Version
as at 1 October 2026

Environmental Protection Authority Act 2011

Public Act	2011 No 14
Date of assent	17 May 2011
Commencement	see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Environmental Protection Authority Act 2011.

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 rest of this Act comes into force on a date 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.

(3) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(2): Part 3 (except sections 44–49) brought into force, on 1 July 2011, by clause 2(1) of the Environmental Protection Authority Act Commencement Order 2011 (SR 2011/193).

Section 2(2): Part 4 (except section 53(2)) brought into force, on 1 July 2011, by clause 2(2) of the Environmental Protection Authority Act Commencement Order 2011 (SR 2011/193).

Section 2(2): sections 44 to 49 and 53(2) brought into force, on 5 December 2011, by clause 2 of the Environmental Protection Authority Act Commencement Order (No 2) 2011 (SR 2011/321).

Section 2(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Part 1
Preliminary provisions

3 Purpose

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

4 Treaty of Waitangi (Te Tiriti o Waitangi)

In order to recognise and respect the Crown's responsibility to take appropriate account of the Treaty of Waitangi,—

(a) section 18 establishes the Māori Advisory Committee to advise the Environmental Protection Authority on policy, process, and decisions of the EPA under an environmental Act; and

(b) the EPA and any person acting on behalf of the EPA must comply with the requirements of an environmental Act in relation to the Treaty, when exercising powers or functions under that Act.

5 Interpretation

In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the Environmental Protection Authority appointed under section 15

collective agreement has the meaning given to it by section 22

employee has the meaning given to it by section 22

employment agreement has the meaning given to it by section 22

environment has the same meaning as in section 2(1) of the Resource Management Act 1991

environmental Act means—

(a) the Climate Change Response Act 2002:

(ab) the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012:

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

(ba) the Natural Environment Act 2026:

(bb) the Planning Act 2026:

(c) the Imports and Exports (Restrictions) Act 1988:

(ca) the Fast-track Approvals Act 2024:

(d) the Ozone Layer Protection Act 1996:

(e) the Resource Management Act 1991:

(f) *[Repealed]*

Environmental Protection Authority, **Authority**, or **EPA** means the Environmental Protection Authority established by section 7

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

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 given to it by section 22

Māori Advisory Committee means the committee established by section 18

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

natural and physical resources has the same meaning as 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

previous employer has the meaning given to it by section 39(4).

Section 5 **environment**: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 5 **environmental Act** paragraph (ab): inserted, on 28 June 2013, by section 174 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72).

Section 5 **environmental Act** paragraph (ba): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Section 5 **environmental Act** paragraph (bb): inserted, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Section 5 **environmental Act** paragraph (ca): replaced, on 24 December 2024, by section 121 of the Fast-track Approvals Act 2024 (2024 No 56).

Section 5 **environmental Act** paragraph (f): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

6 Act binds the Crown

This Act binds the Crown.

Part 2
Environmental Protection Authority

Establishment of Environmental Protection Authority

7 Environmental Protection Authority established

This section establishes the Environmental Protection Authority.

8 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.

9 Board of EPA

(1) The Minister must appoint no fewer than 6, and no more than 8, persons as members of the EPA.

(2) The members are the EPA's 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).

10 Qualifications for appointment to board

(1) The Minister must appoint members to the EPA board who collectively have knowledge of, and experience in relation to, matters relevant to the functions of the EPA.

(2) Knowledge and experience that are relevant include knowledge of, and experience relating to,—

- (a) governance procedures and organisational change; and
- (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
- (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.

11 Restriction on membership

(1) The following persons may not be appointed to the EPA 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.

Functions of EPA

12 Objective of EPA

(1) The objective of the EPA is to undertake its functions in a way that—

(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.

(2) When undertaking its particular functions under an environmental Act, the EPA must also act in a way that furthers any objectives (or purposes) stated in respect of that Act.

13 Functions of EPA

The functions of the EPA are—

(a) to advise the Minister on any matter relating to its functions under this Act or an environmental Act:

(b) to exercise the powers, and carry out the functions and duties, conferred on it by or under this Act or an environmental Act:

(c) if requested by the Minister,—

(i) to provide technical advice to the Government and Crown entities on any matter related to its functions under an environmental Act:

(ii) to 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 related to its functions under an environmental Act:

(iia) to provide secretarial and support services to a person appointed under an Act to make a decision requiring the application of provisions of the Resource Management Act 1991 or the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 as applied or modified by the Act under which the person is appointed:

(iib) to provide support services to an IHP established under Schedule 3 of the Urban Development Act 2020:

(iii) to contribute to and co-operate with international forums and carry out international obligations related to its functions under an environmental Act.

Section 13(c)(iia): inserted, on 19 April 2017, by section 123 of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 13(c)(iia): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 13(c)(iib): inserted, on 7 August 2020, by section 300 of the Urban Development Act 2020 (2020 No 42).

14 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 or an environmental Act, the EPA must have regard to 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.

15 Appointment of chief executive

(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.

(3) Section 117 of the Crown Entities Act 2004 applies to the appointment of a chief executive.

Delegation by Minister

16 Delegation of functions or powers of Minister under environmental Acts

(1) In this section, **Minister**, in relation to an environmental Act, means a Minister of the Crown who, under authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of the environmental Act.

(2) This section applies if a Minister delegates to the EPA a function or power under an environmental Act.

(3) The delegation must be in writing.

(4) 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

(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.

(5) If the EPA purports to perform a function or exercise a power under a delegation, the EPA—

(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.

(6) 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.

Delegation by EPA

17 EPA's power of delegation

(1) The EPA must not delegate its power to—

(a) appoint a chief executive under section 15:

(b) appoint the members of the Māori Advisory Committee under section 18:

(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.

Māori Advisory Committee

18 Māori Advisory Committee established

(1) This section establishes the Māori Advisory Committee.

(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 not appoint one of its own members to be a member of the committee.

(4) The EPA must appoint 1 member of the committee to be the chairperson of the committee.

19 Functions of Māori Advisory Committee

(1) The functions of the Māori Advisory Committee are—

(a) 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; and

(b) to provide advice to a marine consent authority when the committee's advice is sought under section 56(1)(b) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

(2) The advice and assistance must be given from the Māori perspective and come within the terms of reference of the committee as set by the EPA under section 20.

Section 19 heading: amended, on 1 June 2017, by section 285(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 19(1): replaced, on 1 June 2017, by section 285(3) of the Resource Legislation Amendment Act 2017 (2017 No 15).

20 Terms of reference of Māori Advisory Committee

(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.

21 Remuneration of Māori Advisory Committee

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

(b) to be reimbursed for actual and reasonable travelling expenses incurred in carrying out his or her functions as a member.

Part 3
Disestablishment of entities, transfer of functions, and other matters

22 Interpretation

In this Part,—

collective agreement has the same meaning as in section 5 of the Public Service Act 2020

employee does not include a chief executive

employment agreement has the same meaning as in section 5 of the Public Service Act 2020

former EPA means the Environmental Protection Authority established by section 42B of the Resource Management Act 1991.

Section 22 **collective agreement**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 22 **employment agreement**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

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

23 Environmental Protection Authority established by Resource Management Act 1991 disestablished

The Environmental Protection Authority established by section 42B of the Resource Management Act 1991 is disestablished.

24 Consequences of disestablishment of former Environmental Protection Authority

(1) On and from the commencement of section 23,—

(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

(c) all rights, liabilities, contracts, entitlements, and engagements of the former EPA become the rights, liabilities, contracts, entitlements, and engagements of the EPA; and

(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 that is in effect immediately before the commencement of this section has effect as if it were a delegation to the EPA; and

(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

(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.

(2) The transfer of information from the former EPA to the EPA under subsection (1)(a) does not constitute an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

(3) On and from the commencement of section 23, property owned by the Ministry for the Environment solely or principally for the purposes of the former EPA

and identified as such by the chief executive of the Ministry is vested in the EPA.

Section 24(1)(e): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 24(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

25 References to EPA established by Resource Management Act 1991

Unless the context otherwise requires, in any enactment, agreement, deed, instrument, application, notice, or other document in force immediately before the commencement of section 23, every reference to the Environmental Protection Authority or EPA established by the Resource Management Act 1991 is, on and from that commencement, to be read as a reference to the Environmental Protection Authority established by section 7.

Subpart 2—Disestablishment of Environmental Risk Management Authority and Nga Kaihautu Tikanga Taiao

Disestablishment of Environmental Risk Management Authority and Nga Kaihautu Tikanga Taiao

26 Environmental Risk Management Authority disestablished

The Environmental Risk Management Authority is disestablished.

27 ERMA committees disestablished

Every committee appointed by ERMA under clause 43 of Schedule 1 of the Hazardous Substances and New Organisms Act 1996 is disestablished.

28 Nga Kaihautu Tikanga Taiao disestablished

Nga Kaihautu Tikanga Taiao is disestablished.

29 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.

Transfer of functions, etc, of ERMA to EPA

30 Transfer of functions, etc, of ERMA to EPA

(1) On and from the commencement of section 26,—

(a) the functions, duties, and powers of ERMA under any enactment become the functions, duties, and powers of the EPA; and

(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

(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

(g) any delegation by ERMA to the chief executive of ERMA that is in effect immediately before the commencement of this section 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

(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

(j) a matter or thing that would, but for this section, have been completed by ERMA may be completed by the EPA.

(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 69 of the Privacy Act 2020.

(3) This section applies subject to section 32.

Section 30(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

31 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 32(2) of this Act for the purposes of an application to which section 32(1) of this Act applies; and

(b) any other delegation by ERMA under section 19(2) of the Hazardous Substances and New Organisms Act 1996 that is in effect immediately before the commencement of section 26 of this Act.

(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 26 of this Act.

(3) To avoid doubt, the EPA may revoke a delegation continued under subsection (1).

32 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 26 of this Act but for which—

(i) a hearing date has been fixed under section 59(1)(d) of the Hazardous Substances and New Organisms Act 1996 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

(b) the committee appointed by ERMA under clause 43 of Schedule 1 of that Act to hear and decide the application.

(2) Despite sections 26, 27, and 30 of this Act, the application must be decided by the committee, and for that purpose only the committee—

(a) continues in existence as if it were a committee appointed by the EPA; and

(b) continues to have all the necessary powers and functions delegated to it under section 19(2)(b) of the 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.

(4) The decision of the committee is to be treated as a decision of the EPA.

33 Matters relating to continued committee

(1) The EPA may appoint additional members to a committee continued under section 32.

(2) A committee continued under section 32(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

(b) the date on which the committee receives written notice of the EPA's revocation of the delegation in accordance with section 76 of the Crown Entities Act 2004.

(3) To avoid doubt, a continued committee need not include a member of the EPA.

34 Final report and accounts of ERMA

(1) As soon as is reasonably practicable after the commencement of section 26, the EPA must arrange for the final report of ERMA to be delivered to the Minister.

(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 26 commences; and

(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.

(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.

35 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 26, 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.

Subpart 3—Transfer of employees

36 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:

(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 the Climate Change Response Amendment Act 2011; and

(c) an employee whose employment at the Ministry relates to the Minister for the Environment's functions under the Imports and Exports (Restrictions) Act 1988 that become functions of the EPA on the commencement of the Imports and Exports (Restrictions) Amendment Act 2011; and

(d) an employee whose employment at the Ministry relates to the Minister for the Environment's functions under the Ozone Layer Protection Act 1996 that become functions of the EPA on the commencement of the Ozone Layer Protection Amendment Act 2011.

(2) The EPA and the chief executive of the Ministry of Economic Development may agree to transfer the following employees of the Ministry to the EPA:

(a) 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 the Climate Change Response Amendment Act 2011; and

(b) an employee whose employment at the Ministry relates to the Minister of Commerce's functions under the Imports and Exports (Restrictions) Act 1988 that become functions of the EPA on the commencement of the Imports and Exports (Restrictions) Amendment Act 2011; and

(c) an employee whose employment at the Ministry relates to the Minister of Commerce's functions under the Ozone Layer Protection Act 1996 that become functions of the EPA on the commencement of the Ozone Layer Protection Amendment Act 2011.

(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.

(4) An employee transferred under subsection (1)(a) becomes an employee of the EPA on the commencement of section 23 of this Act.

(5) An employee transferred under subsection (1)(b) or (2)(a) becomes an employee of the EPA on the commencement of the Climate Change Response Amendment Act 2011.

(6) An employee transferred under subsection (1)(c) or (2)(b) becomes an employee of the EPA on the commencement of the Imports and Exports (Restrictions) Amendment Act 2011.

(7) An employee transferred under subsection (1)(d) or (2)(c) becomes an employee of the EPA on the commencement of the Ozone Layer Protection Amendment Act 2011.

37 Terms and conditions of employment of transferred employees

(1) This section applies to an employee transferred to the EPA under section 36.

(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.

(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.

38 Transfer of ERMA employees to EPA

(1) Every person employed by ERMA immediately before the commencement of section 26 becomes an employee of the EPA on and from that date.

(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 26.

(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.

39 Continuity of employment

(1) This section applies 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 36 or 38.

(2) The employee's employment is to be treated as unbroken and the employee's period of service with the previous employer ending on the close of the day before the employee is transferred under section 36 or 38 is to be treated as a period of service with the EPA.

(3) Every other period of service of the employee that is recognised by the previous employer as continuous service is to be treated as a period of service with the EPA.

(4) In this section and sections 40 and 41, **previous employer** means ERMA or the Ministry for the Environment or the Ministry of Economic Development (as the case may be).

40 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 36 or 38.

(2) The employee continues to be bound by the collective agreement and may enforce the collective agreement against the EPA.

(3) The EPA is bound by the collective agreement only to the extent that it relates to the employee.

(4) This section does not apply to a collective agreement to the extent that the EPA and the employee agree otherwise.

41 Restriction on compensation for technical redundancy

(1) An employee is not entitled to receive any payment or other benefit on the ground that the employee's position with his or her previous employer has ceased to exist, if—

(a) the employee's position ceases to exist as a result of the transfer of functions from his or her previous employer to the EPA; and

(b) in connection with the transfer of functions,—

(i) the employee is offered equivalent employment with the EPA (whether or not the employee accepts the offer); or

(ii) the employee is offered and accepts other employment with the EPA.

(2) In subsection (1), employment with the EPA is equivalent to the employee's employment with his or her previous employer if the employment with the EPA is—

(a) in substantially the same position; and

(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).

Superannuation

42 Superannuation or retiring allowance

(1) This section applies to a person who is an employee transferred to the EPA under section 36 or 38 of this Act and 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.

(2) The person is, for the purpose of the Government Superannuation Fund Act 1956, 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.

(3) However, if the person ceases to be a contributor to the Government Superannuation Fund after becoming an employee of the EPA, the person may not resume making contributions to the Fund.

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

43 KiwiSaver Act 2006 not to apply to transferred employee

The employment of an employee who becomes an employee of the EPA 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

Cancellation of Registrar's appointment

44 Cancellation of appointment of Registrar

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 7 of the Climate Change Response Amendment Act 2011 is cancelled.

Consequences of transfer of climate change functions

45 Consequences of transfer of functions under Climate Change Response Act 2002 to EPA

(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 the Climate Change Response Amendment Act 2011.

(2) On and from the commencement of the Climate Change Response Amendment Act 2011,—

(a) all information that relates solely or principally 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 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

(d) 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

(e) 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

(f) 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

(g) 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 44.

(4) On and from the commencement of the Climate Change Response Amendment Act 2011, property owned by a former agency solely or principally for the purposes of the function and identified as such by the former agency is vested in the EPA.

(5) The transfer of information from a former agency to the EPA under subsection (2)(a) does not constitute an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Section 45(5): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

46 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 the Climate Change Response Amendment Act 2011 commences; and

(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 the Climate Change Response Amendment Act 2011.

(2) Despite the amendment of the Climate Change Response Act 2002 by the Climate Change Response Amendment Act 2011, the delegation continues in effect as if it were a delegation by the EPA to the chief executive of that other department.

(3) To avoid doubt, the EPA may revoke a delegation continued under subsection (2).

Transfer of contracts

47 Transfer of contracts to EPA

(1) This section applies to a contract (other than an employment agreement) that—

(a) was made between the chief executive of the Ministry for the Environment or chief executive of the Ministry of Economic Development and another person; and

(b) relates solely to a function or power of the chief executive under the Climate Change Response Act 2002 before the Climate Change Response Amendment Act 2011 commences that becomes a function or power of the EPA on the commencement of the Climate Change Response Amendment Act 2011.

(2) On and from the commencement of this section, the contract must be treated as if the EPA were the party to the contract instead of the chief executive of the Ministry for the Environment or the chief executive of 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 chief executive of the Ministry of Economic Development, or a delegate of the chief executive, is to be read as a reference to the EPA.

48 Consequences of transfer of contracts to EPA

(1) This section applies only in relation to a contract transferred to the EPA under section 47.

(2) On and from the commencement of section 47,—

(a) all rights, liabilities, and entitlements of the chief executive of the Ministry for the Environment or the chief executive of 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 chief executive of 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 chief executive of the Ministry of Economic Development may instead be carried out by or against the EPA without amendment to the proceedings.

Continuation of enforcement officers

49 Continuation of enforcement officers

Despite the amendments made to section 93 of the Climate Change Response Act 2002 by section 15 of the Climate Change Response Amendment Act 2011, a person's appointment as an enforcement officer continues,—

(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 36 or 38 of this Act, 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.

Subpart 5—Matters related to transfer of functions under Imports and Exports (Restrictions) Act 1988 and Ozone Layer Protection Act 1996

50 Consequences of transfer of functions under Imports and Exports (Restrictions) Act 1988 and Ozone Layer Protection Act 1996 to EPA

(1) This section applies to a function of a Minister under the Imports and Exports (Restrictions) Act 1988 or the Ozone Layer Protection Act 1996 that is transferred to the EPA as a consequence of the amendment of either Act by the Imports and Exports (Restrictions) Amendment Act 2011 or the Ozone Layer Protection Amendment Act 2011 respectively.

(2) On and from the commencement of the Imports and Exports (Restrictions) Amendment Act 2011 or the Ozone Layer Protection Amendment Act 2011 (as applicable),—

(a) all information that relates solely or principally 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 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

(d) 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

(e) 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

(f) the commencement, continuation, or enforcement of proceedings relating to the function by or against a Minister may instead be carried out by or against the EPA without amendment to the proceedings; and

(g) 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.

(4) On and from the commencement of the Imports and Exports (Restrictions) Amendment Act 2011 or the Ozone Layer Protection Amendment Act 2011 (as applicable), property owned by a former agency solely or principally for the purposes of the function and identified as such by the former agency is vested in the EPA.

(5) The transfer of information from a former agency to the EPA under subsection (2)(a) does not constitute an action that is an interference with the privacy of an individual under section 69 of the Privacy Act 2020.

Section 50(5): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Transfer of contracts

51 Transfer of contracts to EPA

(1) This section applies to a contract (other than an employment agreement) that—

(a) was made between the chief executive of the Ministry for the Environment or the chief executive of the Ministry of Economic Development and another person; and

(b) relates solely or principally to a function or power of a Minister under the Imports and Exports (Restrictions) Act 1988 or the Ozone Layer Pro-

tection Act 1996 before the Imports and Exports (Restrictions) Amendment Act 2011 or the Ozone Layer Protection Amendment Act 2011 (as applicable) commences that becomes a function or power of the EPA on the commencement of the Imports and Exports (Restrictions) Amendment Act 2011 or the Ozone Layer Protection Amendment Act 2011.

(2) On and from the commencement of this section, the contract must be treated as if the EPA were the party to the contract instead of the chief executive of the Ministry for the Environment or the chief executive of the Ministry of Economic Development, as appropriate.

(3) Unless the context otherwise requires, every reference in the contract to the chief executive of the Ministry for the Environment or the chief executive of the Ministry of Economic Development, or a delegate of the chief executive, is to be read as a reference to the EPA.

52 Consequences of transfer of contracts to EPA

(1) This section applies only in relation to a contract transferred to the EPA under section 51.

(2) On and from the commencement of section 51,—

(a) all rights, liabilities, and entitlements of the chief executive of the Ministry for the Environment or the chief executive of 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 chief executive of 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 chief executive of the Ministry of Economic Development may instead be carried out by or against the EPA without amendment to the proceedings.

Part 4
Minor and consequential amendments

53 Consequential amendments

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

(2) The regulations made under the Climate Change Response Act 2002 listed in Schedule 2 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 3 are amended in the manner set out in that schedule.

54 Minor amendments to Imports and Exports (Restrictions) Prohibition Order (No 2) 2004

The Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 is amended in the manner set out in Schedule 4.

55 Minor amendments to Ozone Layer Protection Regulations 1996

The Ozone Layer Protection Regulations 1996 are amended in the manner set out in Schedule 5.

Schedule 1
Amendments to other Acts consequential on disestablishment of ERMA

s 53(1)

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

Section 13(1)(b): omit "Environmental Risk Management Authority" and substitute "Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011".

Biosecurity Act 1993 (1993 No 95)

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

> **Authority** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

Civil Aviation Act 1990 (1990 No 98)

Section 34(1)(b)(ii): repeal and substitute:

> (ii) the Environmental Protection Authority, established by section 7 of the Environmental Protection Authority Act 2011, 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.

Crown Entities Act 2004 (2004 No 115)

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

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	
Environmental Protection Authority					

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".

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 by section 7 of the Environmental Protection Authority Act 2011.

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 by section 7 of the Environmental Protection Authority Act 2011".

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 by section 7 of the Environmental Protection Authority Act 2011".

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 by section 7 of the Environmental Protection Authority Act 2011".

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 by section 7 of the Environmental Protection Authority Act 2011".

Section 21(3): 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 by section 7 of the Environmental Protection Authority Act 2011".

Medicines Act 1981 (1981 No 118)

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

> **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

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

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".

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 by section 7 of the Environmental Protection Authority Act 2011".

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 established by section 7 of the Environmental Protection Authority Act 2011".

Section 13B(3)(a): omit "Environmental Risk Management Authority" and substitute "Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011".

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 by section 7 of the Environmental Protection Authority Act 2011".

Schedule 2
Consequential amendments to regulations under Climate Change Response Act 2002

s 53(2)

Climate Change (Agriculture Sector) Regulations 2010 (SR 2010/335)

Regulation 4 and the heading to regulation 4: omit "chief executive" in each place where it appears and substitute in each case "EPA".

Climate Change (Emissions Rulings: Fees and Charges) Regulations 2010 (SR 2010/213)

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

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".

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

Climate Change (Forestry Sector) Regulations 2008 (SR 2008/355)

Regulation 6: omit "chief executive" and substitute "EPA".

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".

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)".

Heading to Schedule 5: omit "**chief executive**" and substitute "**EPA**".

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".

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".

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)

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".

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".

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".

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".

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".

Regulation 32: 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 33: omit "chief executive" in each place where it appears and substitute in each case "EPA".

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".

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)

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

Schedule 3
Consequential amendments to regulations under Hazardous Substances and New Organisms Act 1996

s 53(3)

Hazardous Substances and New Organisms (Methodology) Order 1998 (SR 1998/217)

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.

(2) The Authority may seek the advice of the Māori Advisory Committee established by section 18 of the Environmental Protection Authority Act 2011 on issues that may arise in taking into account the matters referred to in sections 6(d) and 8 of the Act.

Hazardous Substances (Compressed Gases) Regulations 2004 (SR 2004/43)

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

> **Authority** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

Hazardous Substances (Emergency Management) Regulations 2001 (SR 2001/123)

Definition of **Authority** in regulation 3(1): omit and substitute:

> **Authority** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

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 by section 7 of the Environmental Protection Authority Act 2011

Schedule 4
Amendments to Imports and Exports (Restrictions) Prohibition Order (No 2) 2004

s 54

Regulation 4

Insert in its appropriate alphabetical order:

> **Act** means the Imports and Exports (Restrictions) Act 1988

Definition of **Minister**: revoke.

Regulation 7

Revoke and substitute:

> **7 When Stockholm chemical other than waste may be exported**
>
> (1) A person may export a Stockholm chemical (other than waste) from New Zealand if the EPA grants the person a permit authorising the export of the chemical.
>
> (2) The EPA must grant a permit authorising the exportation of the Stockholm chemical if—
>
> (a) the chemical is exported to—
>
> (i) a State that is a Stockholm Party and that is permitted to use the chemical under Annex A or B of the Stockholm Convention; or
>
> (ii) a State that is not a Stockholm Party and that has provided an annual certification to New Zealand; and
>
> (b) the chemical is exported in accordance with New Zealand's obligations under the Stockholm Convention.
>
> (3) Despite subclause (2), the EPA may refuse to grant a permit if section 3BC of the Act applies.

Regulation 9

Subclauses (1) and (3): omit "Minister has consented to" and substitute "EPA grants a permit authorising".

Subclauses (2) and (4): omit "Minister may" and substitute "EPA must".

Add:

> (5) Despite subclauses (2) and (4), the EPA may refuse to grant a permit if section 3BC of the Act applies.

Regulation 10

Subclause (1): omit "Minister has consented to" and substitute "EPA grants a permit authorising".

Regulation 10—*continued*

Subclause (2): omit "Minister may" and substitute "EPA must".

Add:

(3) Despite subclause (2), the EPA may refuse to grant a permit if section 3BC of the Act applies.

Regulation 11

Subclause (1): revoke and substitute:

(1) A person may export hazardous waste or household waste (including waste that is, or contains, a Stockholm chemical) from New Zealand if the EPA grants the person a permit authorising the export of the waste.

Subclause (2): omit "Minister may consent to the exportation of any hazardous waste or household waste if—" and substitute "EPA must grant the permit if—".

Subclause (3): omit "Minister may consent to" and substitute "EPA must grant a permit authorising".

Add:

(5) Despite subclauses (2) and (3), the EPA may refuse to grant a permit if section 3BC of the Act applies.

Regulation 13

Subclause (1): revoke and substitute:

(1) A person may import hazardous waste or household waste if the EPA grants a permit authorising the importation.

Subclause (2): omit "Minister may consent to" and substitute "EPA must grant a permit authorising".

Add:

(3) Despite subclause (2), the EPA may refuse to grant a permit if section 3BC of the Act applies.

Schedule 5
Amendments to Ozone Layer Protection Regulations 1996

s 55

Regulation 2

Insert in its appropriate alphabetical order:

> **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

Definition of **Minister**: revoke.

Regulation 5

Revoke and substitute:

5 Conditional prohibition on importation of methyl bromide

(1) The importation into New Zealand of methyl bromide is prohibited.

(2) Despite subclause (1), methyl bromide may be imported into New Zealand if it is imported—

(a) from a party or a complying country; and

(b) under the authority of a quarantine and pre-shipment permit granted under regulation 7.

Regulation 6

Revoke.

Regulation 7

Subclause (1): revoke and substitute:

(1) A wholesaler may apply to the EPA in the approved form for a permit to import methyl bromide for quarantine or pre-shipment applications.

Subclause (2)(b): omit "Minister" and substitute "EPA".

Subclause (4)(b): omit "Minister" and substitute "EPA".

Regulation 8

Revoke and substitute:

8 Conditional prohibition on importation of HCFCs

(1) The importation into New Zealand of HCFCs is prohibited.

(2) Despite subclause (1), an HCFC may be imported into New Zealand if it is imported—

(a) from a party or a complying country; and

(b) under the authority of—

Regulation 8—*continued*

(i) a base year permit granted under regulation 9; or

(ii) a special permit granted under regulation 9A; or

(iii) a wholesaler permit granted under regulation 11.

Regulation 9

Subclause (1): revoke and substitute:

(1) A person may apply to the EPA on the approved form for a base year permit to import HCFCs.

Subclause (3): omit "Minister" and substitute "EPA".

Regulation 9A

Subclause (1): revoke and substitute:

(1) A person may apply to the EPA in the approved form for a special permit to import HCFCs.

Subclause (2)(e): revoke and substitute:

(e) evidence of adverse economic or social impacts (if any) that may occur if the EPA does not grant a special permit for HCFCs to the applicant.

Regulation 10

Revoke.

Regulation 11

Subclauses (1) and (2): revoke and substitute:

(1) This regulation applies to a wholesaler who distributes HCFCs throughout New Zealand.

(1A) The wholesaler may apply to the EPA in the approved form for a wholesaler permit to import HCFCs.

(1B) The application must be made no later than 1 December in any year for a permit for the following year.

(2) The EPA may issue wholesaler permits not exceeding a total of 2.5 ODP tonnes of HCFCs in a year, divided as far as practicable as the EPA considers fair among the applicants for the permits.

Regulation 12(2)

Omit "Minister" and substitute "EPA".

Regulation 13

Subclause (1): revoke and substitute:

(1) The EPA may grant a permit subject to terms and conditions.

Regulation 13—*continued*

Subclauses (2), (2A), (3), and (4): omit "Minister" and substitute in each case "EPA".

Regulation 14(2) and (3)

Omit "Minister" and substitute in each case "EPA".

Regulation 17(1) and (2)

Omit "The Minister may, in his or her discretion," and substitute in each case "The EPA may".

Regulation 18

Revoke and substitute:

18 Re-allocation of entitlement

(1) This regulation applies if a person's entitlement to a permit is cancelled or reduced under regulation 17.

(2) The EPA may reallocate the entitlement to another person subject to terms and conditions.

(3) Any person may apply in the approved form for an allocation of the entitlement.

Regulation 22

Omit "methyl bromide," and substitute "methyl chloroform,".

Regulation 23

Subclause (3): revoke and substitute:

(3) A person may apply to the EPA in the approved form for an export permit for a bulk controlled substance other than a substance specified in regulation 22.

Subclauses (5) and (6): omit "Minister" and substitute in each case "EPA".

Regulation 28(1)

Omit "Minister" and substitute "EPA".

Regulation 29

Omit "Minister" and substitute "EPA".

Regulation 30

Omit "Minister" and substitute "EPA".

Regulation 31

Omit "Minister" in each place where it appears and substitute in each case "EPA".

Regulation 33

Subclause (1): omit "Every application for an exemption shall be made in writing to the Minister and shall—" and substitute "An application for an exemption must be made to the EPA in the approved form and must—".

Subclauses (1)(d) and (2): omit "Minister" and substitute in each case "EPA".

Regulation 34(2)(a)

Omit "Minister's" and substitute "EPA's".

Regulation 35(2)

Revoke and substitute:

(2) The EPA may revoke an exemption if it is satisfied that—

(a) the holder of the exemption has made a false declaration or statement, or provided false or incorrect information, to the EPA in relation to the holder's application for an exemption; or

(b) the holder of the exemption has not used the exempted substances or goods for the purpose for which the exemption was given; or

(c) the reason for granting the exemption no longer applies.

Regulation 37

Omit "Minister" and substitute "EPA".

Regulation 38(3)(b)

Omit "Minister" and substitute "EPA".

Regulation 39

Omit "for the Environment".

Regulation 40

Omit "Minister" in each place where it appears and substitute in each case "EPA".

Subclause (4)(b)(i): omit "Minister's" and substitute "EPA's".

Regulation 41(1)

Omit "Minister" and substitute "EPA".

Regulation 42

Subclause (2)(a) and (b): omit "Minister" and substitute "EPA".

Regulation 43

Heading: omit "**Minister**" and substitute "**EPA**".

Subclause (1): omit "Minister appealed against under regulation 41 shall continue" and substitute "EPA appealed against under regulation 41 continues".

Notes

1 General

This is a consolidation of the Environmental Protection Authority Act 2011 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (6)

Fast-track Approvals Act 2024 (2024 No 56): section 121

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Secondary Legislation Act 2021 (2021 No 7): section 3

Urban Development Act 2020 (2020 No 42): section 300

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

Resource Legislation Amendment Act 2017 (2017 No 15): sections 123, 285

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72): section 174

Environmental Protection Authority Act Commencement Order (No 2) 2011 (SR 2011/321)

Environmental Protection Authority Act Commencement Order 2011 (SR 2011/193)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026