of the EPA under an environmental Act.

*Māori Advisory Committee*

**17 Māori Advisory Committee established**

- (1) This section establishes the Māori Advisory Committee. 20
- (2) The EPA must appoint no fewer than 4, and no more than 8, persons to be members of the committee.
- (3) The EPA must appoint 1 member of the committee to be the chairperson of the committee.

**18 Function of Māori Advisory Committee** 25

- (1) The function of the Māori Advisory Committee is to provide advice and assistance to the EPA on matters relating to policy, process, and decisions of the EPA under an environmental Act or this Act.
- (2) The advice and assistance must be given from the Māori perspective and come within the terms of reference of the committee. 30

<b>19</b>	<b>Terms of reference of Māori Advisory Committee</b>	
(1)	The EPA must set terms of reference for the Māori Advisory Committee.	
(2)	The EPA must review the terms of reference at intervals of no more than 3 years.	5
<b>20</b>	<b>Remuneration of Māori Advisory Committee</b>	
	A member of the Māori Advisory Committee is entitled, in accordance with the fees framework,—	
(a)	to receive remuneration for services as a member at a rate and of a kind determined by the EPA; and	10
(b)	to be reimbursed for actual and reasonable travelling expenses incurred in carrying out his or her functions as a member.	
	<b>Part 3</b>	
	<b>Disestablishment of entities, transfer of functions, and other matters</b>	15
<b>21</b>	<b>Interpretation</b>	
	In this Part,—	
	<b>collective agreement</b> has the meaning given to it by section 2 of the State Sector Act 1988	20
	<b>employee</b> does not include a chief executive	
	<b>employment agreement</b> has the meaning given to it by section 2 of the State Sector Act 1988	
	<b>former EPA</b> means the Environmental Protection Authority established by section 42B of the Resource Management Act 1991.	25



Subpart 1—Disestablishment of  
Environmental Protection Authority  
established under Resource Management  
Act 1991

- |           |  |    |
|-----------|--|----|
| <b>22</b> | <b>Former Environmental Protection Authority disestablished</b>  | 5  |
|           | The Environmental Protection Authority established by section 42B of the Resource Management Act 1991 is disestablished.   |    |
| <b>23</b> | <b>Consequences of disestablishment of former Environmental Protection Authority</b>   | 10 |
| (1)       | On and from the commencement of <b>section 22</b> ,—   |    |
|           | (a) all information held by the former EPA is held by the EPA; and   |    |
|           | (b) all money payable to or by the former EPA becomes payable to or by the EPA; and  | 15 |
|           | (c) all rights, liabilities, contracts, entitlements, and engagements of the former EPA become the rights, liabilities, contracts, entitlements, and engagements of the EPA; and                                       | 20 |
|           | (d) all directions to the former EPA in effect immediately before the commencement of this section become directions to the EPA; and   |    |
|           | (e) any delegation to the former EPA by the Minister under section 29(4) of the Resource Management Act 1991 has effect as if it were a delegation to the EPA; and   | 25 |
|           | (f) anything done, or omitted to be done, or that is to be done, by, or in relation to, the former EPA is to be treated as having been done, or omitted to be done, or to be done, by, or in relation to, the EPA; and | 30 |
|           | (g) the commencement, continuation, or enforcement of proceedings by or against the former EPA may instead be carried out by or against the EPA without amendment to the proceedings; and                              |    |
|           | (h) a matter or thing that would, but for this section, have been completed by the former EPA may be completed by the EPA.   | 35 |

- (2) The transfer of information from the former agency to the EPA under **subsection (1)(a)** does not constitute an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.
- 24 References to EPA established under Resource Management Act 1991** 5
- Unless the context otherwise requires, in any enactment, agreement, deed, instrument, application, notice, or other document in force immediately before the commencement of **section 22**, every reference to the Environmental Protection Authority or EPA established under the Resource Management Act 1991 is, on and from that commencement, to be read as a reference to the EPA established under **section 6**. 10
- Subpart 2—Disestablishment of ERMA and  
Nga Kaihautu Tikanga Taiao 15
- Disestablishment of ERMA and Nga Kaihautu  
Tikanga Taiao*
- 25 ERMA disestablished**
- ERMA is disestablished.
- 26 ERMA committees disestablished** 20
- Every committee appointed by ERMA under clause 43 of Schedule 1 of the Hazardous Substances and New Organisms Act 1996 is disestablished.
- 27 Nga Kaihautu Tikanga Taiao disestablished** 25
- Nga Kaihautu Tikanga Taiao is disestablished.
- 28 No compensation for loss of office**
- The Crown is not liable to make a payment to, or otherwise compensate, any person in relation to the person's ceasing to be a member of ERMA or Nga Kaihautu Tikanga Taiao because of the disestablishment of ERMA or Nga Kaihautu Tikanga Taiao. 30

*Transfer of functions, etc, of ERMA to EPA***29 Transfer of functions, etc, of ERMA to EPA**

- (1) On and from the commencement of **section 25**,—
- (a) the functions, duties, and powers of ERMA under any enactment become the functions, duties, and powers of the EPA; and 5
  - (b) the property belonging to ERMA vests in the EPA; and
  - (c) all information held by ERMA is held by the EPA; and
  - (d) all money payable to or by ERMA becomes payable to or by the EPA; and 10
  - (e) all rights, liabilities, contracts, entitlements, and engagements of ERMA become the rights, liabilities, contracts, entitlements, and engagements of the EPA; and
  - (f) all directions to ERMA in effect immediately before the commencement of this section become directions to the EPA; and 15
  - (g) any delegation by ERMA to the chief executive of ERMA has effect as if it were a delegation by the EPA to the EPA's chief executive; and
  - (h) anything done, or omitted to be done, or that is to be done, by, or in relation to, ERMA is to be treated as having been done, or omitted to be done, or to be done, by, or in relation to, the EPA; and 20
  - (i) the commencement, continuation, or enforcement of proceedings by or against ERMA may instead be carried out by or against to EPA without amendment to the proceedings; and 25
  - (j) a matter or thing that would, but for this section, have been completed by ERMA may be completed by the EPA. 30
- (2) The transfer of information from ERMA to the EPA under **subsection (1)(c)** does not constitute an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.
- (3) This section applies subject to **section 31**. 35

**30 Certain delegations continue**

- (1) The following delegations continue in effect as if they were made by the EPA:

- (a) any delegation by ERMA under section 19(2)(b) of the Hazardous Substances and New Organisms Act 1996 to a committee continued under **section 31** and that relates to an application to which **section 31** applies; and 5
- (b) any other delegation by ERMA under section 19(2) of the Hazardous Substances and New Organisms Act 1996 in effect immediately before the commencement of **section 25**.
- (2) However, a delegation to a member of ERMA or a number of people including a member of ERMA, other than a delegation to which **subsection (1)(a)** applies, is revoked on the commencement of **section 25**. 10
- (3) To avoid doubt, the EPA may revoke a delegation continued under **subsection (1)**. 15

### **31 Applications to be completed**

- (1) This section applies to—
  - (a) an application made under Part 5 or 6A of the Hazardous Substances and New Organisms Act 1996 that has not been determined before the commencement of **section 25** but for which— 20
    - (i) a hearing date has been fixed under section 59(1)(d) of that Act or a hearing has been commenced or held; or;
    - (ii) a date for consideration of the application has been fixed under section 59(1)(d) of that Act, or consideration has commenced; and 25
  - (b) the committee appointed by ERMA under clause 43 of Schedule 1 of the Hazardous Substances and New Organisms Act 1996 to hear and decide the application. 30
- (2) Despite **sections 25, 26, and 29**,—
  - (a) the application must be decided by the committee and for that purpose only the committee continues in existence as if it were a committee appointed by the EPA; and 35
  - (b) for that purpose the committee continues to have all the necessary powers and functions delegated to it under

section 19(2)(b) of Hazardous Substances and New Organisms Act 1996.

- (3) However, if the EPA revokes the delegation referred to in **subsection (2)(b)**, the committee ceases to exist when it receives written notice of the revocation under section 76 of the Crown Entities Act 2004. 5
- (4) The decision of the committee is to be treated as a decision of the EPA.

### **32 Matters relating to continued committee**

- (1) The EPA may appoint additional members to a committee continued under **section 31**. 10
- (2) A committee continued under **section 31(2)(a)** ceases to exist on the earlier of—
  - (a) the day after the date on which the last application to be decided by the committee is decided; or 15
  - (b) the date on which the EPA revokes the delegation.
- (3) To avoid doubt, a continued committee need not include a member of the EPA.

### **33 Final report and accounts of ERMA**

- (1) As soon as is reasonably practicable after the date on which **section 25** commences, the EPA must arrange for the final report of ERMA to be delivered to the Minister. 20
- (2) The final report must—
  - (a) describe ERMA's operations for the period beginning on 1 July 2010 and ending immediately before the date on which **section 25** commences; and 25
  - (b) include financial statements for ERMA prepared, in accordance with section 154 of the Crown Entities Act 2004, for that period.
- (3) Sections 155 and 156 of the Crown Entities Act 2004 apply to the financial statements. 30
- (4) The Minister must present a copy of the report to the House of Representatives under section 150(3) of the Crown Entities Act 2004.

**34 References to ERMA**

Unless the context otherwise requires, in any enactment, agreement, deed, instrument, application, notice, or other document in force immediately before the commencement of **section 25**, every reference to the Environmental Risk Management Authority or ERMA is, on and from that commencement, to be read as a reference to the EPA. 5

## Subpart 3—Transfer of employees

**35 Transfer of certain State services employees to EPA**

- (1) The EPA and the chief executive of the Ministry for the Environment may agree to transfer the following employees of the Ministry to the EPA: 10
- (a) an employee whose employment at the Ministry relates to the functions of the former EPA; and
  - (b) an employee whose employment at the Ministry relates to the chief executive's functions under the Climate Change Response Act 2002 that become functions of the EPA on the commencement of **Part 4**. 15
- (2) The EPA and the chief executive of the Ministry of Economic Development may agree to transfer from the Ministry to the EPA an employee whose employment at the Ministry relates to the chief executive's functions under the Climate Change Response Act 2002 that become functions of the EPA on the commencement of **Part 4**. 20
- (3) The EPA and the chief executive of the Ministry that employs the employee must consult the employee concerned before deciding whether to transfer an employee from the Ministry to the EPA. 25
- (4) An employee transferred under **subsection (1)(a)** becomes an employee of the EPA on the commencement of **section 22**. 30
- (5) An employee transferred under **subsection (1)(b)** becomes an employee of the EPA on the commencement of this section.
- (6) An employee transferred under **subsection (2)** becomes an employee of the EPA on the commencement of this section. 35

**36 Terms and conditions of employment of transferred employees**

- (1) This section applies to an employee transferred to the EPA under **section 35**.
- (2) The employee must be employed on terms and conditions no less favourable to the employee than those applying to the employee immediately before the date of the employee's transfer to the EPA. 5
- (3) **Subsection (2)** continues to apply to an employee's terms and conditions of employment until the terms and conditions are varied by agreement between the employee and the EPA. 10

**37 Transfer of ERMA employees to EPA**

- (1) Every person employed by ERMA immediately before the commencement of **section 25** becomes an employee of the EPA on and from that date. 15
- (2) The terms and conditions of employment of each employee remain the same as the terms and conditions of his or her employment with ERMA immediately before the commencement of **section 25**.
- (3) **Subsection (2)** continues to apply to an employee's terms and conditions of employment until the terms and conditions are varied by agreement between the employee and the EPA. 20

**38 Continuity of employment**

- (1) For the purposes of this Act and every enactment, law, determination, contract, and agreement relating to the employment of an employee transferred to the EPA under **section 35 or 37**, the employee's employment is to be treated as unbroken and— 25
  - (a) in relation to an employee transferred under **section 35(1)(a)**, the employee's period of service with the previous employer ending on the close of the day before the commencement of **section 22**, and every other period of service of that employee that is recognised by the previous employer as continuous service, is to be treated as a period of service with the EPA; or 30 35

- (b) in relation to an employee transferred under **section 35(1)(b) or (2)**, the employee's period of service with the previous employer ending on the close of the day before the commencement of **section 35**, and every other period of service of that employee that is recognised by the previous employer as continuous service, is to be treated as a period of service with the EPA; or 5
- (c) in relation to an employee transferred under **section 37**, the employee's period of service with the previous employer ending on the close of the day before the commencement of **section 25**, and every other period of service of that employee that is recognised by the previous employer as continuous service, is to be treated as a period of service with the EPA. 10
- (2) In this section and **sections 39 and 40**, **previous employer** means ERMA or the Ministry for the Environment or the Ministry of Economic Development (as the case may be). 15

### **39 Employees covered by collective agreement**

- (1) This section applies to an employee of the Ministry for the Environment or the Ministry of Economic Development or ERMA who was covered by a collective agreement with the employee's previous employer immediately before the employee was transferred to the EPA under **section 35 or 37**. 20
- (2) The employee continues to be bound by the collective agreement and may enforce the collective agreement against the EPA. 25
- (3) The EPA is bound by the collective agreement only in relation to the employee.
- (4) This section does not apply to a collective agreement to the extent that the EPA and the employee agree otherwise. 30

### **40 Restriction on compensation for technical redundancy**

- (1) An employee is not entitled to receive any payment or other benefit on the ground that his or her position with the previous employer has ceased to exist, if— 35
- (a) the position ceases to exist as a result of the transfer of functions from the previous employer to the EPA; and



- (b) in connection with the transfer of functions,—
- (i) the employee is offered equivalent employment in the EPA (whether or not the employee accepts the offer); or
- (ii) the employee is offered and accepts other employment in the EPA. 5
- (2) In **subsection (1)**, employment in the EPA is equivalent to the employee's employment with the previous employer if the employment in the EPA is—
- (a) in substantially the same position; and 10
- (b) in the same general locality; and
- (c) on terms and conditions of employment no less favourable than those that apply to the employee immediately before the offer of equivalent employment (including any service-related, redundancy, and superannuation conditions); and 15
- (d) on terms that treat the period of service with the previous employer ending on the close of day before the commencement of **section 22, 25, or 35** (whichever applies to the employee) and any other period of service recognised by the previous employer as continuous service as if it were continuous service with the EPA. 20

### *Superannuation*

- 41 Superannuation or retiring allowance**
- (1) A person who, immediately before becoming an employee of the EPA, was a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is, for the purpose of that Act, to be treated as if he or she continues to be employed in the Government service while the person is an employee of the EPA for the purposes of that Act, and that Act applies to the person as if the person's service as an employee of the EPA is Government service. 25 30
- (2) Despite **subsection (1)**, a person may not become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor. 35

- (3) For the purpose of applying the Government Superannuation Fund Act 1956 under this section, **controlling authority**, in relation to the person, means the EPA.

- 42 KiwiSaver Act 2006 not to apply to transferred employee** 5  
The employment of an employee who becomes an employee of a new employer under this Act does not constitute new employment for the purposes of the KiwiSaver Act 2006.

Subpart 4—Matters related to transfer of  
functions under Climate Change Response  
Act 2002 10

*Cancellation of Registrar's appointment*

- 43 Cancellation of appointment of Registrar** 15  
The appointment of a person holding the office of Registrar under section 11 of the Climate Change Response Act 2002 on the day immediately before the commencement of **section 52** is cancelled.

*Consequences of transfer of Climate Change  
functions*

- 44 Consequences of transfer of functions under Climate  
Change Response Act 2002 to EPA** 20
- (1) This section applies to a function of a former agency under the Climate Change Response Act 2002 that is transferred to the EPA as a consequence of the amendment of the Climate Change Response Act 2002 by **Part 4**.
- (2) On and from the commencement of **section 57**,— 25
- (a) all information that relates solely to the function and that is held by a former agency is held by the EPA; and
- (b) all money payable to or by a former agency in relation to the function becomes payable to or by the EPA; and
- (c) all property belonging to a former agency that relates solely to the function vest in the EPA: and 30
- (d) all rights, liabilities, entitlements, and engagements of a former agency in relation to the function become the

- rights, liabilities, entitlements, and engagements of the EPA; and
- (e) all directions to a former agency that relate to the function and that are in effect immediately before the commencement of this section become directions to the EPA; and 5
- (f) anything done, or omitted to be done, or that is to be done, in relation to the function by, or in relation to, a former agency is to be treated as having been done, or omitted to be done, or to be done, by, or in relation to, the EPA; and 10
- (g) the commencement, continuation, or enforcement of proceedings relating to the function by or against a former agency may instead be carried out by or against the EPA without amendment to the proceedings; and 15
- (h) a matter or thing relating to the function that would, but for this section, have been completed by a former agency may be completed by the EPA.
- (3) In this section, **former agency** means the chief executive of the Ministry for the Environment or the chief executive of the Ministry of Economic Development, but does not include the Registrar whose appointment is cancelled under **section 43**. 20

#### 45 Delegations continued

- (1) This section applies to a delegation—
- (a) by the chief executive of a department with responsibility for the administration of a Part or subpart of the Climate Change Response Act 2002 to the chief executive of another department in force on the day before the date on which **section 57** commences; and 25
- (b) that relates to a function of the department that is transferred to the EPA as a consequence of the amendment of the Climate Change Response Act 2002 by **Part 4**. 30
- (2) Despite the amendment of the Climate Change Response Act 2002 by **Part 4**, the delegation continues in effect as if it were a delegation by the EPA to the chief executive of that other department. 35
- (3) To avoid doubt, the EPA may revoke a delegation continued under **subsection (2)**.

*Transfer of contracts***46 Transfer of contracts to EPA**

- (1) This section applies to all contracts (other than employment agreements) that—
- (a) were made between the chief executive of the Ministry for the Environment or the Ministry of Economic Development and another person; and
  - (b) relate solely to a function or power of the chief executive under the Climate Change Response Act 2002 before **Part 4** commences that becomes a function or power of the EPA on the commencement of **Part 4**.
- (2) On and from the commencement of this section, the contracts must be treated as if the EPA were party to the contract instead of the chief executive of the Ministry for the Environment or the Ministry of Economic Development, as appropriate.
- (3) Unless the context otherwise requires, every reference in a contract to the chief executive of the Ministry for the Environment or the Ministry of Economic Development, or a delegate of the chief executive, is to be read as a reference to the EPA.

**47 Consequences of transfer of contracts to EPA**

- (1) This section applies only in relation to a contract transferred to the EPA under **section 46**.
- (2) On and from the commencement of **section 46**,—
- (a) all rights, liabilities, and entitlements of the chief executive of the Ministry for the Environment or the Ministry of Economic Development under the contract become the rights, liabilities, and entitlements of the EPA; and
  - (b) anything done, or omitted to be done, or that is to be done, by, or in relation to, the chief executive of the Ministry for the Environment or the Ministry of Economic Development is to be treated as having been done, or omitted to be done, or to be done, by, or in relation to, the EPA; and
  - (c) the commencement, continuation, or enforcement of proceedings by or against the chief executive of the Ministry for the Environment or the Ministry of Eco-

conomic Development may instead be carried out by or against the EPA without amendment to the proceedings.

## Part 4 Amendments to Climate Change Response Act 2002

5

### 48 Climate Change Response Act 2002 amended

This **Part** amends the Climate Change Response Act 2002.

### 49 Interpretation

- (1) Section 4 is amended by repealing the definitions of **chief executive** and **chief executive responsible for the administration of this Act** and substituting the following definition: 10

“**chief executive** means the chief executive of the department that is, with the authority of the Prime Minister, responsible for the administration of this Act”.

- (2) Section 4 is amended by inserting the following definition in its appropriate alphabetical order: 15

“**Environmental Protection Authority** or **EPA** means the Environmental Protection Authority established by **section 6 of the Environmental Protection Authority Act 2010**”.

- (3) Section 4 is amended by repealing the definition of **inventory agency** and substituting the following definition: 20

“**inventory agency** means the chief executive”.

- (4) Section 4 is amended by repealing the definitions of **Minister** and **Minister responsible for the administration of this Act** and substituting the following definition: 25

“**Minister** means the Minister who is, under the authority of any warrant or under the authority of the Prime Minister, responsible for the administration of this Act”.

### 50 Registrar must give effect to directions of Minister of Finance 30

Section 8 is amended by adding the following subsection as subsection (2):

- “(2) To avoid doubt, the Crown Entities Act 2004 does not apply to a direction by the Minister of Finance to the Registrar.”

- 51 New subpart 1A of Part 2 inserted**  
The following subpart is inserted after section 9:  
“Subpart 1A—Chief executive
- “9A Functions of chief executive** 5  
The functions of the chief executive are to—  
“(a) advise the Minister; and  
“(b) act as the inventory agency; and  
“(c) publish information on the Internet in accordance with this Act.
- “9B Delegation by chief executive** 10  
“1) The chief executive may delegate any of his or her functions, duties, and powers under this Act to the EPA.  
“2) Section 41 of the State Sector Act 1988 applies to a delegation under this section as if the EPA were an employee of the chief executive.” 15
- 52 Section 11 substituted**  
Section 11 is repealed and the following section substituted:
- “11 EPA to appoint Registrar**  
The EPA must appoint an employee of the EPA as the Registrar.” 20
- 53 Registrar responsible for Registry**  
Section 12 is amended by inserting “on behalf of the Crown” after “operation”.
- 54 Regulations relating to Part 2**  
Section 30G is amended by inserting the following subsection after subsection (3): 25  
“3A) The amount of fees set under regulations made under subsection (1)(f) must not exceed the amount necessary to enable the recovery of the direct and indirect costs of the Registrar in performing his or her functions.” 30
- 55 Authorisation of inspectors**  
Section 36(1) is amended by adding the following paragraph:

“(d) employees of the EPA.”

**56 Subpart 3 heading substituted**

The heading to subpart 3 of Part 4 is repealed and the following heading substituted:

“Subpart 3—Environmental Protection Authority” 5

**57 Functions of chief executive**

- (1) Section 87 and the heading to section 87 are amended by omitting “chief executive” in each place where it appears and substituting in each case “EPA”. 10
- (2) Section 87 is amended by adding the following subsection:
- “(3) For the avoidance of doubt, the EPA undertakes the functions in **subsection (1)** on behalf of the Crown.”

**58 New section 87A inserted**

The following section is inserted after section 87: 15

**“87A Delegation by EPA**

- “(1) Section 73(1) of the Crown Entities Act 2004 applies as if paragraph (d) were repealed and the following paragraph substituted:
- “(d) a person, or an office holder in a department of the Public Service, approved by the entity’s responsible Minister:” 20
- “(2) The EPA must not delegate its power to appoint the Registrar under section 11.
- “(3) In other respects, section 73 of the Crown Entities Act 2004 applies. 25

**59 Directions to chief executive**

- (1) Section 88(1) and the heading to section 88 are amended by omitting “chief executive” in each place where it appears and substituting in each case “EPA”. 30
- (2) Section 88(1) is amended by omitting “chief executive’s” and substituting “EPA’s”.
- (3) Section 88(3)(b) is amended by omitting “department of the chief executive” and substituting “EPA”.

- (4) Section 88 is amended by adding the following subsection:  
 “(4) Section 115(1) of the Crown Entities Act 2004 applies to a direction to be given under subsection (1).”

#### **60 Appointment of enforcement officers**

- (1) Section 93(1) and (3) are amended by omitting “chief executive” and substituting in each case “EPA”. 5
- (2) Section 93(2) is repealed.
- (3) Section 93(6) is repealed and the following subsection substituted:  
 “(6) If the EPA delegates the power to appoint a person as an enforcement officer to the chief executive of a department of the Public Service, the chief executive of the department must employ the person under the State Sector Act 1988.” 10
- (4) The appointment of an enforcement officer under section 93 before the commencement of this section continues despite the amendments made to section 93 by this section until the appointment is terminated by the person who appointed the enforcement officer. 15
- (5) Despite the amendments made to section 93 by this section, a person’s appointment as an enforcement officer continues,— 20
- (a) if the person is also an employee of the Ministry for the Environment, the Ministry of Economic Development, or ERMA who is transferred to the EPA under **section 35 or 37**, as if the EPA had appointed the person; or
- (b) if **paragraph (a)** does not apply, as if the EPA had delegated the power to appoint the person as an enforcement officer to the person who made the appointment. 25

#### **61 Obligation to maintain confidentiality**

- (1) Section 99(1) is amended by repealing paragraph (a) and substituting the following paragraph: 30
- “(a) to the chief executive, the EPA, any enforcement officer, and any other person who performs functions or exercises powers of the chief executive, the EPA, or an enforcement officer under this Part, and Part 5: and”.
- (2) Section 99(2)(b)(iii) is amended by inserting “or the administration of this Act” after “this Part”. 35



- (3) Section 99(2)(b) is amended by inserting the following paragraph after paragraph (iii):  
 “(iiia) for the purposes of, or in connection with, reporting requirements of the Public Finance Act 1989; or”
- (4) Section 99(4) is amended by inserting “or the EPA” after “chief executive” in each place where it appears. 5

**62 New section 138A**

The following section is inserted after section 138:

**“138A Penalties to be paid into Crown account**

The EPA must pay the amount of all excess emissions penalties and interest on the penalties received from a person in accordance with section 134, 136, or 137 into a Crown Bank Account.” 10

**63 Regulations relating to methodologies and verifiers**

- (1) Section 163(1)(ab), (c), (d), and (e)(v) are amended by omitting “chief executive” and substituting in each case “EPA”. 15
- (2) Section 163(1)(e)(vii) is amended by omitting “for recognition of” and substituting “to enable the recovery of the direct and indirect costs of the EPA in recognising”.
- (3) Section 163(4)(b) is amended by omitting “department of the chief executive” and substituting “EPA”. 20

**64 Minor amendments**

The Act and the Climate Change Response (Emissions Trading) Amendment Act 2008 are amended in the manner set out in **Schedule 1**. 25

**Part 5**

**Amendments to Hazardous Substances  
and New Organisms Act 1996**

**65 Hazardous Substances and New Organisms Act 1996  
amended** 30

This **Part** amends the Hazardous Substances and New Organisms Act 1996.

- 66 Interpretation**  
The definition of **Authority** in section 2 is repealed and the following definition substituted:  
“**Authority** or **EPA** means the Environmental Protection Authority established under **section 6 of the Environmental Protection Authority Act 2010**”.
- 67 Powers, functions, and duties of Authority**  
Section 11(1)(g) is amended by omitting “or any other enactment”.
- 68 Part 4 heading substituted** 10  
The Part 4 heading is repealed and the following heading substituted:  
**“Part 4  
“Administrative provisions”**.
- 69 Sections 14, 15, 16, and 18 repealed** 15  
Sections 14, 15, 16, and 18 are repealed.
- 70 New sections 18 to 18C inserted**  
The following sections are inserted after section 17:
- “18 EPA may appoint committees** 20  
“(1) A committee must include at least 1 member of the EPA.  
“(2) A person must not be appointed as a member of a committee unless the Minister has approved the appointment.  
“(3) Clause 14 of Schedule 5 of the Crown Entities Act 2004 applies to the EPA subject to subsection (2).
- “18A Committee may appoint and delegate functions to subcommittee** 25  
“(1) A committee appointed by the EPA under clause 14 of Schedule 5 of the Crown Entities Act 2004 may appoint a subcommittee to hear and decide an application to which section 19(2)(b) applies. 30

- “(2) For the purpose of **subsection (1)**, the committee may delegate a power delegated to the committee under section 19(2)(b) to the subcommittee.
- “(3) A subcommittee is a committee for the purposes of clause 15 of Schedule 5 of the Crown Entities Act 2004. 5
- “**18B Composition of subcommittee**
- “(1) The majority of members of a subcommittee appointed under **section 18A** must be members of the committee that appointed the subcommittee.
- “(2) The subcommittee need not include a member of the EPA. 10
- “**18C Qualification for appointment to committee or subcommittee**
- A committee or subcommittee appointed for the purpose of section 19(2)(b) must consist of persons with particular knowledge of, and expertise in, the subject matter of the application before the committee.” 15
- 71 Delegation by Authority**
- (1) Section 19(2)(b) is amended by omitting “Schedule 1” and substituting “the Crown Entities Act 2004”.
- (2) Section 19(7) is amended by omitting “Authority” and substituting “Authority’s functions, powers, or duties under this Act”. 20
- 72 Part 4A repealed**
- Part 4A is repealed.
- 73 Schedule 1 repealed** 25
- Schedule 1 is repealed.
- 74 Minor amendments**
- The Act is amended in the manner set out in **Schedule 2**.

**Part 6**  
**Amendments to Resource Management**  
**Act 1991**

- 75 Resource Management Act 1991 amended** 5  
This **Part** amends the Resource Management Act 1991.
- 76 Interpretation**  
Section 2 is amended by repealing the definition of **Environmental Protection Authority** or **EPA** and substituting the following definition:  
“**Environmental Protection Authority** or **EPA** means the 10  
Environmental Protection Authority established under **section 6 of the Environmental Protection Authority Act 2010**”.
- 77 Delegation of functions by Ministers** 15  
Section 29(4) is amended by omitting “Part 6AA” and substituting “section 24(f), Part 6AA,”.
- 78 New section 29A inserted**  
The following section is inserted after section 29:  
“**29A Restriction on Ministerial direction**  
The Minister may not give a direction under section 103 of 20  
the Crown Entities Act 2004 that relates to the exercise of the EPA’s functions under section 42C(c).”
- 79 Section 42B repealed**  
Section 42B is repealed.
- 80 Functions of EPA** 25  
(1) Section 42C is amended by inserting the following paragraph before paragraph (a):  
“(aa) to make recommendations to the Minister under **section 144A** in relation to a matter to which section 30  
142(1) applies.”
- (2) Section 42C is amended by inserting the following paragraph after paragraph (b):

- “(ba) to receive matters under section 149B(2):”.
- (3) Section 42C(d) is repealed and the following paragraph substituted:
- “(d) to provide secretarial and support services to—
- “(i) a board of inquiry appointed under section 149J: 5
- “(ii) a special tribunal appointed under section 202:”.
- (4) Section 42C is amended by inserting the following paragraph after paragraph (d):
- “(da) to provide technical advice to the Minister on the development of a national environmental standard:”.
- 10

**81 Section 42D repealed**  
Section 42D is repealed.

**82 Minister may call in matter that is or is part of proposal of national significance**

- (1) Section 142 is amended by repealing subsection (3) and substituting the following subsection: 15
- “(3) In deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to—
- “(a) any relevant factor, including whether the matter—
- “(i) has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment); or 20
- “(ii) involves or is likely to involve significant use of natural and physical resources; or
- “(iii) affects or is likely to affect a structure, feature, place, or area of national significance; or 25
- “(iv) affects or is likely to affect or is relevant to New Zealand’s international obligations to the global environment; or
- “(v) results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment); or 30
- “(vi) involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment; or 35

- “(vii) is or is likely to be significant in terms of section 8; or
- “(viii) will assist the Crown in fulfilling its public health, welfare, security, or safety obligations or functions; or 5
- “(ix) affects or is likely to affect more than 1 region or district; or
- “(x) relates to a network utility operation that extends or is proposed to extend to more than 1 district or region; and 10
- “(b) any advice provided by the EPA.”
- (2) Section 142(4) is amended by adding “; and” and also by adding the following paragraph:
- “(c) the recommendations of the EPA.”
- (3) Section 142 is amended by adding the following subsection: 15
- “(7) To avoid doubt, the Minister may make a direction under subsection (2) that differs from the direction recommended by the EPA under **section 144A**.”
- 83 New section 144A inserted**
- The following section is inserted after section 144: 20
- “144A EPA to advise and make recommendations to Minister in relation to call-in**
- “(1) The Minister may request the EPA to advise him or her on whether a matter is, or is part of, a proposal of national significance. 25
- “(2) **Section 142(3)(a)** applies to the EPA as if the reference to the Minister were a reference to the EPA.
- “(3) The EPA must provide advice under **subsection (1)** no later than 20 working days after receiving the Minister’s request.
- “(4) The EPA’s advice must include its recommendation that the Minister— 30
- “(a) call the matter in and make a direction to refer it to a board of inquiry for a decision; or
- “(b) call the matter in and make a direction to refer it to the Environment Court for a decision; or 35
- “(c) not call the matter in.

“(5) The EPA must serve a copy of its recommendation on the applicant and the local authority.

“(6) The 20-working-day time frame specified in **subsection (3)** applies subject to section 149(5) and (6).”

**84 EPA may request further information or commission reports** 5

(1) Section 149(5) is amended by—

(a) omitting “section 146” and substituting “**section 144A** or 146”; and

(b) omitting “section 146(1)” and substituting “**section 144A(3)** or 146(1)”. 10

(2) Section 149(6) is amended by—

(a) omitting “section 146” and substituting “**section 144A** or 146”; and

(b) omitting “section 146(1)” and substituting “**section 144A(3)** or 146(1)”. 15

**85 Right of objection in relation to imposition of additional charges or recovery of costs**

(1) Section 357B is amended by inserting the following paragraph after paragraph (a): 20

“(aa) for a person required by the EPA to pay costs under section 149ZD(2) or (3), to the EPA in respect of that requirement.”

(2) Section 357B(b) is amended by omitting “section 149ZD(2) to (4)” and substituting “section 149ZD(4)”. 25

## Part 7

### Consequential amendments

**86 Consequential amendments**

(1) The Acts listed in **Schedule 3** are amended in the manner set out in that schedule. 30

(2) The regulations made under the Climate Change Response Act 2002 listed in **Schedule 4** are amended in the manner set out in that schedule.

- (3) The regulations made under the Hazardous Substances and New Organisms Act 1996 listed in **Schedule 5** are amended in the manner set out in that schedule.
-



**Schedule 1****s 64****Minor and consequential amendments to  
climate change legislation****Climate Change Response Act 2002 (2002 No 40)**

- Section 2B(3)(a): omit “chief executive responsible for the administration of Parts 4 and 5 of this Act” and substitute “EPA”. 5
- Section 2C(5)(b): omit “chief executive” and substitute “EPA”.
- Section 3(3): omit “a Minister or chief executive with powers and functions under this Act” and substitute “the Minister or the EPA”.
- Section 3A(i): omit “responsible for the administration of this Act”. 10
- Section 14: omit “or chief executive authorised to give such direction in accordance with a provision in Part 4 or 5 of this Act” and substitute “authorised to give such directions in accordance with a provision in Part 4 or 5 of this Act or the EPA”.
- Section 17A(1): insert “by the EPA or” after “employed”. 15
- Section 18B(2), (6), and (7): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 18CA(3) and (4): omit “chief executive of the department responsible for the administration of Part 4” and substitute in each case “EPA”. 20
- Section 18CD(2)(b) and (3)(a) and (b): omit “chief executive of the department responsible for the administration of Part 4” and substitute in each case “EPA”.
- Section 21(1): omit “a Minister or chief executive authorised to give the direction under a provision of this Act” and substitute “the Minister authorised to give the direction under a provision of this Act or the EPA”. 25
- Section 21(1)(c)(ii)(A): omit “chief executive” and substitute “the EPA”.
- Section 21(2)(c)(i): omit “chief executive” and substitute “the EPA”. 30
- Section 21(3)(d)(i): omit “chief executive” and substitute “the EPA”.
- Section 21AA(1): omit “by a Minister or chief executive authorised to give the direction under a provision of this Act” and substitute “by a Minister authorised to give the direction under a provision of this Act or the EPA”. 35

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

Section 21AA(1)(c)(ii)(A): omit “chief executive” and substitute “the EPA”.

Section 21AA(2)(c)(i): omit “chief executive” and substitute “the EPA”.

Section 21AA(3)(d)(i): omit “chief executive” and substitute “the EPA”.

Section 21A: omit “a Minister or chief executive” and substitute “the Minister or the EPA”.

Section 24(1): omit “a Minister or chief executive” and substitute “the Minister or the EPA”.

Section 25(1)(a): repeal and substitute:

- “(a) the Minister or the EPA who gave the direction, if the Registrar registered the transaction following receipt of a direction from the Minister or the EPA; or”.

Section 30: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 49: omit “responsible for the administration of this Act”.

Section 54(5): omit and substitute:

- “(5) The EPA must ensure that the registers, or the information contained in the registers, kept for the purposes of section 56 or 57 are open for public inspection, without fee, on the EPA’s Internet site and in any other form the EPA considers appropriate.”

Section 56: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 57: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 58: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 59: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 62: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 63(2): omit “chief executive” and substitute “EPA”.

Section 64: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

- Section 65(1): omit “chief executive” and substitute “EPA”.
- Section 67(1): omit “chief executive” and substitute “EPA”.
- Section 68(4)(b): omit “the department of the chief executive responsible for the administration of this Act” and substitute “the EPA”.
- Section 69(4): omit “the department of the chief executive responsible for the administration of this Act” and substitute “the EPA”. 5
- Section 77(8)(c): omit “the department of the chief executive responsible for the administration of this Act” and substitute “the EPA”.
- Section 77(10): omit “chief executive” and substitute “EPA”.
- Section 83(3) and (6): omit “chief executive” in each place where it appears and substitute in each case “EPA”. 10
- Section 84(1)(c) and (2): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 84(2)(c): omit “chief executive’s” and substitute “EPA’s”.
- Section 86(1) and (2)(c): omit “chief executive” and substitute “EPA”. 15
- Section 86B: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 86B(1)(b) and (3)(a): omit “chief executive’s” and substitute in each case “EPA’s”. 20
- Section 86B(5)(b): omit “the department of the chief executive responsible for the administration of this Act” and substitute “the EPA”.
- Section 86C: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 25
- Section 86C(1): omit “chief executive’s” and substitute “EPA’s”.
- Section 86D: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 86E and the heading to section 86E: omit “Minister or chief executive” in each place where it appears and substitute in each case “Minister or EPA or chief executive”. 30
- Section 89 and the heading to section 89: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 90 and the heading to section 90: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 35

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

Section 90(2): omit “the department of the chief executive” and substitute “the EPA”.

Section 91: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 92(1) and (3): omit “chief executive” and substitute in each case “EPA”. 5

Section 94: omit “chief executive or an enforcement officer” in each place where it appears and substitute in each case “EPA, the chief executive, or an enforcement officer”.

Section 94(1)(b): omit “chief executive should” and substitute “EPA or the chief executive, as appropriate, should”. 10

Section 95: omit “chief executive may” and substitute “EPA or the chief executive may”.

Section 95(1)(a) and (2): omit “chief executive” in each place where it appears and substitute in each case “EPA, or the chief executive,”. 15

Section 96(1): omit “chief executive, if the chief executive” and substitute “EPA or the chief executive, if the EPA or the chief executive, as appropriate,”.

Section 96(2)(a)(i) and (3): omit “chief executive” and substitute in each case “the EPA, the chief executive,”. 20

Section 98: repeal and substitute:

**“98 Expenses in relation to inquiries**

The EPA or the chief executive may pay, or a District Court Judge may order the EPA or the chief executive to pay, to any person who has appeared before the EPA, or the chief executive, or an enforcement officer under section 95 or the District Court Judge under section 96 the sum that in the EPA’s, or the chief executive’s, or the Judge’s opinion, as the case may be, is reasonable in respect of that person’s travelling and other expenses.” 25  
30

Section 101(1): omit “chief executive” and substitute “EPA”.

Section 107(1) and (3): omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 108 and the heading to section 108: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 35

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

- Section 108(2)(g): omit “chief executive’s” and substitute “EPA’s”.
- Section 109(1): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 110: omit “chief executive” and substitute “EPA”.
- Section 111: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 5
- Section 112 and the heading to section 112: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 113(1) and (2): omit “chief executive” in each place where it appears and substitute in each case “EPA”. 10
- Section 114(1)(d): omit “chief executive” and substitute “EPA”.
- Heading to section 115: omit “**chief executive**” and substitute “**EPA**”.
- Section 116(2): omit “chief executive” in each place where it appears and substitute in each case “EPA”. 15
- Section 117(1) and (2) and the heading to section 117: omit “chief executive” and substitute in each case “EPA”.
- Section 118(1)(a), (2), and (4)(a)(i): omit “chief executive” and substitute in each case “EPA”.
- Section 119: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 20
- Section 120 and the heading to section 120: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 121: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 25
- Section 123: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 124 and the heading to section 124: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 125(1): omit “chief executive” and substitute “EPA”. 30
- Section 126(2) and (3): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 127: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

- Section 128: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 129(1)(b): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 131(1)(a) and (b): omit “chief executive” and substitute in each case “EPA”. 5
- Section 132(1)(da) and (f): omit “chief executive” and substitute in each case “EPA”.
- Section 133(1)(ba) and (e): omit “chief executive” and substitute in each case “EPA”. 10
- Section 134: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 135: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 136: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 15
- Section 137: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 137(5): omit “chief executive’s” and substitute “EPA’s”.
- Section 138: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 20
- Section 143(1)(a): omit “by the chief executive, or by a delegate of the chief executive” and substitute “by a delegate of the EPA”.
- Section 144: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 25
- Section 145(1): omit “chief executive” and substitute “EPA”.
- Section 147 and the heading to section 147: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 148(1) and the heading to section 148: omit “chief executive” and substitute in each case “EPA”. 30
- Section 148(2)(b)(i): repeal and substitute:
- “(i) give the notice to the EPA at the office of the EPA.”.
- Section 150: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 35

**Climate Change Response Act 2002 (2002 No 40)—continued**

- Section 150(5): omit “chief executive’s” and substitute “EPA’s”.
- Section 151: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 151(3): omit “chief executive’s” and substitute “EPA’s”.
- Section 151A: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 5
- Section 151A(3): omit “chief executive’s” and substitute “EPA’s”.
- Section 152(3) and (4): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 153(3): omit “chief executive” and substitute “EPA”. 10
- Section 155: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 156A: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 156A(3): omit “chief executive’s” and substitute “EPA’s”. 15
- Section 157(2): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 157A: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 157A(2)(b): omit “chief executive’s” in each place where it appears and substitute in each case “EPA’s”. 20
- Section 160: omit “responsible for the administration of this Act” in each place where it appears.
- Section 161: omit “responsible for the administration of this Act” in each place where it appears. 25
- Section 164(a): omit “chief executive” and substitute “EPA”.
- Section 167(2) and (4): omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 168(1)(ca) and (f): omit “chief executive” and substitute in each case “EPA”. 30
- Section 178: omit “chief executive” in each place where it appears and substitute in each case “EPA”.
- Section 179(3): omit “chief executive’s” and substitute “EPA’s”.
- Section 179(3): omit “chief executive” and substitute “EPA”.

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

Section 180(1) and (2): omit “chief executive” and substitute in each case “EPA”.

Section 183: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 184: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 5

Section 187(2)(a): omit “chief executive” and substitute “EPA”.

Section 188: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 189(7)(d) and (8)(d)(ii): omit “chief executive” and substitute in each case “EPA”. 10

Section 191(1)(a): omit “chief executive” and substitute “EPA”.

Section 192(3), (6), and (7): omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 192(6)(d): omit “chief executive’s” and substitute “EPA’s”. 15

Section 194(1): omit “chief executive” and substitute “EPA”.

Section 195(1): omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 196(5) and (7): omit “chief executive” and substitute in each case “EPA”. 20

Section 198: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 199 and the heading to section 199: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 200: omit “chief executive” in each case where it appears and substitute in each case “EPA”. 25

Section 209: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 210 and the heading to section 210: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 30

Section 211: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 213: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 217(2)(b): omit “chief executive” and substitute “EPA”. 35



**Climate Change Response Act 2002 (2002 No 40)**—*continued*

Section 218: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 222C(1)(b) and (2)(a) and (b): omit “chief executive” and substitute in each case “EPA”.

Section 222D: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 5

Section 222E(2): omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Section 222H: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 10

Section 224: omit “responsible for the administration of this Act” in each place where it appears.

Section 225(1) and (3): omit “responsible for the administration of this Act”.

**Climate Change Response (Emissions Trading) Amendment Act 2008 (2008 No 85)** 15

Section 50: new section 182: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

## Schedule 2

s 74

**Minor amendments to the Hazardous  
Substances and New Organisms Act 1996**

- Definition of **approved form** in section 2(1): omit “section 11(fa)”  
and substitute “section 11(1)(fa)”. 5
- Section 17: omit “104” and substitute “103”.
- Section 19(2)(c): repeal.
- Section 43(a): omit “40(1)(b) to genetically modify an organism”  
and substitute “40 to genetically modify an organism in contain-  
ment”. 10
- Section 43(b): omit “40(1)(b)” and substitute “40 to develop a new  
organism in containment”.
- Section 44: omit “40(1)(a) or (c), shall” and substitute “40 to import  
a new organism into, or field test a new organism in, containment,  
must”. 15
- Section 45(1)(a)(ii): omit and substitute:  
“(ii) after taking into account all the effects of the organism and  
any inseparable organism, including, but not limited to, the  
effects on the matters in section 43 (for application to develop a  
new organism in containment) or the matters in section 44 (for  
applications to import a new organism into, or field test a new  
organism in, containment), the beneficial effects of having the  
organism in containment outweigh the adverse effects of the  
organism and any inseparable organism; and”. 20
- Section 62(1): omit “or where Parts 11 to 16 apply to that substance  
or organism”. 25
- Section 63(1): omit “62(3)” and substitute “62(2)”.
- Section 97(1)(f): omit “Maritime Transport” and substitute “Mari-  
time New Zealand”.
- Section 97(1)(h)(iv): repeal. 30
- Section 141(1): omit “or section 160(1)(b), (c), or (d),”.
-

**Schedule 3****s 86(1)****Amendments to other Acts consequential  
on disestablishment of ERMA****Agricultural Compounds and Veterinary Medicines Act 1998  
(1997 No 87)**

5

Section 13(1)(b): omit “Environmental Risk Management Authority” and substitute “Environmental Protection Authority”.

**Biosecurity Act 1993 (1993 No 95)**

Definition of **Authority** in section 2: omit and substitute:

“**Authority** means the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”.

10

**Civil Aviation Act 1990 (1990 No 98)**

Section 34(1)(b): omit and substitute:

“(b) consult the Environmental Protection Authority, established under the **Environmental Protection Authority Act 2010**, about the contents of any rules that relate to the transportation of hazardous substances as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996.”

15

**Crown Entities Act 2004 (2004 No 115)**

Part 1 of Schedule 1: insert in its appropriate alphabetical order:

20

Name	Exemption from acquisition of securities, borrowing, guarantee, and derivative rules				Exemption from section 165 (net surplus payable to Crown)
	S 161	S 162	S 163	S 164	

Environ-  
mental Pro-  
tection Au-  
thority

Part 2 of Schedule 1: omit the item relating to the Environmental Risk Management Authority.

**Fire Service Act 1975 (1975 No 42)**

Section 21(1): omit “Environmental Risk Management Authority” and substitute “Environmental Protection Authority”.

25

**Fire Service Act 1975 (1975 No 42)**—*continued*

Section 21(4A): omit and substitute:

“(4A) Before making any recommendation under subsection (4) that relates to hazardous substances, the Commission must consult the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**.” 5

**Food Act 1981 (1981 No 45)**

Section 42(2A): omit “shall consult with the Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “must consult the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 10

**Gas Act 1992 (1992 No 124)**

Section 54(6): omit “shall consult with the Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “must consult the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 15

**Health Act 1956 (1956 No 65)**

Section 122(6): omit “shall consult with the Environmental Risk Management Authority established under that Act” and substitute “must consult the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 20

**Health and Safety in Employment Act 1992 (1992 No 96)**

Section 20(12): omit “Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 25

Section 21(3): omit “Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 30

**Medicines Act 1981 (1981 No 118)**

Definition of **ERMA** in section 2: omit and substitute:

“**EPA** means the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”.

Section 20(6A): omit “Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “EPA”. 5

Section 24A(b): omit “ERMA” and substitute “the EPA”.

Section 24B: omit “ERMA” in each place where it appears and substitute in each case “the EPA”. 10

**Ombudsmen Act 1975 (1975 No 9)**

Schedule 1, Part 2: omit “The Environmental Risk Management Authority” and substitute “The Environmental Protection Authority”.

**Radiation Protection Act 1965 (1965 No 23)**

Section 12(2A): omit “shall be given to the Environmental Risk Management Authority established under that Act” and substitute “must be given to the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 15

**Terrorism Suppression Act 2002 (2002 No 34)**

Definition of **duly authorised military device** in section 4: omit “Environmental Risk Management Authority” and substitute “Environmental Protection Authority”. 20

Section 13B(3)(a): omit “Environmental Risk Management Authority” and substitute “Environmental Protection Authority”.

**Transport Act 1962 (1962 No 135)**

Section 199(8): omit “shall consult with the Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996” and substitute “must consult the Environmental Protection Authority established under the **Environmental Protection Authority Act 2010**”. 25  
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**Schedule 4****s 86(2)****Consequential amendments to regulations  
under Climate Change Response Act 2002**

<b>Climate Change (Agriculture Sector) Regulations 2010 (SR 2010/335)</b>	5
Regulation 4 and the heading to regulation 4: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
<b>Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010 (SR 2010/213)</b>	
Regulation 6: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	10
Regulation 7: omit “chief executive” and substitute “EPA”.	
Regulation 8: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
Regulation 9: omit “chief executive” and substitute “EPA”.	15
Regulation 10: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
<b>Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355)</b>	
Regulation 6: omit “chief executive” and substitute “EPA”.	20
Regulation 7 and the heading to regulation 7: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
Regulation 8: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
Regulation 10: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	25
Regulation 12: omit “chief executive” in each place where it appears and substitute in each case “EPA”.	
Regulation 18: omit “chief executive” and substitute “EPA”.	
Forms 1 and 2 of Schedule 3: omit “(chief executive)” and substitute in each case “(authorised signatory)”.	30
Heading to Schedule 5: omit “ <b>chief executive</b> ” and substitute “ <b>EPA</b> ”.	

### **Climate Change (Liquid Fossil Fuels) Regulations 2008 (SR 2008/356)**

Definition of **unique emissions factor** in regulation 3(1): omit “chief executive” and substitute “EPA”.

Regulation 3(2): omit “chief executive” and substitute “EPA”. 5

### **Climate Change (Stationary Energy and Industrial Processes) Regulations 2009 (SR 2009/285)**

Definition of **chief executive** in regulation 3(1): revoke.

Definition of **unique emissions factor** in regulation 3(1): omit “chief executive” and substitute “EPA”. 10

Regulation 3(5): omit “chief executive” and substitute “EPA”.

Regulation 5 and heading to regulation 5: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

### **Climate Change (Unique Emissions Factors) Regulations 2009 (SR 2009/286)**

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Definition of **chief executive** in clause 3(1): revoke.

Regulation 4: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 5 and heading to regulation 5: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 20

Regulation 6: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 7(1): omit “chief executive” and substitute “EPA”.

Regulation 9(1): omit “chief executive” and substitute “EPA”.

Regulation 13(1): omit “chief executive” and substitute “EPA”. 25

Regulation 14(1): omit “chief executive” and substitute “EPA”.

Regulation 18(1): omit “chief executive” and substitute “EPA”.

Regulation 25: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 26 and heading to regulation 26: omit “chief executive” and substitute in each case “EPA”. 30

Regulation 27: omit “chief executive” and substitute “EPA”.

Regulation 28: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

**Climate Change (Unique Emissions Factors) Regulations 2009  
(SR 2009/286)—continued**

Regulation 29: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 30: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 31: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 5

Regulation 32: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

Regulation 33: omit “chief executive” in each place where it appears and substitute in each case “EPA”. 10

Regulation 34: omit “chief executive” in each place where it appears and substitute in each case “EPA”.

**Climate Change (Unit Register) Regulations 2008 (SR 2008/357)**

Regulation 6A(1) and (3): omit “chief executive” and substitute in each case “EPA”. 15

Heading to regulation 13: omit “**chief executive**” and substitute “**EPA**”

Regulation 13: omit “chief executive responsible for Part 2 of the Act” and substitute “EPA”.

**Climate Change (Waste) Regulations 2010 (SR 2010/338)** 20

Regulation 5(1): omit “chief executive” in each place where it appears and substitute in each case “EPA”.



**Schedule 5****s 86(3)****Consequential amendments to regulations  
under Hazardous Substances and New  
Organisms Act 1996**

<b>Hazardous Substances and New Organisms (Methodology) Order 1998 (SR 1998/217)</b>	5
Clause 1 of Schedule: omit “under clause 43 of Schedule 1 of the Act” and substitute “by the Authority”.	
Clause 6 of Schedule: revoke and substitute:	
“6(1)The Authority may appoint a committee under clause 14 of Schedule 5 of the Crown Entities Act 2004 to advise it on any matter relating to its responsibilities under Part 5 of the Act.	10
(2)The Authority may seek the advice of the Maori Advisory Committee established by <b>section 17 of the Environmental Protection Authority Act 2010</b> on issues that may arise in taking into account the matters referred to in sections 6(d) and 8 of the Act.”	15
 <b>Hazardous Substances (Compressed Gases) Regulations 2004 (SR 2004/43)</b>	
Definition of <b>Authority</b> in regulation 3: omit and substitute:	20
“ <b>Authority</b> means the Environmental Protection Authority established under <b>section 6</b> of the <b>Environmental Protection Authority Act 2010</b> ”.	
 <b>Hazardous Substances (Emergency Management) Regulations 2001 (SR 2001/123)</b>	25
Definition of <b>Authority</b> in regulation 3(1): omit and substitute:	
“ <b>Authority</b> means the Environmental Protection Authority established under <b>section 6</b> of the <b>Environmental Protection Authority Act 2010</b> ”.	

**Hazardous Substances (Fireworks, Safety Ammunition, and Other Explosives Transfer) Regulations 2003 (SR 2003/176)**

Definition of **Authority** in regulation 3: omit and substitute:

“**Authority** means the Environmental Protection Authority established under **section 6** of the **Environmental Protection Authority Act 2010**”.