



Strengthening the last line of defence

Compliance monitoring and enforcement under the RMA

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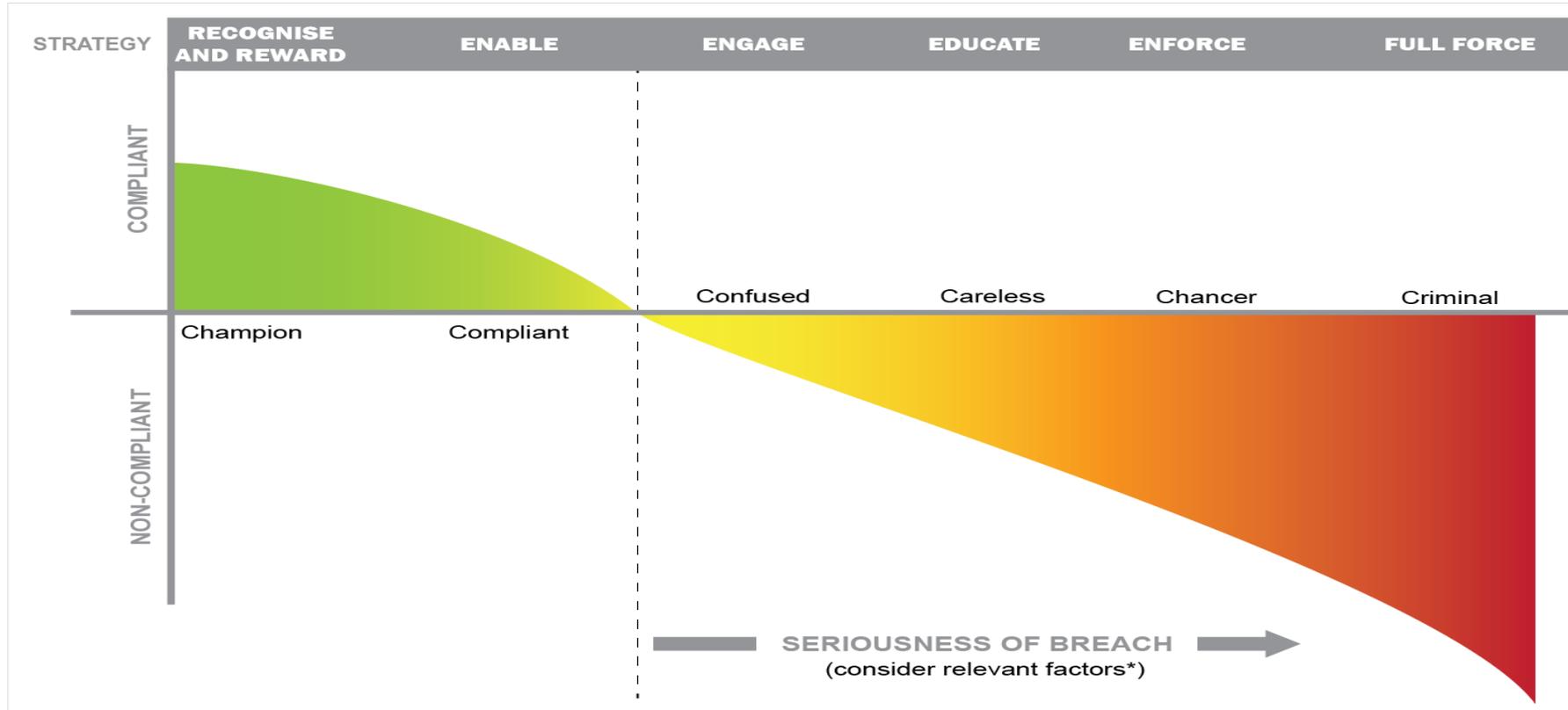
Overview of CME

- ▶ What even is see-em-ee?
- ▶ The CME role under the Resource Management Act 1991
- ▶ Current state of play
- ▶ Improvements - new and ongoing
- ▶ Big questions remaining...
- ▶ Reform or transform? CME in the context of major legislative revision
- ▶ Options for reforming or transforming

See-em-ee

- ▶ **Compliance:** adherence to the RMA, including the rules established under regional and district plans and meeting resource consent conditions, regulations and national environmental standards.
- ▶ **Monitoring:** the activities carried out by councils to assess compliance with the RMA. This can be proactive (eg, resource consent or permitted activity monitoring) or reactive (eg, investigation of suspected offences).
- ▶ **Enforcement:** the actions taken by councils to respond to non-compliance with the RMA. Actions can be punitive (for the purpose of deterring or punishing the offender) and/or directive (eg, directing remediation of the damage or ensuring compliance with the RMA).

What does CME look like in practice?

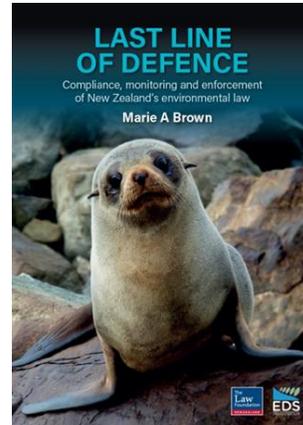


CME under the RMA - how does it work?

Ministry for the Environment District Court Regional councils and unitary authorities City and district councils Police	RMA General duties Plan provisions Consent conditions Permitted activities Responding to complaints	Education and engagement Warnings Abatement notices Infringement fines Enforcement orders Prosecutions
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What do we know about the current state of play?

- ▶ Pervasive and chronic under-resourcing in most agencies
- ▶ Gulf in practice between most of regional sector and most of city and district councils (overlap between)
- ▶ Undue political interference in day to day decision-making remains common
- ▶ Increasing skill level of practitioners and burgeoning training and development
- ▶ Increasing expectations of councils as regulators
- ▶ Limited national oversight and support



Improvements in the CME space

- ▶ Continuous improvement in individual agencies
- ▶ Basic Investigative Skills course
- ▶ G-REG education framework - NZQA training
- ▶ Regional Sector Strategic Compliance Framework
- ▶ NZ Government Guidelines for Best Practice CME by local government
- ▶ RMA Compliance Oversight Unit (in progress)
- ▶ Measuring improvement over time (metrics)

Reform or transform

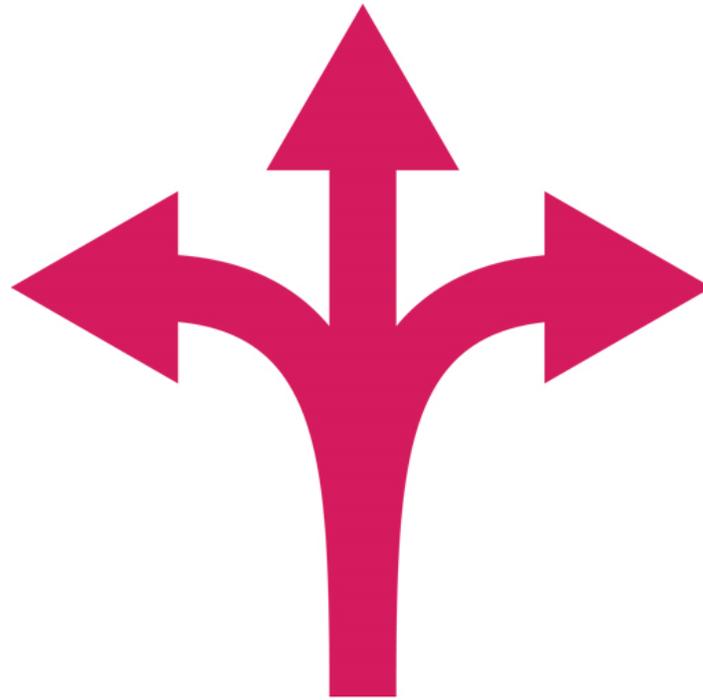
- ▶ Are the institutional arrangements fit for purpose?
- ▶ Are there other changes to CME that would assist in achieving the purpose of the Act?
- ▶ Different people's views of what constitutes 'reform' or 'transform' differ - they are subjective notions
- ▶ My view of a 'transformative' proposal is one in which institutional arrangements are radically altered and little of current BAU remains
- ▶ Changes are expensive, solutions come with their own problems and are often called upon to resolve issues that they don't actually cause
- ▶ Keeping a broken model however, doesn't work for anyone

Possible pathways (in a vacuum)

Mixed model of central
and local government

Continuous improvement
of existing CME context

Major institutional change
By centralising CME function



Marie's 'reckon'

- ▶ I take a conservative approach to institutional reform
- ▶ Sector has been chronically under-resourced and under-supported - so current state of play is not necessarily the fault of the agencies/practitioners
- ▶ Without knowing where the wider system is going....CME will follow
- ▶ I favour option 1, with a time limit
- ▶ If we're still having the same problems in five years time, with beefed up resourcing and stricter oversight then we will need to have some conversations
- ▶ There is no silver bullet!



Conclusions

- ▶ Current state of play is not optimal, clear improvements are needed
- ▶ CME is evolving and generally improving in regional sector
- ▶ Regional sector appears to be taking the need for improvement seriously, under the leadership of CESIG
- ▶ Pace of change and improvement is slower in the city and district councils
- ▶ Significant institutional reform - particularly in a vacuum - may be premature
- ▶ My personal view is that continuous improvements to business as usual should be the immediate focus

Questions

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