

Module	<b>ENVIRONMENT</b>
Jurisdictions	<b>NEW ZEALAND</b>
Legal Expert	<p><b>TANIA GOATLEY</b> Partner at Bell Gully</p> <p><a href="https://www.bellgully.com/our-people/tania-goatley/">https://www.bellgully.com/our-people/tania-goatley/</a> <a href="https://www.linkedin.com/in/tania-goatley-0310119a/">https://www.linkedin.com/in/tania-goatley-0310119a/</a></p>

## Module Scope

Does the organisation carry out activities that may impact the environment, such as land use, resource extraction, emissions, waste disposal, water use, hazardous substances, and coastal and marine activities?

Does the organisation have a structured, documented and effective process for identifying and managing its environmental obligations?

Does the organisation engage with regulators, communities and stakeholders in relation to environmental matters?

Does the organisation report and provide information to regulators?

Does the organisation have a structured, documented and effective process for managing hazardous substances and waste?

Does the organisation have a structured, documented and effective process for managing obligations relating to climate change, air quality, noise, water use, etc?

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## Module Application

Business activities and operations can have a considerable impact on land, air, water, soil and ecosystems. The NEW ZEALAND ENVIRONMENT module draws together the key legislation that comes into play when an organisation undertakes activities that affect the environment and its natural and physical resources.

The NEW ZEALAND ENVIRONMENT module is intended to inform organisations in New Zealand of their environmental obligations to sustainably manage natural and physical resources. Organisations and their employees are expected to be familiar with the legal obligations to which they are subject. The module aims to equip the subscriber with knowledge of their environmental obligations and the processes and procedures necessary to establish the relevant systems and operations to ensure compliance.

The specific questions covered by the module are:

- › What are the legal obligations that may be impacted by reason of the activities undertaken by the organisation?
- › What processes or procedures should the organisation adopt to bring it into compliance with its environmental obligations?
- › What are the consequences if the legal obligations are breached?

The environmental regulatory scheme in New Zealand is based on legislation such as the Resource Management Act 1991 and various issue-specific statutes. Relevant regulators include central and local government authorities.

The NEW ZEALAND ENVIRONMENT module covers the various regulatory instruments that must be followed to ensure compliance with legislated obligations:

- › Acts
- › Regulations
- › National and regional policy statements
- › Regional and district plans
- › Standards
- › Codes of practice

The module also covers specific issue areas with environmental obligations:

- › Resource consents and conditions
- › Ozone layer protection
- › Exclusive economic zone and continental shelf
- › Hazardous substances and new organisms
- › Waste minimisation
- › Climate change and emissions trading
- › Soil conservation
- › Air quality
- › Coastal marine area management
- › Noise management
- › Water management

The module covers the primary duty to comply with environmental legislation and consent conditions. Where appropriate, organisations have a duty to avoid, remedy or mitigate adverse environmental effects.

The module covers obligations of various duty holders, such as:

- › Persons conducting an activity impacting the environment
- › Officers with management responsibilities
- › Generators of waste or emissions
- › Holders of resource consents
- › Importers, manufacturers, suppliers of hazardous substances

- › The module covers consequences for failing to comply with environmental obligations:
- › Fines
- › Penalties
- › Suspension or cancellation of consents or permits
- › Clean up orders
- › Enforcement orders
- › Remediation requirements
- › Criminal charges

In carrying out activities, organisations must identify environmental impacts, assess risks, implement control measures, and maintain and review systems to ensure compliance. This involves:

- › Determining the likelihood and severity of an environmental impact
- › Knowledge of risks and ways to eliminate or minimise them
- › The availability, suitability and cost of risk control measures
- › Implementation of monitoring and management systems

General principles also apply, which includes:

- › Duties cannot be transferred
- › Organisations may have multiple duties
- › Duties may be shared with other organisations
- › Prohibitions on misleading regulators
- › Importance of community engagement

The module also covers specific requirements to implement environmental management systems for certain activities or sectors. This is considered best practice for any organisation to demonstrate compliance.

Regulators encourage and compel compliance through:

- › Guidance and advice
- › Monitoring and investigations
- › Notices and directions
- › Remedial orders
- › Prosecutions and fines
- › Cancellation of consents

The module also covers notification requirements for environmental incidents, as well as preserving incident sites.

Organisations should keep records of environmental management processes. Auditing is recommended to verify compliance.

The NEW ZEALAND ENVIRONMENT module covers the roles and responsibilities of organisations. The module does not cover the role or actions to be taken by consumers in the event of a breach of regulations or obligations by an organisation. The module also does

not cover the obligations that relate to highly specialised organisations, such as those that undertake electricity transmission activities.

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