

25 Years of the RMA and CMA

1 October marks 25 years since both the Resource Management Act 1991 (**RMA**) and Crown Minerals Act 1991 (**CMA**) came into force¹. Both Acts represented significant reform and as Sir Geoffrey Palmer QC has said "*The Resource Management Act Law Reform Project was the most massive law reform effort that New Zealand had ever undertaken up until that time*"².

The RMA certainly represented huge reform repealing 59 Acts (including amendment Acts)³ such as the Town and Country Planning Act 1977, the Water and Soil Conservation Act 1967 and The Clean Air Act 1972.

The RMA's history lies in the politics of the 1980's and 1990's. The Labour Government elected in 1984 pledged to repeal the National Development Act 1979 and this exposed a gap for dealing with the development of resources⁴. After the 1987 election work began on the law reform project and the Resource Management Bill was presented to the House in December 1989. More than 1,400 submissions were received on the Bill. The Select Committee had not reported back by the time of the 1990 election, which Labour lost, and the new National Government initiated a Review Group to consider the Bill. The Review Group published a Discussion Paper in December 1990⁵ and issued its final report in 1991⁶. One of the most significant recommendations of the Review Group was the complete redefinition of the purpose and principles contained in Part 2. The RMA was finally enacted on 22 July 1991.

A further change that arose out of the Review Group's Reports was the decision to carve out part of the Bill to form the Crown Minerals Bill. One of the reasons for separating it out was the perceived difficulty in having the crown minerals provisions subject to the principle of sustainable management.⁷

The principle of sustainable management in section 5 is seen as the cornerstone of the RMA, and this principle of sustainability has its roots in the report "Our Common Future" from the United Nations World Commission on Environment and Development (1987), also known as the Brundtland Report.

It is perhaps significant that as we mark the 25th anniversary of the RMA a further amendment to the RMA is being considered by the Select Committee. If enacted the Resource Legislation Amendment Bill will be the 21st Amendment Act to the RMA, but given the tumultuous history of resource law in New Zealand, it is unlikely to be the last.

¹ The majority of the RMA came into force on 1 October 1991. Part 13 and Schedule 5, which dealt with the Hazards Control Commission, were to come into force at a date to be appointed by Order in Council.

² "Ruminations on the problems with the Resource Management Act", Sir Geoffrey Palmer QC. Keynote address to the Local Government Environmental Compliance Conference, 2-3 November 2015.

³ Schedule 6 Resource Management Act 1991.

⁴ "Ruminations on the problems with the Resource Management Act", Sir Geoffrey Palmer QC. Keynote address to the Local Government Environmental Compliance Conference, 2-3 November 2015.

⁵ Review Group on the Resource Management Bill (A.P. Randerson, Chair) Discussion paper on the Resource Management Bill (Wellington, December 1990)

⁶ Report of the Review Group on the Resource Management Bill, 11 February 1991.

⁷ New Zealand Hansard. Speech of the Hon John Luxton (Minister of Energy) Crown Minerals Bill; Third reading, 4 July 1991.