

To:

Committee Secretariat
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Environment Committee
Parliament Buildings
Wellington



Submission on the Environment (Disestablishment of Ministry for the Environment) Amendment Bill

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Te Tira Whakamātaki wishes to make an oral submission before the Environment Committee and is available at the Committee's convenience. We welcome the opportunity to speak to these matters directly.

1. Executive Summary

1. Te Tira Whakamātaki **opposes** the Environment (Disestablishment of Ministry for the Environment) Amendment Bill.
2. The Bill is framed as a routine administrative change. It is not. In reality, it repeals the provision of the Environment Act 1986 that establishes the Ministry for the Environment, permanently removing its statutory foundation and embedding environmental functions inside a growth-focused super ministry primarily responsible for housing growth, transport delivery, and urban development.
3. For Māori, the institutional design of environmental governance is not abstract. It determines whether our taonga species, wai (waters), and whenua (lands) are protected across generations or whether they are traded away under development pressure without independent challenge.
4. Environmental stewardship in Aotearoa New Zealand is inseparable from Te Tiriti o Waitangi and the Crown's obligations of active protection over taonga species, ecosystems, and the environmental systems that sustain them.
5. Article 2 of Te Tiriti guarantees Māori the continued exercise of tino rangatiratanga, full authority and sovereignty, over taonga. These include the lands, waters, forests, and species that underpin Māori environmental relationships and responsibilities as kaitiaki.
6. Environmental governance institutions play a critical role in enabling the Crown to meet those obligations. A governance structure that is weaker, less independent, or structurally conflicted is a Treaty obligation that is harder to honour. The Treaty dimension is addressed in detail in Section 4 of this submission.
7. Te Tira Whakamātaki works directly with communities through Mātaki: The Māori Biosecurity Network and Hono: The Māori Emergency Management Network. Both depend on a strong, independent environmental governance system capable of engaging with mātauranga Māori and supporting genuine partnership with Māori institutions. When the institutional design of environmental governance weakens, the communities on the frontline of ecological and climate risk are the first to feel it.
8. While the Bill states that environmental functions will remain unchanged, institutional design shapes how those functions are exercised in practice. Policy attention, resourcing, leadership priorities, and internal decision-making structures all influence whether environmental protection is treated as a central constitutional function or a

secondary consideration alongside development objectives. Functions follow power. Power follows structure

9. The Bill raises serious concerns across five areas: the loss of institutional independence; the weakening of the environmental watchdog function; the dilution of Te Tiriti o Waitangi obligations; a failure of process and scrutiny; and the precedent it sets for future restructuring without Parliamentary oversight.
10. We recommend that the Committee **reject the Bill**. If the Bill proceeds, we urge the Committee to require the protections described in the Recommendations section of this submission.

2. About Te Tira Whakamātaki

11. Te Tira Whakamātaki is a Māori environmental not-for-profit working at the intersection of science, stories, and sovereignty. We exist to protect what matters most: our whenua (land), wai (waters), taonga species (prized native species), seeds, stories, and people and to support whānau, hapū, and iwi to exercise rangatiratanga and kaitiakitanga.
12. Our work spans four strategic pillars. **Mātaki: The Māori Biosecurity Network** connects over 800 kaitiaki, practitioners, scientists, and rangatahi working to protect Aotearoa's biosphere from invasive species and pest threats. **Hono: The Māori Emergency Management Network** builds whānau and hapū resilience to climate disruption and disasters. Our oceans and climate pou amplifies Māori-led marine protection in Te Moana-nui-a-Kiwa. Te Puna Taonga Ora is Aotearoa New Zealand's first Māori-led biobank, preserving the genetic whakapapa of taonga species for future generations.
13. We are not an observer of this landscape. We are in it. When biosecurity incursions threaten native forests, our network responds. When cyclones destroy whenua, our emergency responders are already there. When policy frameworks exclude mātauranga Māori (Māori knowledge), we push back. The institutional design of environmental governance shapes our ability to do every one of these things.
14. We approach environmental governance from a kaupapa Māori and systems perspective. For us, environmental legislation must be:
 - Constitutionally grounded in Te Tiriti o Waitangi.
 - Ecologically durable in the face of escalating climate disruption.
 - Structurally stable rather than politically adjustable.
 - Capable of protecting taonga across generations.

This Bill falls short on all four.

15. For us, this Bill is not a policy technicality. It is a decision about whether Aotearoa New Zealand takes environmental stewardship seriously as a constitutional commitment —

or whether it is, once again, the thing that gets subordinated when development and growth come first.

3. What the Bill Does

16. The Bill achieves its purpose by repealing section 28 of the Environment Act 1986, which establishes the Ministry for the Environment as a statutory entity. It transfers the Ministry's functions to the Secretary for the Environment, who will become the chief executive of a consolidated ministry combining environmental, housing, transport, and local government functions.
17. The Government describes this as administrative alignment. Functions, it says, remain unchanged. What is not acknowledged is that institutional design, where you sit, who you report to, what priorities surround you, is what determines how functions are actually performed. Moving environmental stewardship from a dedicated statutory ministry into a department primarily focused on housing growth, transport delivery, and urban development is not neutral. It is a structural downgrade.
18. Nor is this easily reversible. Once the statutory establishment of the Ministry is removed, future governments can reorganise environmental governance through machinery-of-government powers under the Public Service Act 2020, without returning to Parliament. The front door has not just been opened. It has been taken off its hinges.

4. Te Tiriti o Waitangi Obligations

19. This section leads our substantive analysis because, for Te Tira Whakamātaki, Te Tiriti o Waitangi is not a supporting argument, it is the foundation on which all environmental governance in Aotearoa must be built.

4.1 Article 2 and Taonga Species

20. Article 2 of Te Tiriti guarantees to Māori tino rangatiratanga, the full authority and sovereignty, over their taonga. Taonga includes not only lands and fisheries but living species, ecosystems, waterways, and the ecological systems that sustain cultural practice.
21. Kaitiakitanga, the Māori responsibility to act as guardians of the natural world, is inseparable from rangatiratanga. You cannot hold authority over what you are no longer able to protect.
22. The Ministry for the Environment has, despite its limitations, provided a focal point within central government for the serious incorporation of mātauranga Māori into environmental policy and decision-making.
23. For Māori, environmental stewardship is grounded in whakapapa, the relationships between people, species, and place that have guided environmental management for generations.

24. These are not supplementary perspectives to be consulted. They are foundational knowledge systems with the depth, precision, and intergenerational continuity that modern environmental governance urgently needs. Sustaining their meaningful incorporation requires institutional commitment, dedicated leadership, and resourcing.
25. A ministry whose centre of gravity is infrastructure delivery is structurally less likely to provide any of those things.

4.2 The Crowns Active Protection Duty

26. The Crown's obligation under the Treaty is not passive. The Waitangi Tribunal, including in Wāi 262 (Ko Aotearoa Tēnei) and successive findings, has consistently held that the Crown must actively protect Māori interests in taonga, not merely avoid obvious harm.
27. It requires a dedicated stewardship structure with the independence, visibility, and resources to uphold those obligations even when development interests push back.
28. Embedding environmental functions inside a ministry primarily focused on housing growth and transport delivery creates a structural conflict.
29. The Ministry responsible for consenting major infrastructure, approving housing development, and reforming local government cannot simultaneously provide independent environmental oversight of those same activities.
30. The watchdog cannot be in the kennel of the thing it is watching.

4.3 The Fast-track Approvals Act Connection

31. Schedule 3 of the Bill lists the Acts under which the Secretary for the Environment must exercise environmental functions. It includes the Fast-track Approvals Act 2024, a statute that has already drawn significant criticism from Māori and environmental groups for bypassing normal resource consent and Treaty engagement processes.
32. By placing the environmental oversight function of the Fast-track Approvals Act inside the same ministry responsible for urban development and infrastructure delivery, this Bill creates a structural conflict of interest that has direct consequences for Māori rights.
33. If the same chief executive is responsible for approving fast-track projects and providing environmental oversight of those approvals, independent scrutiny is compromised by design.

4.4 Treaty Settlements and Environmental Obligations

34. Many iwi and hapū hold Treaty settlements that include co-governance and co-management arrangements over waterways, lands, and species. These arrangements depend on a government partner with genuine institutional independence and environmental mandate. A super-ministry with competing development priorities is a structurally weaker partner for those arrangements, regardless of what the legislative text says about functions being unchanged.

5 Loss of Institutional Independence

35. The Ministry for the Environment was created by statute in 1986 because Parliament recognised that environmental stewardship required a dedicated institutional home, independent from the pressures of other portfolios. That recognition was not accidental. It reflected hard experience of what happens when environmental considerations are subordinated to economic and development priorities inside combined agencies.
36. Its role has included providing system leadership across multiple environmental statutes: the Climate Change Response Act, the Resource Management Act, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act, the Hazardous Substances and New Organisms Act, and the Waste Minimisation Act.
37. These are not minor administrative functions. They are the legislative backbone of Aotearoa New Zealand's environmental protection system. All of them transfer to the Secretary under this Bill and all of them will be exercised inside a ministry whose dominant mandate is housing growth, transport delivery, and urban development.
38. That independence is now being removed. Environmental oversight is being shifted from a statutory ministry to a policy function inside a department responsible for housing growth, transport delivery, and urban development.
39. These portfolios are not neutral. They are politically time-sensitive, delivery-driven, and frequently in direct tension with environmental protection. The Government's assurance that functions remain unchanged does not address this.
40. Policy attention, resourcing, leadership priorities, and internal decision-making structures all determine whether environmental protection is treated as a central constitutional function or a secondary consideration alongside development objectives.
41. Functions follow power. Power follows structure.
42. When these mandates sit under a single chief executive, trade-offs are internalised rather than adjudicated independently. In practice, this means environmental considerations are weighed against development priorities by the same official who is accountable for both.
43. The structural outcome is predictable: environmental protection loses weight. It does not disappear. It diminishes.
44. The Bill also removes the institutional visibility that a standalone ministry provides. A dedicated Ministry for the Environment signals to the public, to courts, to international partners, and to Māori that environmental stewardship is a first-order constitutional function of government. Embedding those functions three layers deep in a growth-focused super-ministry sends the opposite signal, and signals, in government, shape outcomes.

6. The Environmental Watchdog Function

45. The Ministry for the Environment performs a function beyond policy advice. It provides the environmental reporting frameworks, system monitoring, and legislative oversight that allow independent assessment of environmental conditions across Aotearoa. This includes monitoring under the Climate Change Response Act, the Resource Management Act, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act, the Hazardous Substances and New Organisms Act, and the Waste Minimisation Act.
46. All of these functions transfer to the Secretary under the Bill. But a function on paper is not the same as a function performed with independence, priority, and dedicated resourcing. The question the Bill does not answer is: who independently assesses the environmental impacts of transport policy, housing growth, and urban development when the agency responsible for those assessments is the same agency delivering those programmes?
47. This is not a theoretical risk. It is the central accountability gap that dedicated environmental ministries were created to close. Biosecurity incursions, freshwater degradation, and biodiversity collapse do not wait while institutional mandates are renegotiated. Aotearoa New Zealand's environmental system already struggles to keep pace with accelerating ecological risk. Weakening its institutional independence during that period is not a timing error. It is a structural failure.
48. For Māori communities whose wellbeing is directly tied to the health of specific waterways, forests, and coastal ecosystems, the loss of rigorous independent environmental monitoring is not an administrative inconvenience. It is a threat to the ecological

7. International Context: Dedicated Environmental Governance is Standard Practice

49. The Government's framing implies that consolidating environmental functions within a broader ministry is a sensible modern approach. The international record does not support this.
50. Comparable nations consistently maintain dedicated environmental agencies with sufficient independence and mandate to provide genuine stewardship. The United Kingdom's Department for Environment, Food and Rural Affairs (DEFRA) holds environmental functions separately from infrastructure and development. Australia's Department of Climate Change, Energy, the Environment and Water (DCCEEW) keeps climate and environmental responsibilities in a distinct portfolio. Canada's Environment and Climate Change Canada (ECCC) operates as an independent department. Germany's Federal Ministry for the Environment, Climate Action, Nature Conservation and Nuclear Safety (Bundesministerium für Umwelt, Klimaschutz, Naturschutz, und nukleare

Sicherheit- BMUKN) has maintained institutional independence for environmental governance across successive governments.

51. These nations have not reached this position by accident. The institutional separation of environmental stewardship from development and infrastructure functions reflects decades of evidence that combined mandates produce weaker environmental outcomes.
52. Aotearoa New Zealand is now moving in the opposite direction at precisely the moment when climate disruption and biodiversity decline demand stronger environmental governance, not weaker.
53. The regional dimension matters too. Aotearoa New Zealand has historically positioned itself as a leader on climate change, biodiversity protection, and environmental governance within Te Moana-nui-a-Kiwa.
54. Pacific communities, many of whom Te Tira Whakamātaki works alongside, are already living the consequences of climate change and environmental degradation at an existential scale. The credibility of Aotearoa New Zealand's environmental leadership in the Pacific depends in part on the institutional seriousness with which it treats environmental governance at home.
55. Downgrading the structural status of that governance sends a signal that reaches beyond our borders.
56. This Bill does not bring New Zealand into line with international good practice. It moves New Zealand away from it.

8. Practical Implications for Environmental Governance

57. The practical consequences of this structural change will be felt across the full range of environmental management.
58. A consolidated ministry focused primarily on housing growth, transport delivery, and urban development will face ongoing internal pressure to resolve trade-offs in favour of its dominant mandates. Environmental stewardship which requires precaution, long-term thinking, and ecological limits, will be in permanent competition with portfolios that are politically time-sensitive and delivery-driven.
59. In the biosecurity space, where our Mātaki Māori Biosecurity Network operates daily, this matters acutely. Biosecurity incursions do not respect ministerial boundaries. The response to myrtle rust, kauri dieback, and future incursions requires coordinated, well-resourced leadership from an agency with environmental mandate as its primary obligation, not an agency managing that responsibility alongside housing consents and road building programmes.
60. In the emergency management space, Māori communities including our Hono: Māori Emergency Management Network, as demonstrated most recently by the response to

Cyclone Gabrielle and the recent landslides, are consistently the first affected and the first to act. Their resilience depends on environmental governance systems that take climate adaptation seriously.

61. A weakened institutional structure for environmental governance is a weakened foundation for the communities already on the frontline.
62. The areas of practical risk include environmental standards, consenting frameworks, climate adaptation policy, biodiversity protection, and environmental reporting — all areas where economic development interests routinely conflict with environmental protection. Without an independent institutional voice, those conflicts will increasingly be resolved internally, and invisibly, in favour of growth.

9. Process and Scrutiny Concerns

63. **The Bill has been advanced without a Regulatory Impact Statement. The Government has described it as minor and technical. This framing is not credible.**
64. **Under Treasury’s Regulatory Impact Analysis requirements and the Cabinet Manual, structural changes of this magnitude require a Regulatory Impact Statement examining long-term governance implications, institutional risk, and Treaty obligations. No such statement has been provided.**
65. A Regulatory Impact Statement would require transparent analysis of institutional governance risk, Treaty implications, accountability mechanisms, and the long-term effects of removing dedicated environmental stewardship from the machinery of government. Its absence limits the Committee’s ability to assess those risks properly. The shortened submission timeframe compounds this problem.
66. Machinery of government changes may appear administrative. History shows they are not. The institutional choices made in 2026 will shape environmental outcomes and Māori rights and interests in the taiao for decades

10. Precedent Risk

67. Once the statutory establishment of the Ministry for the Environment is removed, future governments can reorganise environmental governance through executive action under the Public Service Act 2020, without returning to Parliament. This is the central institutional danger of the Bill, and it deserves to be stated plainly.
68. The Ministry for the Environment was created by statute precisely because Parliament wanted environmental stewardship to have durable institutional grounding, protection from the routine pressures and preferences of executive government. The Bill removes that protection.
69. Future reorganisations can proceed without full parliamentary debate, without scrutiny of Treaty implications, and without the kind of public accountability that primary legislation requires.

70. This precedent risk extends beyond environmental governance. It is a question about whether statutory institutions created to provide independent stewardship of constitutional obligations can be dissolved by executive preference and dressed up as administrative convenience.

If environmental stewardship is to remain a core constitutional function of government, it must retain institutional independence within the machinery of government. This Bill moves in the opposite direction.

11. Recommendations

71. Te Tira Whakamātaki makes the following recommendations to the Environment Committee:

Primary recommendation:

72. Reject the Bill in its entirety. The disestablishment of the Ministry for the Environment is not a machinery of government adjustment. It is a structural downgrade of environmental governance during a period of escalating ecological and climate risk, and it diminishes the Crown's capacity to meet its Te Tiriti o Waitangi obligations.

If the Bill proceeds, the Committee should require:

73. A comprehensive and publicly available Regulatory Impact Statement assessing long-term governance impacts, Treaty implications, accountability mechanisms, and resourcing structures.
74. Explicit statutory safeguards to protect the independence and resourcing of the environmental stewardship function within any consolidated ministry, including ring-fenced obligations under Te Tiriti o Waitangi.
75. The addition of the Biosecurity Act 1993 to the Schedule 3 list of Acts conferring environmental functions on the Secretary, to ensure that Māori biosecurity leadership and taonga species protection are not inadvertently excluded from the Secretary's environmental mandate.
76. Clear resolution of the structural conflict of interest in the Fast-track Approvals Act, ensuring that environmental oversight of fast-track decisions cannot be exercised by the same agency responsible for approving them.
77. A requirement that any future restructuring of the environmental stewardship function within the consolidated ministry can only be effected by primary legislation, preserving Parliamentary oversight.
78. Genuine engagement with Māori, including iwi and hapū, on the Treaty implications of the proposed structural changes, prior to any further progress of the Bill.

12. Conclusions

79. The Environment (Disestablishment of Ministry for the Environment) Amendment Bill repeals section 28 of the Environment Act 1986, the provision that has grounded dedicated environmental stewardship in statute since 1986. It replaces an independent environmental ministry with a policy function inside a ministry responsible for housing growth, transport delivery, and urban development.
80. For Māori, the stakes are direct. Taonga species, wai, and whenua are not policy domains. They are the living foundations of identity, culture, and future generations. The Crown's obligation to actively protect those taonga under Te Tiriti o Waitangi requires institutional structures with genuine independence, dedicated mandate, and durable statutory grounding. This Bill weakens all three.
81. It does so during a period when Aotearoa New Zealand faces its most serious environmental challenges, accelerating climate disruption, biodiversity decline, freshwater degradation, and escalating biosecurity risk. The international evidence is clear: comparable nations maintain dedicated environmental governance structures precisely because combined mandates produce weaker environmental outcomes.
82. The argument that functions are unchanged misunderstands how institutions work. Functions follow power. Power follows structure. When environmental stewardship is embedded inside a growth-focused department, its function is changed by that embedding, regardless of what the legislation says.

Ngā mihi nui,

Chloe Southgate & Melanie Mark-Shadbolt

Te Tira Whakamātaki