

ALLEGRA CRAWFORD, ASSISTANT EDITOR

Research Assistant, Victoria University of Wellington School of Law
allegra.crawford@vuw.ac.nz

LAURA LINCOLN, ASSISTANT EDITOR

Research Assistant, Victoria University of Wellington School of Law
laura.lincoln@vuw.ac.nz

JOHN PREBBLE, EDITOR

Professor of Law, Victoria University of Wellington - Faculty of Law, Adjunct
Senior Research Fellow, Monash University, Gastprofessor, Institut für
Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien
john.prebble@vuw.ac.nz

[Browse ALL abstracts for this journal](#)

[Links: Subscribe ~ Unsubscribe](#) | [Distribution](#) | [Network Directors](#) | [Submit ~ Revise Your Papers](#)

Announcements

General Issue

Table of Contents

Sustainability - New Zealand's Resource Management Legislation

[Sir Geoffrey Palmer QC](#), Victoria University of Wellington - Faculty of Law

Protecting New Zealand's Environment: An Analysis of the Government's Proposed Freshwater Management and Resource Management Act 1991 Reforms

[Sir Geoffrey Palmer QC](#), Victoria University of Wellington - Faculty of Law

[^top](#)

LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES

VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"Sustainability - New Zealand's Resource Management Legislation"

*Monique Ross and J. Owen Saunders 'Growing Demands on a Shrinking Heritage: Managing Resource-Use Conflicts', 1992
Victoria University of Wellington Legal Research Paper Series Palmer Paper No. 43*

SIR GEOFFREY PALMER QC, Victoria University of Wellington - Faculty of Law
Email: geoffrey.palmer@vuw.ac.nz

The World Commission on Environment and Development in its 1987 report provided a new analysis of the world's resource and environmental problems that linked two key ideas: economic growth and sustainability. The report did not predict increasing decay, poverty, and environmental degradation. It saw instead the possibility for a new era of economic growth, based on sustainability and environmentalism. That vision is highly attractive politically, even if the contradictions are not fully resolved in the document. Growth in the world's population is a serious problem. It cannot be sustained by the existing environmental resources. In developing the idea of sustainability the Commission asserted that all countries and all types of economies will need to form a consensus on the basic concept of sustainable development, and on a broad strategic framework for achieving it.

Remaking the law of any state to conform to the idea of sustainable development is an enormous undertaking. Just what is involved and how difficult it is can be understood from examining the recent New Zealand experience. There may be some lessons in it for others, many of which will not emerge until the new legislation is up and running, but the policy formation in New Zealand was itself fascinating and is worthy of study for its own sake. This paper aims to give an explanation and overview of that legislation and its relationship to the concept of sustainability.

The paper tracks the development of New Zealand resource management legislation from the National Development Bill designed to aid the 1970s Think Big projects, to the privatization of the Ministry of Works and Development and the subdividing of that Ministry's functions to the Ministry for the Environment, the project of Resource Management Law Reform, and the Resource Management Act legislation created as an outcome of that project. It discusses some of the more contentious areas of that legislation as well as its purposes and principles, including its commitment to Treaty of Waitangi principles.

"Protecting New Zealand's Environment: An Analysis of the Government's Proposed Freshwater Management and Resource Management Act 1991 Reforms"

New Zealand Fish & Game, 2013

Victoria University of Wellington Legal Research Paper Series Palmer Paper No. 44

SIR GEOFFREY PALMER QC, Victoria University of Wellington - Faculty of Law
Email: geoffrey.palmer@vuw.ac.nz

This report has been prepared at the request of the New Zealand Fish and Game Council in response to the Government's announced proposals to amend the Resource Management Act 1991 and reform freshwater management. It analyses the nature, extent and implications of those proposals for the protection of New Zealand's natural environment and its recreational enjoyment by all New Zealanders.

I have concluded that the environmental protection offered by the Act will be weakened by the passage of the Government's proposed changes. No amount of assertion or assurances given can alter that analytical fact. Further, the journey to finding out the precise consequences of the changes will be long, expensive and uncertain.

[^top](#)

About this eJournal

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Judicial Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the **Law School** has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

Submissions

To submit your research to SSRN, sign in to the **SSRN User Headquarters**, click the My Papers link on left menu and then the Start New Submission button at top of page.

Distribution Services

If your organization is interested in increasing readership for its research by starting a Research Paper Series, or sponsoring a Subject Matter eJournal, please email: RPS@SSRN.com

Distributed by

Directors

LAW SCHOOL RESEARCH PAPERS - LEGAL STUDIES

BERNARD S. BLACK

Northwestern University - School of Law, Northwestern University - Kellogg School of Management, European Corporate Governance Institute (ECGI)

Email: bblack@northwestern.edu

RONALD J. GILSON

Stanford Law School, Columbia Law School, European Corporate Governance Institute (ECGI)

Email: rgilson@leland.stanford.edu

Please contact us at the above addresses with your comments, questions or suggestions for LSN-LEG.

[^top](#)

Links: [Subscribe to Journal](#) | [Unsubscribe from Journal](#) | [Join Site Subscription](#) | [Financial Hardship](#)

Subscription Management

You can change your journal subscriptions by logging into **SSRN User HQ**. If you have questions or problems with this process, please email Support@SSRN.com or call 877-SSRNHelp (877.777.6435 or 585.442.8170). Outside of the United States, call 00+1+585+4428170.

Site Subscription Membership

Many university departments and other institutions have purchased site subscriptions covering all of the eJournals in a particular network. If you want to subscribe to any of the SSRN eJournals, you may be able to do so without charge by first checking to see if your institution currently has a site subscription.

To do this please click on any of the following URLs. Instructions for joining the site are included on these pages.

- [Accounting Research Network](#)
- [Cognitive Science Network](#)
- [Corporate Governance Network](#)
- [Economics Research Network](#)
- [Entrepreneurship Research & Policy Network](#)
- [Financial Economics Network](#)
- [Health Economics Network](#)
- [Information Systems & eBusiness Network](#)
- [Legal Scholarship Network](#)
- [Management Research Network](#)
- [Political Science Network](#)
- [Social Insurance Research Network](#)
- [Classics Research Network](#)
- [English & American Literature Research Network](#)
- [Philosophy Research Network](#)

If your institution or department is not listed as a site, we would be happy to work with you to set one up. Please contact site@ssrn.com for more information.

Individual Membership (for those not covered by a site subscription)

Join a site subscription, request a trial subscription, or purchase a subscription within the SSRN User Headquarters:

<http://www.ssrn.com/subscribe>

Financial Hardship

If you are undergoing financial hardship and believe you cannot pay for an eJournal, please send a detailed explanation to

Subscribe@SSRN.com

[^top](#)

FORWARDING & REDISTRIBUTION

Subscriptions to the journal are for single users. You may forward a particular eJournal issue, or an excerpt from an issue, to an individual or individuals who might be interested in it. It is a violation of copyright to redistribute this eJournal on a recurring basis to another person or persons, without the permission of Social Science Electronic Publishing, Inc. For information about individual subscriptions and site subscriptions, please contact us at Site@SSRN.com

[^top](#)

Copyright © 2014 Social Science Electronic Publishing, Inc. All Rights Reserved