



CABINET OFFICE

3 September 2024

[REDACTED]
[REDACTED]
[REDACTED]

Ref: OIA OIA-2024/25-0075

Tēnā koe [REDACTED]

Official Information Act request: [REDACTED] Cabinet decision transferring authority regarding NPS-UD decisions

Thank you for your Official Information Act request received on 23 July 2024. You requested:

Kia ora

[REDACTED] is a community organisation involved in urban design. As part of the National Policy Statement on Urban Development (NPS-UD) and its intensified streamlined planning process (ISPP), the Minister for the Environment makes a final decision on District Plan recommendations made by councils.

However Housing and RMA Reform Minister Chris Bishop assumed responsibility for those decisions this year.

For example: <https://www.beehive.govt.nz/release/decisions-wellington-city-council%E2%80%99s-district-plan>

I would like to request a copy of the Cabinet decision where this transfer in authorisation was granted.

Thanks, and kind regards

[REDACTED]

Convenor

[REDACTED]

Response to your request

The Prime Minister may assign responsibility for legislation to specified Ministers. The Prime Minister makes assignments following advice from the Cabinet Office prepared in consultation with relevant departments and Ministers' offices.

On 21 February 2024, the Prime Minister assigned responsibility for sections 24(h), 80D, 80L, 80M, 101, 105 and 360F of the Resource Management Act 1991 and clause 3.7 of the National Policy Statement on Urban Development 2020 (NPS) to the Minister Responsible for RMA Reform.

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These assignments, barring clause 3.7 of the NPS, are included on the Register of Assigned Legislation. The NPS is not included as the Register only includes primary legislation. The Register is a list of the Acts where the Prime Minister has formally assigned a Minister or department responsibility for the Act's administration. It is publicly available on the Department of the Prime Minister and Cabinet's website at the following address: <https://www.dPMC.govt.nz/our-business-units/cabinet-office/ministers-and-their-portfolios/register-assigned-legislation#:~:text=The%20Register%20of%20Assigned%20Legislation,responsibility%20for%20the%20Act%27s%20administration.>

Subsequently, a referencing error in the assignments of 21 February 2024 has been identified. The inclusion of sections 101 and 105 of the Resource Management Act was incorrect. Rather, the reference should have been to clauses 101 and 105 in part 6 of Schedule 1 of that Act. This referencing error is currently being corrected and the Register will be updated. Section 80D will also be removed as it is no longer considered necessary to assign. The Ministry for the Environment notes that despite this error, the Minister's decisions were validly made because section 7 of the Constitution Act 1986 allows any Minister to act for any other Minister unless the context otherwise requires.

You requested a copy of the Cabinet decision authorising the transfer. As explained, this transfer of responsibility is authorised by the Prime Minister, not by Cabinet. I have decided to release a copy of the Prime Minister's approval of the legislative assignments. Please find this attached.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward
Secretary of the Cabinet



Cabinet Office

Memo

16 February 2024

To Prime Minister

From Diana Hawker, Deputy Secretary of the Cabinet

Subject Assignment of Responsibility for Legislation

Proposal

- 1 It is proposed that you make the legislative assignments listed below, to reflect portfolio responsibilities, and the enactment of new legislation:

Out of scope

- 1.2 sections 24(h), 80D, 80L, 80M, 101, 105, and 360F of the Resource Management Act 1991, and clause 3.7 of the National Policy Statement on Urban Development 2020, from the Minister for the Environment to the Minister Responsible for RMA Reform.

Consultation

- 2 All assignments have been the subject of consultation with the offices of Ministers who are currently responsible for legislation to be reassigned, and with Ministers or agencies receiving new assignments.

Background

Out of scope

- 4 The provisions of the Resource Management Act 1991 and National Policy Statement on Urban Development 2020 listed in paragraph 1.2 above largely relate to planning and intensification matters that the Ministers for the Environment and RMA Reform advise more closely align with the broader responsibilities Minister Bishop has in relation to housing and infrastructure. Officials from the Ministry for the Environment advise that the transfer of responsibility for these provisions can occur within the current scope of the RMA Reform portfolio, as agreed by you.

Recommendations

5 I recommend that you:

Out of scope

5.2 authorise the Minister Responsible for RMA Reform to be the Minister responsible for sections 24(h), 80D, 80L, 80M, 101, 105, and 360F of the Resource Management Act 1991, and clause 3.7 of the National Policy Statement on Urban Development 2020;

AGREE / DISAGREE

5.3 sign the attached letters to ministers advising them of the reassignments.

AGREE / DISAGREE

Diana Hawker
Deputy Secretary of the Cabinet

Rt Hon Christopher Luxon

Prime Minister

Date: 21 / 02 / 2024

Distribution:
Cameron Burrows, Chief of Staff

Released under the Official Information Act 1982



RT HON CHRISTOPHER LUXON
PRIME MINISTER

Hon Penny Simmonds
Minister for the Environment
Parliament Buildings
WELLINGTON

Dear Penny

Ministerial responsibility for provisions of the Resource Management Act 1991 and National Policy Statement on Urban Development 2020

I am advised that yourself and Hon Chris Bishop consider that a number of functions and powers under the Resource Management Act 1991 and the National Policy Statement on Urban Development 2020 that are currently assigned to the Minister for the Environment should be assigned to the Minister Responsible for RMA Reform.

I have accordingly authorised Hon Chris Bishop as Minister Responsible for RMA Reform to be the Minister responsible for:

- sections 24(h), 80D, 80L, 80M, 101, 105, and 360F of the Resource Management Act 1991;
- clause 3.7 of the National Policy Statement on Urban Development 2020.

Yours sincerely

Rt Hon Christopher Luxon
PRIME MINISTER

Cc Chief Executive, Ministry for the Environment



RT HON CHRISTOPHER LUXON
PRIME MINISTER

Hon Chris Bishop
Minister Responsible for RMA Reform
Parliament Buildings
WELLINGTON

Dear Chris

Ministerial responsibility for provisions of the Resource Management Act 1991 and National Policy Statement on Urban Development 2020

I am advised that yourself and Hon Penny Simmonds consider that a number of functions and powers under the Resource Management Act 1991 and the National Policy Statement on Urban Development 2020 that are currently assigned to the Minister for the Environment should be assigned to the Minister Responsible for RMA Reform.

I have accordingly authorised you as Minister Responsible for RMA Reform to be the Minister responsible for:

- sections 24(h), 80D, 80L, 80M, 101, 105, and 360F of the Resource Management Act 1991;
- clause 3.7 of the National Policy Statement on Urban Development 2020.

Yours sincerely

Rt Hon Christopher Luxon
PRIME MINISTER

Cc Chief Executive, Ministry for the Environment